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Additional information:

To be read in conjunction with report to Council, 28 March 2017 - Proposed Local Development Plan: Schedule 4 Representation Responses for Submission to Scottish Ministers, Appendix 3. The numbered lists correspond to the individual representations.

Authorised By	Douglas Proudfoot
Designation	Head of Development
Date	21/03/17

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Proposed East Lothian Local Development Plan Schedule 4 Representation Responses

Please refer to Appendix 3 of the report to Council on 28 March 2017: Proposed Local Development Plan: Schedule 4 Representation Responses

http://www.eastlothian.gov.uk/meetings/meeting/5908/east_lothian_council

Each Schedule 4 document lists at the beginning who made representations on that subject. Each individual representation has a reference number which corresponds to the file numbers of the original representations.

For further information or advice, please contact:

Planning Policy and Strategy, via Environment Reception at East Lothian Council,
tel: 01620 827216

From:
To: [Local Development Plan](#)
Cc: [Policy & Projects](#) ;
Subject: East Lothain Proposed LDP: - Representation on behalf of Balfour Beatty Homes - Site PROP TT7 Macmerry North
Date: 03 November 2016 14:13:50
Attachments: [BB Homes Proposed ELC LDP Submission 10-16.pdf](#)
[Document 1 - Macmerry Site Plan.pdf](#)
[Document 2 - Main Issues Report Stage - Site Boundaries.pdf](#)
[Document 3 - ILLUSTRATIVE MASTERPLAN.pdf](#)
[Document 4 - Macmerry Landscape Boundary Vision.pdf](#)
[Document 5 - Woodland Planting Proposals.pdf](#)
[Document 6 - Community Council Letter to ELC supporting Adniston Farm site 04-16.pdf](#)
[Document 7 - ELC Education Assessment 05-15.pdf](#)
[Document 8 - Site Effectiveness Assessment.pdf](#)

Please find attached a representation on behalf of **Balfour Beatty Homes**, South Inch Business Park, Shore Road, Perth, PH2 8BW related to **Site PROP TT7 Macmerry North**. This representation comprises a statement outlining the changes sought to the Proposed LDP along with the reasoning for seeking changes, and 8 related documents: -

- DOCUMENT 1 – Location/Site Plan
- DOCUMENT 2 – Main Issues Report – Macmerry North
- DOCUMENT 3 – Indicative Layout/Illustrative Masterplan
- DOCUMENT 4 – Landscape Boundary Vision
- DOCUMENT 5 – Woodland Planting Proposals
- DOCUMENT 6 – Macmerry and Gladsmuir Community Council letter (April 2016)
- DOCUMENT 7 – East Lothian Council Education Assessment (05-15)
- DOCUMENT 8 – Site Effectiveness Assessment
-

Grateful if you could confirm receipt.

Kind Regards

Malcolm Smith

Director

TMS PLANNING AND DEVELOPMENT SERVICES LTD
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E-mail: tmsplanning@tiscali.co.uk

REPRESENTATION ON BEHALF OF BALFOUR BEATTY HOMES (FORMERLY MANSELL HOMES) RELATED TO LAND AT ADNISTON FARM, MACMERRY

Changes sought to Local Development Plan:

- 1. The defined site boundary for site allocation PROP TT7 Macmerry North should be amended in order to include the full extent of the area at Adniston Farm, Macmerry (Document 1) thereby reflecting the extent of land subject to detailed site assessment (Document 2 - Plan 1 refers) . This revised boundary better reflects the existing natural and built form in the area and represents a deliverable residential proposal within the LDP timescale.**
- 2. In addition to the amended boundary requested above, the number of units should be increased from the notional 150 homes to 200 homes in recognition of the strategic status of Macmerry and the positive contribution this allocation would make to housing delivery within the Tranent Cluster.**

1.0 Background

1.1 In order to comply with the requirements set out in NPF3, Scottish Planning Policy, and SESplan it is essential that the East Lothian Local Development Plan (LDP) provides for the delivery of sustainable development in accessible locations. Key to the delivery of the LDP development strategy will be promoting a range of new housing development throughout the area with the concentration of new development in the most accessible parts of the district. The Compact Growth Strategy set out in the LDP appears a reasoned response to the identified delivery needs by directing the majority of new development on land in/around the main settlements within the west of the SESplan East Lothian Strategic Development Area (focussed on the A1 and East Coast Main Line), that closest to the origin of demand, and on this basis is generally supported.

1.2 Blindwells is a key component of the emerging preferred strategy (as it has been over an extended period) and can only be relied on, no matter the scale of development supported at this location through the LDP process, for a modest percentage of the new house completions required by SESplan in the LDP area during the plan period. The SESplan housing requirement for East Lothian equates with the need to identify land capable of delivering 10,050 homes in the period up to 2024, with an interim requirement of land capable of delivering 6,250 homes up to 2019 and thereafter, the residual requirement of 3800 units. A five year effective housing land supply is also to be maintained at all times. The Plan, as presently proposed despite the terms of Table

HOU2, will fail to meet all of these targets (refer representation from Homes for Scotland) and there remains an underlying requirement for a pragmatic response to release additional effective sites in order to help meet the level/range of needs identified.

1.3 The focus of new housing allocations, in order to accord with Scottish Planning Policy and SESplan, are those which are capable of being delivered (or part thereof) within the LDP period. Sites being promoted by recognised house builders with a clear commitment to development are those of greatest value to the delivery process. Allocations on land without the commitment of the landowner to release the land for development are largely pointless and add nothing to the delivery of the development strategy.

2.0 THE TRANENT CLUSTER (Including Macmerry)

2.1 The Tranent Cluster is centred around Tranent, the second largest town in East Lothian with a population of circa 11,565 persons. The defined area includes Tranent and a range of other settlements including Macmerry, Ormiston, Elphinstone, and Pencaitland, among others. Tranent contains a range of commercial, educational and leisure facilities commensurate with its scale/function. Within the Tranent Cluster, both Tranent and Macmerry lie within the SESplan East Lothian Strategic Development Area. Macmerry is also a very accessible settlement on the A1(T) corridor containing a Primary School, shop, bowling green, Miners Welfare Club, public open space, a community hall and the largest concentration of employment uses in the Tranent Cluster (to include a further strategic employment land allocation in the LDP as required by SESplan – PROP TT8). Macmerry is readily accessed from the A1(T) from the Gladsmuir junction to the east and through Tranent from the Bankton Junction. Public transport services are readily available.

2.2 LDP paragraph 2.82 confirms that: -

“In this cluster Tranent and Macmerry are the main settlements ... and highly accessible part of the Strategic Development Area, including via public transport. Sites identified for development in this area by the Plan will deliver the compact spatial strategy. The settlements of Ormiston, Elphinstone, Pencaitland, New Winton, East and West Saltoun and Humbie are all outwith the SDA.”

2.3 In accordance with the SESplan SDA requirements it is therefore Tranent and Macmerry that should be the focus of new residential development in order to meet the SESplan targets with some smaller scale localised development in the non-SDA settlements to assist in the variety/choice of new sites. While this approach is largely adopted with respect to Tranent, the Macmerry allocation (150 units) is modest when compared with the extent of allocations in the non-SDA areas in the Tranent Cluster

(PROP TT10 to TT16 inclusive). Over 500 units are allocated for settlements outwith the SDA and there is no assessment set out within the emerging LDP to justify this approach/position. Logically, with a clear strategic concentration on Tranent and Macmerry to meet the SESplan requirement, then the potential for development in these areas should be prioritised. There exists a further level of supportable development in Macmerry (beyond that presently indicated) that should be supported through the LDP process including increasing the indicative PROP TT7 site capacity to 200 units.

3.0 FUTURE DEVELOPMENT IN MACMERRY

3.1 The site selection process underpinning the Proposed LDP emerged at/following the Main Issues Report stage. East Lothian Council had earlier invited parties to put forward sites for assessment prior to the MIR stage (Call for Sites). To inform site selection/preferences, the Council produced an "Interim Environmental Report" (IER) in order to provide "*... an objective assessment of the planning merits and strategic environmental assessment of potential development sites submitted for consideration as part of the LDP process*". The IER further states that "*To help inform the MIR a comprehensive assessment of all sites has been carried out. All sites were assessed in the same way ... to assess how suitable a site may be for development.*" In short, detailed site assessment was carried out in order to identify the most appropriate sites for development, those sites with the potential to contribute towards the delivery of the SESplan and emerging LDP development strategies.

3.2 The site at Adniston Farm (Document 1 refers), with supporting information, was put forward for consideration at the LDP Call for Sites stage. The IER assessment, including the Adniston Farm site, identified the site outlined in Document 1 and additional land to the east (Document 2 – Plan 1 refers). However, for reasons which remain unexplained and certainly not justified, the MIR preferred site (PREF T8) and the allocation in the proposed LDP (PROP TT7) selected only a section of the site at Adniston Farm and annexed to this the area to the east which, it is understood, is not being promoted by a housebuilder for development (Document 2 – Plan 2 refers). The deletion of the northern section of the Adniston Farm site from the proposed allocation appears entirely illogical as does the arbitrary extent of the site boundary in this area (cutting through the middle of the field with no logical or defensible boundary). It would be far more appropriate from a land use planning and site planning perspective to utilise the natural feature of the burn which runs along the northern boundary of the Adniston Farm site as the logical and defensible site boundary particularly as this natural feature would be enhanced and strengthened as an integral part of the proposed site development.

3.3 The development of the Adniston Farm site (Document 1) presently being promoted by Balfour Beatty Homes is one of modest density with significant areas of

amenity space and structural landscaping. The development area will be in the region of 10 hectares, with approximately 2.8 hectares of structural landscaping along the northern and western edges (Documents 3, 4, and 5 refer). In addition to providing an attractive and defensible village boundary, this area at the burn will have an amenity function providing accessible woodland walkways and linking directly to the existing Core Path network. It is Balfour Beatty's intention to work with the existing watercourse to create a densely planted woodland complete with new bridges over the watercourse and gravel pathways affording opportunities for walking and cycling to the wider Macmerry community. Initial details of the proposed boundary treatment are shown in Document 5 - Woodland Planting Proposals.

3.4 The development would contain up to 200 units, 150 market homes and 50 affordable units. In addition to the structural planting, areas of integral open space would be incorporated throughout the development, effectively delivering modest density with an array of different spaces, aesthetic and functional, as part of the overall level of residential amenity being created. The potential for a future connection to the land to the east (land in separate ownership) will be provided thereby maintaining future flexibility (futureproofing).

3.5 The potential to develop this site has also been discussed actively with Macmerry and Gladsmuir Community Council and the local community over a number of years. A number of community events have taken place including in November, 2015 and August, 2016 as part of the formal community consultation process (following the service of a Proposal of Application Notice for the site). Significant support for the residential development was noted along with proposed contributions to upgrade community facilities in the village. The latter, while not directly part of any planning proposal for the site, remains a commitment from the landowners, Messrs R and A Kennedy, and would be addressed by a separate planning application at the appropriate stage. Macmerry and Gladsmuir Community Council has clearly stated support for the development generally and also for the boundary set out in Document 1. In their letter to East Lothian Council in April, 2016 (Document 6 refers) the Community Council confirmed that with respect to the Adniston Farm proposals "*there has been extensive consultation with the Community Council and the community*" and they "*support the increase in the area of ground for the Adniston site up to the natural boundary of the burn*".

3.6 Recent dialogue with East Lothian Council's Education Service has confirmed that the scale of development being proposed (circa 200 units) can be accommodated by extension to Macmerry Primary School (there is the accepted potential to deliver this extension as part of the development – which is accepted by Balfour Beatty Homes) and by a contribution to a planned extension to Ross High School (Document 7). The education issues related to this site can be fully addressed for this development (at the developer's cost) and therefore this is not a constraint on the development. It has also

been confirmed that water and drainage capacity is available and that access provision from the A199 can be readily achieved to East Lothian Council standards.

3.7 **In summary**, the site being promoted at Adniston Farm, Macmerry (Document 1) by Balfour Beatty Homes should be allocated in the emerging LDP as part of the TT7 allocation for circa 200 houses for the following reasons: -

- The site lies within the SESplan East Lothian Strategic Development Area, that closest to the origin of demand, and its development would support both the delivery of the SESplan spatial strategy and the Compact Growth Strategy set out in the emerging LDP. The allocation/development of this site would positively address identified housing need;
- Macmerry is acknowledged in the emerging LDP as a settlement well located for sustainable new residential development in support of the LDP strategy, it is a location where development potential should be directed/fully assessed (in preference to allocations in smaller settlements in the Tranent Cluster);
- Macmerry is accessible to Tranent and the wider East Lothian area and also contains a range of facilities that would support/benefit from new development;
- There is available infrastructure or this can be provided as part of the development (extension to Macmerry Primary School and financial contribution to Ross High). East Lothian Council's Education Service has confirmed that the extension to Macmerry Primary School can cater for the 200 units being proposed;
- The site access from the A199 can be formed to full East Lothian Council standards and would be supplemented by traffic calming on the A199 in order to enhance safety at the village entrance. Direct access to the adjacent site would also be provided for along with pedestrian links to the core path network and to the village;
- The site is well defined by existing development/the A199 to the south and by the natural burn feature to the north and west. These provide logical and defensible boundaries (which accords with ELC's stated position in defining residential development sites) with significant enhancement to the north boundary (woodland, walkways, etc) proposed as an integral part of the development. The northern delineation of the Adniston Farm site within the PROP TT7 allocation appears largely arbitrary and not related directly to the natural or built form in the area;
- Residential development on the Adniston Farm site is fully deliverable within the LDP period (Document 8 refers). The site is being promoted for development by an established housebuilder committed to commencing development as soon as practicable. This represents a fully effective allocation within the LDP period; and
- The development is fully supported by the Community Council.

5.0 CONCLUSIONS

5.1 The Adniston Farm site represents a proportionate and logical extension to Macmerry, a settlement where additional residential development is supported both by SESplan and the emerging LDP spatial strategies. The required infrastructure to serve the development is either available or will be provided as part of the development.

5.2 The site is in a preferred strategic location and its development can be integrated with the existing village and make an important contribution to the local area. The Adniston Farm site is within the control of an established house builder and there are no known constraints to its full and effective delivery within the LDP period. The Reporter can therefore be confident that the allocation of this site for residential development would be fully effective and positively contribute to meeting strategic and local requirements.

DOCUMENTS

DOCUMENT 1 – Location/Site Plan

DOCUMENT 2 – Main Issues Report – Macmerry North

DOCUMENT 3 – Indicative Layout/Illustrative Masterplan

DOCUMENT 4 – Landscape Boundary Vision

DOCUMENT 5 – Woodland Planting Proposals

DOCUMENT 6 – Macmerry and Gladsmuir Community Council letter (April 2016)

DOCUMENT 7 – East Lothian Council Education Assessment (05-15)

DOCUMENT 8 – Site Effectiveness Assessment



- Net Development Area
10.01 Hectares / 24.73 Acres
- Landscaping Belt
2.76 Hectares / 6.83 Acres
- Gross Development Area
12.77 Hectares / 31.57 Acres



C Drawing title adjusted.	10.01.14
B Layout adjusted.	01.08.12
A Layout adjusted.	11.07.12

PROJECT
Proposed Development

Main Road Macmerry

TITLE
Title Drawing

DRWN BY	AA	DRG No	MY/TP/01
DATE	June 2012	REV	
SCALE	1:2500	C	

DOCUMENT 2

EAST LoTHIAN COUNCIL LOCAL DEVELOPMENT PLAN: - MACMERRY NORTH

Plan 1: Site area shown in Interim Environmental Report (the site assessment informing the MIR)



Plan 2: Site area shown in Main Issues Report and PROP TT 7 in Proposed LDP



ILLUSTRATIVE MASTERPLAN (SITE 1)



Macmerry, East Lothian

Landscape Boundary Vision
25 October 2016



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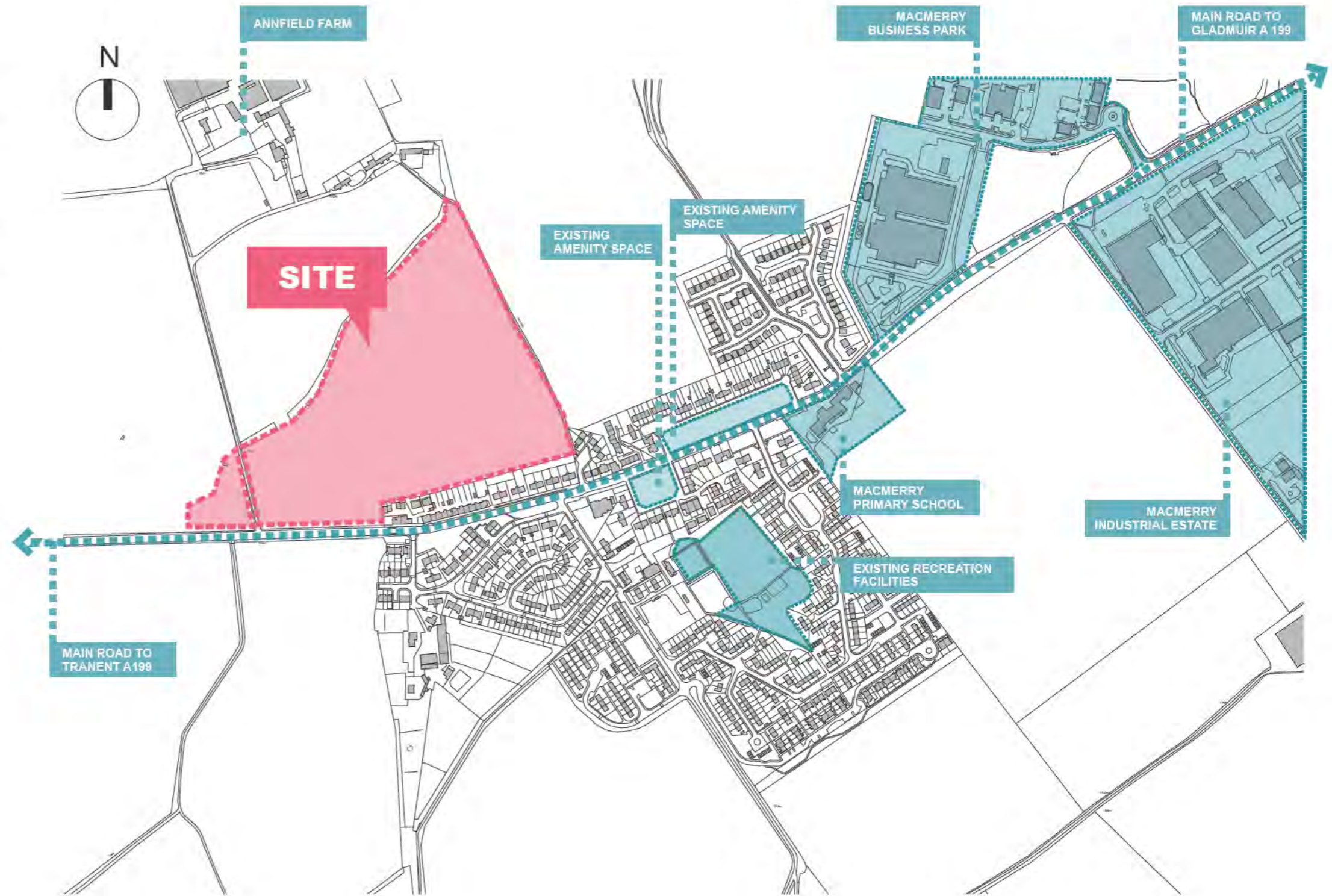
Site Context

In order to comply with the requirements of Scottish Planning Policy and the SESplan Strategic Development Plan it is essential that the emerging East Lothian Local Development Plan (LDP) provides for the delivery of sustainable development in accessible locations.

Key to the delivery of the LDP development strategy will be promoting a range of new housing development throughout the area with the largest concentration being in the most accessible parts of the district. The preferred approach set out in the Proposed Local Development Plan is a Compact Growth Strategy; this strategy effectively promoting the majority of new development, including residential development, on land in/around the main settlements within the west of the district, focussed on the A1 and East Coast Main Line corridors.

The proposed site at Macmerry fits well with East Lothian Council's LDP strategy due to meeting underlying locational and accessibility requirements.

This document will concentrate on the northern boundary of the site to demonstrate how a clearly defined landscaped boundary would work with the existing topography and watercourse to create an attractive defensible edge to the proposed development and a positive contribution toward the connectivity of Macmerry as a whole with the wider landscape.

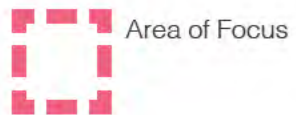


Proposed Masterplan

As previously outlined during our public consultation event a key ingredient of our proposal for Macmerry is the creation of a high quality landscape setting, with particular focus on the northern boundary of the site.

It is our intention to work with the existing watercourse to create a densely planted woodland complete with new bridges over the watercourse and gravel pathways affording opportunities for walking and cycling to the wider Macmerry community.

This document, through the use of the current landscaping plan and relevant precedent imagery demonstrates the quality of space we are endeavouring to create.



Existing Landscape Condition

The adjacent photographs demonstrate the current condition of the development site with particular focus on the northern edge and existing watercourse.

Currently this edge of the development is not clearly defined and more could be made to enhance this boundary.





- 1 View of existing farm access from A199
- 2 View over site toward northern boundary from existing farm access road
- 3 View back toward A199 from existing 'bridge' over watercourse
- 4 View across site toward eastern boundary
- 5 View of existing watercourse
- 6 View of existing watercourse
- 7 View of northern boundary and watercourse looking west
- 8 View across site from existing gravel footpath on eastern boundary

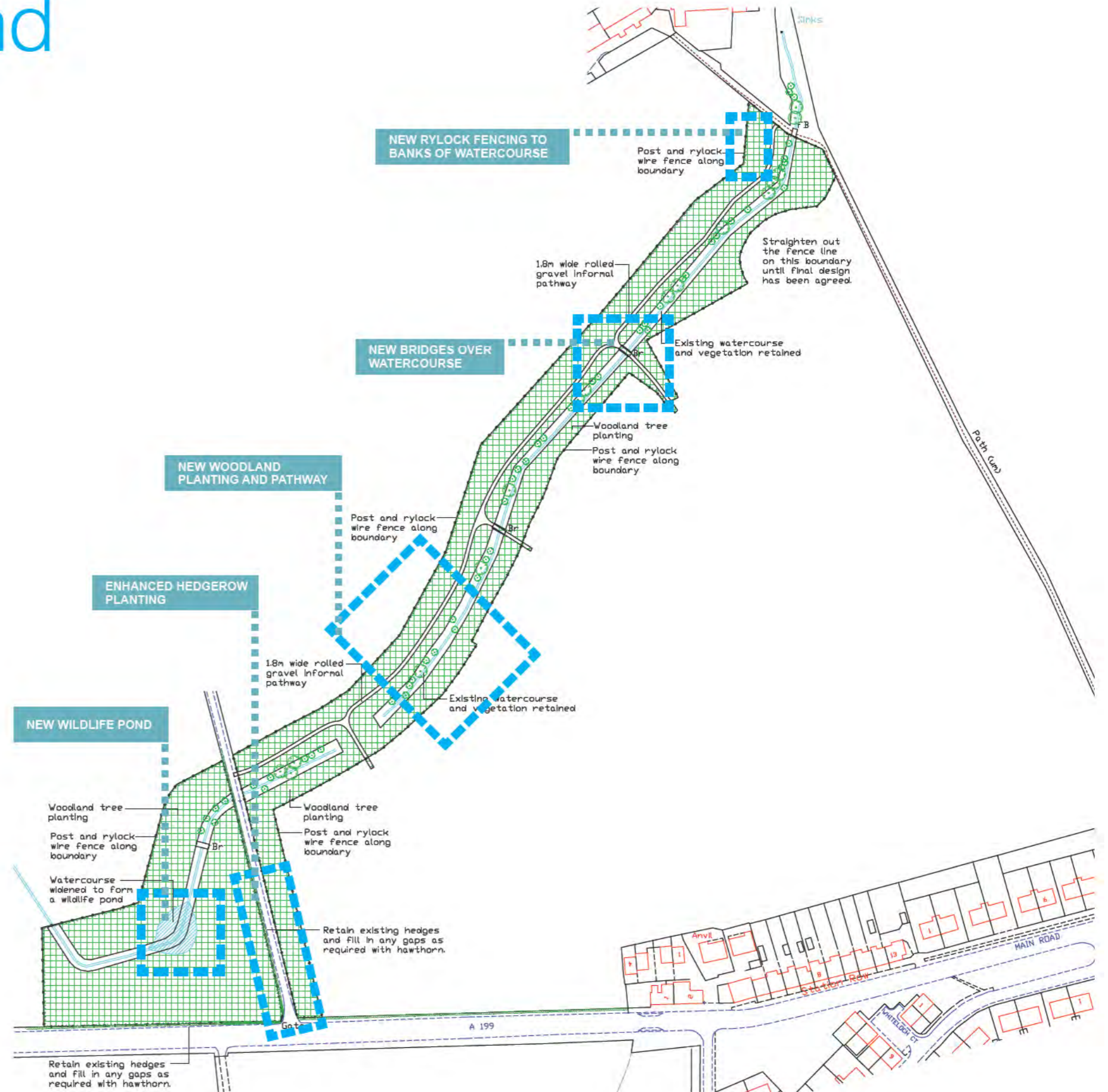


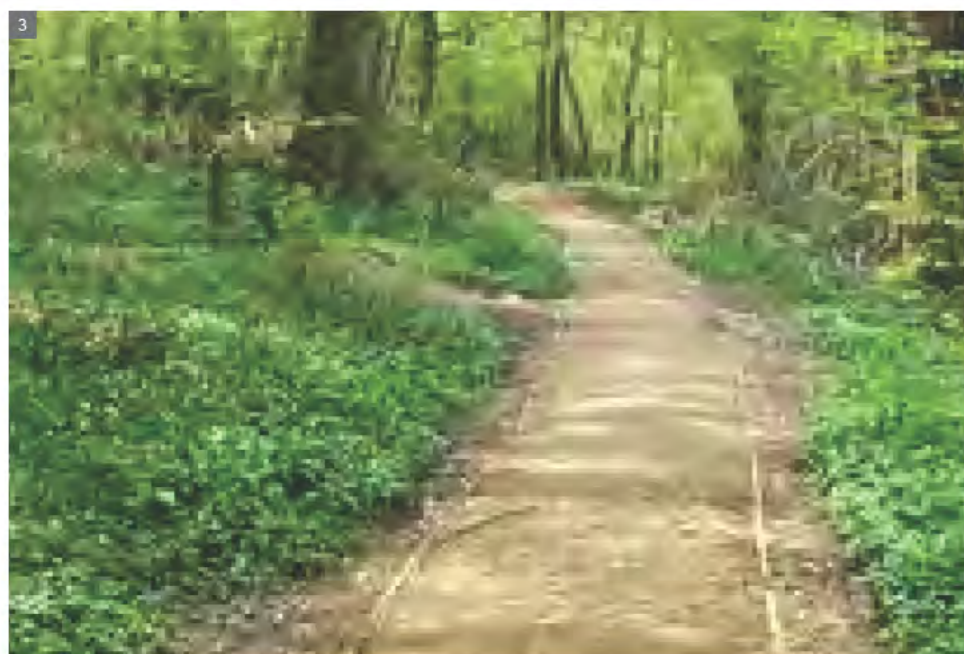
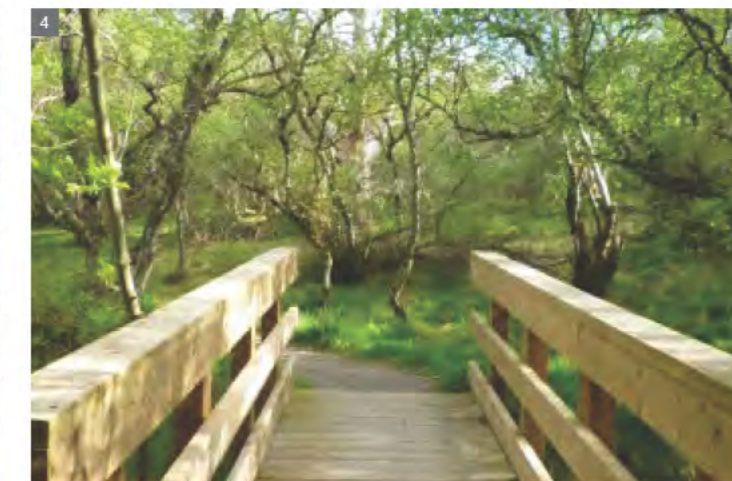
Proposed Woodland Landscaping

We are keen to deliver a high quality densely planted 'woodland' edge to the proposed development, working with the existing watercourse and connecting with existing footpaths to the east and west of the site.

In order to communicate this we have included an initial layout of this boundary area together with a number of relevant precedent images that provide a flavour of the type of space we intend to create for the benefit of the wider community.

The specific areas demonstrated through the use of precedent imagery are highlighted on the adjacent plan.





- 1 New wildlife pond
- 2 Enhanced hedgerow planting
- 3 New woodland planting and pathway
- 4 New bridges over watercourse
- 5 New Rylock fencing to banks of watercourse

Where are we?

Glasgow

Stirling House
226 St Vincent Street
Glasgow
G2 5RQ
+44(0)141 229 7575

Inverness

Moray House
16–18 Bank Street
Inverness
IV1 1QY
+44(0)1463 729929

Perth

12 Carpenter Street
Perth
PH1 5LZ
+44(0)1738 230360

Chairperson: Maureen Cuthill



Vice Chair: Dougie Neill



Mr Paul Zochowski
Principal Planner
East Lothian Council
John Muir House
Haddington

18th April 2016

Dear Sir,

COMMENTS – LOCAL DEVELOPMENT PLAN – MACMERRY AND GLADSMUIR

I write to you with regard to your recent visit to our community council meeting with your colleague Mrs Taylor to discuss the above.

GLADSMUIR

We have contacted all of the residents in Gladsmuir regarding the proposal to build 20 houses in the field at the north east corner of the village and the results are not conclusive but several issues were raised namely:-

- Those people living in close proximity to the development were NOT in favour, those living furthest away had no comment but the majority of people would welcome some development with the proviso that this did not then attract more major developments to the area.
- The style / type of properties to be erected to be in keeping with the adjacent Orlit / bungalow
- That there is no loss of amenity / privacy to existing properties
- The location for the access to the development
 - Improve the existing access to Lamington Road
 - Construct a new access and re-locate the existing bus stop
- Road safety
 - Provide physical gateway treatments to either end of the village narrowing the road and slowing traffic
 - Additional road signs and road markings
 - Widen existing footway and provide a centre island as a crossing point to the Edinburgh bus stop
- Drainage – the village is served by a septic tank system that already has capacity issues
 - Increase the size of the existing tank and frequency of emptying
 - Provide a new tank specifically for this development
- Facilities – apart from the church, a play area and Butterdean wood to the south there are no shops or other basic facilities within the village

Chairperson: Maureen Cuthill

Vice Chair: Dougie Neill

MACMERRY

We also discussed the proposals for the Adniston Farm to the west of the village and the infill site to the rear of St Germain's Terrace.

Whilst we appreciate the need to control and shape development the decision by the council to restrict the housing at the Adniston farm not permitting it to use the existing northern boundary of the burn will present issues for the community and the farmer both.

There has been extensive consultation with the Community Council and the community with regard to this specific area of land. The use of the natural boundary and the developers proposal to provide a woodland strip as screening incorporating a public path to link with the Macmerry to Adniston path and beyond through the other proposed development would enable members of the public to walk / cycle from Tranent and via these paths to Greendykes and further onto Chesterhall and Longniddry.

The additional benefits of a new junction, reducing vehicle speeds is a major safety issue for us and there could be more road safety works within the village as well as improvements to the existing surface water and foul drainage systems resolving a number of long term issues for us.

The landowner has also confirmed, in writing to the community council, that when planning consent is granted, for the development as it extends to the natural boundary (burn), he will place funds in an escrow account in the name of the community council for the purpose of demolishing the existing bowling club and village hall and replacing both with a purpose built building providing other opportunities for ELC to develop the garage area and plan area of the village hall in Westbank Road.

Whilst we have not yet put this proposal formally to the council, tentative discussions have proved to be positive and without commitment our local councillors have also agreed that a new village hall would be a welcome asset to the community.

We would therefore support the increase in the area of ground for the Adniston site up to the natural boundary of the burn.

Yours Sincerely,

**William Laird
Secretary
Macmerry & Gladsmuir Community Council**

Malcolm Smith

From: McGuinness, Jimmy <jmcguinness@eastlothian.gov.uk>
Sent: 16 May 2015 07:59
To: 'Malcolm Smith'
Cc: McLean, Liz; Proudfoot, Douglas
Subject: RE: Main Road Macmerry - Schools Assessment
Attachments: 150414 TMS Macmerry Projs 14.04.15.xlsx; 2014 2015 Macmerry PS plans.pdf; 140619 Macmerry 219units 2storey extension.pdf

Hi Malcolm,

TMS Planning 200 Units at Macmerry

1 Macmerry PS

Please find attached the following:

- The current pupil roll projections for Macmerry PS and Ross HS, showing the impact of the proposed development of 200 units at Macmerry
- The list of housing sites in the Ross HS cluster that the pupil roll projections are based on
- A floor layout of Macmerry PS showing the current classroom usage by the school
- A draft floor layout of Macmerry PS showing the required expansion of the school to accommodate the proposed development of 200 units. The ancillary space referred to in my e-mail of 7th May includes a GP space, toilets, cloaks and circulation space. For this pre-application advice we have not amended the attached drawing to exclude the stair and Tutorial space, and to include the required GP space – but you can see that although the configuration will be different, the overall floor area will be approximately the same.

For this early pre-application advice, using the metric of £2,400/m², the cost of the expansion would be £732,000. This expansion is required as a direct result of this development. As this is the only development in the school's catchment area, the estimated contribution would be £3,660 per unit.

2 Ross HS

There are other developments in the Ross HS catchment area that will contribute to the school's future expansion. The school's capacity will need to be expanded to 1,300 as a result of the cumulative impact of these developments which include the proposed 200 unit development at Macmerry.

The estimated contribution required will be £2,058 per unit.

3 Pre-Application Advice

The above estimations of contributions is pre-application advice to give you an indication of likely contributions. Contributions will be reassessed on receipt of a Planning Application, and will be assessed on the then up to date information available.

Kind regards,

Jimmy

DOCUMENT 8: SITE EFFECTIVENESS ASSESSMENT

With respect to the assessment of site effectiveness set out in paragraph 55 of PAN 2/2010 the following assessment related to the site at Adniston Farm, Macmerry (Document 1 refers) is considered appropriate at this stage: -

ownership: the site is in the ownership/control of parties who are actively promoting the site for development. Balfour Beatty Homes presently have an option to purchase the site;

physical: the site is free from constraints related to slope, aspect, flood risk, ground stability or vehicular access which would preclude its development;

contamination: previous use has not resulted in contamination of the site;

deficit funding: public funding is not presently required to make residential development economically viable;

marketability: the site can be extensively developed within the LDP period. It is anticipated that development could commence within 12 months of the LDP being adopted subject to securing the required permissions;

infrastructure: Education infrastructure can be addressed by an extension to Macmerry Primary School (as agreed with East Lothian Council Education Service) with a financial contribution being provided for the expansion of Ross High School (as with all development within the catchment). Water and drainage infrastructure is readily available. Access can be provided to East Lothian Council standards; and

land use: housing is the sole preferred use of the land in planning terms.

Therefore, it can be concluded that all issues related to the development of the Adniston Farm, Macmerry site can be satisfactorily addressed. The development is fully marketable/deliverable with a developer already in place.

03 November 2016

Dear Sir/Madam

Local Plan – 16/00018/LDP

I am writing to formally object to the inclusion of the field east of Fentoun Gait (planning application no. 16/00587/PPM) in the above mentioned LDP. I object to the inclusion of this Greenfield site when there are brown field sites available.

I was told that the boundary to Gullane is just beyond my back Fence and that the village boundary would not be extended eastward which is now what is proposed.

On looking at the local plan and the planning applications proposed for these sites I feel this to be an over-development on a scale beyond that which is reasonable; having 3 to 4 major sites concentrated in the East of the village with an unprecedented 30% growth in the village. The developments are not sustainable, having poor access to employment and services. They would damage future opportunities for leisure and recreation in one of the region's most attractive visitor locations and have negative impacts on the amenities for locals as well as visitors.

I would question if anybody has looked at the cumulative impact on Gullane and what it would do to the rural road networks namely C111 towards West Fenton and the main A198. The increase in road traffic will be too much for the roads to accommodate. All the shops are at the west end of the village and vehicle traffic would be increased in the village with such a large scale build at the east end of the village.

Train capacity has now been exceeded and access to parking in and around the local stations has reached saturation and will only worsen in the future. This is especially prevalent at Drem where on work days the car park becomes full by 09:00 and off street parking is a not an option.

This large scale build would effectively have a negative effect on Gullane's Conservation Area and would affectively have a negative impact on its amenities and create road safety issues arising from awkward parking.

Why are two major Greenfield sites included in the plan which will ultimately make the brown field site namely the old fire college not as promising for development. This will ultimately see the site languish and become a ruin and an eyesore to the village.

According to the proposal from East Lothian Council, were all the sites to proceed, only two additional classrooms need to be factored in. This is totally inadequate as recent housing developments in Gullane have resulted in an average of 1 school pupil per new house.

The doctor's surgery in Gullane does not have the capacity to cope with such a large increase in patients that would occur were all these developments to be given the go ahead. These fears have already been raised by the GP's themselves.

With regard the recorder's dismissal of Crudens/Cala proposed appeal on Fenton East on 17th February 2000 he listed the following:-

1. He quoted the Secretary of State July 1997 coastal villages plan where the policy presumes against development on agricultural or forestry land.
2. Although Crudens/Cala mentioned that the area would benefit from the building in Fenton East. The recorder stated that the regional council supported and encouraged urban areas, improvement of the housing stock conversion of existing buildings development and redevelopment of brownfield sites.
3. The strategical locations for major new housing developments LSP – state criteria must influence :-
 - Closer relationships between jobs and homes.
 - Infrastructure.
 - Protection of landscapes.
 - Environmentally sensitive Towns & Villages
 - Marketability.
 - Green Belt taken into account.
 - Pointed out the building work at Dunbar and North Berwick absorbed the new builds without needing major infrastructure or detracting from their landscapes or settings.
 - He pointed out areas of restraint were small settlements and coastal villages are concerned.
 - LSP environment policies and proposals to maintain and enhance conservation areas and protected listed buildings.
 - He quoted policy ENN18 which presumes against development on prime quality agricultural land – Fenton East is not farmed as owned by Crudens but prior to a builder owning the land it was farmed.
 - Policy ENV21B protection of historic gardens and designed landscapes. Namely Greywalls
 - LSP environment policies and proposals policy ENV5 maintain and enhance conservation area and protected buildings.
 - Policy ENV18B protection of historic gardens and designed landscapes.
4. The recorder stated that there should be no building work to the detriment of the character and landscape setting of the village.
5. Documents SDD circular 18/1987 stresses the need to ensure character and landscaping setting of small towns and villages are not affected unacceptably. Good design will not be sufficient to offset detrimental effects on landscape.
6. Natural heritage NPP G15 rural development & PAN44 stress the importance of fit in the landscape.

7. He acknowledged that the protection of the landscape setting of settlements in the eastern part of Gullane and the historic Greywalls setting should not be interfered with by any build.

He concluded that after considering the extent to which the appeal proposals could be made acceptable by conditions which would redeem the disadvantages of the site which he concluded would be unsuitable for development and he dismissed the appeal.

I cannot see that anything has changed to make Fenton East acceptable to be included in the LDP. It was made quite clear that nothing should be built in the East Field as the build was not in keeping with the village and would effectively extend the natural boundary and exceed the small build policy of building in coastal areas. Fentoun Gait was a brown field site and this build completed the edge of the village. Extending the boundary would impinge on Greywalls and that is what the recorder said should not happen.

Once you extend the boundaries of the village when do you call a halt? As once allowed you open up the flood gates for other incursions into farmland and once you have allowed this you cannot reclaim what has gone before that is why I do not see that this parcel of land should be included in the local plan.

Your current LDP does include coastal villages it also makes it plain that Grey Walls' aspects should not be blighted and if building on the East field to Gullane be allowed then this would be the case and would go against an earlier refusal by a recorder for the Secretary of State to Scotland. The east boundary of Gullane should not be extended and therefore should not be included in the LDP as any building would detract from the historical outlook from Greywalls.

I know the council is under pressure to release building land but the inclusion of ALL 4 sites in the LDP is grossly unbalanced and totally ignores the capacity of Gullane to absorb this. If all 4 sites remain Gullane will contribute 50% of all the new sites from the North Berwick Coastal area.

This field should be withdrawn from the LDP.

Yours Faithfully

David A Haycock

Objections to the proposed greenfield site developments in Gullane.

The Scottish Planning Policy states that brownfield development should take precedence over greenfield development. I wish therefore to declare my wholehearted support for the proposal in the Local Development Plan (LDP) for development of the brownfield site at the former Fire College. I have been heartened by the work of councillors Berry, Goodfellow and Day towards a more sustainable county, with more local job opportunities and less dependence on commuting. The Fire College site offers that possibility. Proposals for the three greenfield sites do not. I therefore request that the three greenfield sites: Saltcoats (NK7), Fenton Gait East (NK8) and Fenton Gait South (NK9) be removed from the proposed LDP as sites for housing development.

My objections are as follows:

The GOOD campaign (Gullane Opposes Over Development) has highlighted the fact that the cumulative impact on Gullane of all four sites being developed, concentrated in the east of the village, has not been properly assessed. Nor has the impact on the rural road network, in particular on the C111 towards West Fenton. Estimates produced on behalf of the GOOD campaign indicate an unprecedented 30% growth were all four sites to be developed, with an estimated 344 extra houses, 593 extra vehicles, 344 extra commuters, 107 extra pre-school and 382 extra primary school aged children.

The proposed scale of the development would impact negatively on the existing community. The impact on school and medical facilities would be major. The proposal from East Lothian Council for only two additional classrooms were all the sites to proceed is totally inadequate. As for medical facilities, during the first three years of the most recent local housing developments, Gullane Medical Practice had the highest birth rate per capita in East Lothian combined with the highest proportion of patients aged over 65. Community facilities (e.g. the Village Hall) are already operating at capacity.

Finally, the proposed scale of change and a duration of development of more than ten years would inevitably have an adverse impact on the attractiveness of Gullane in terms of leisure and tourism. The access to viable public transport networks, especially trains, falls well below what would be needed, particularly for Saltcoats (NK7). The increase in car users would create real road safety issues, even if only driving as far as Drem to take the train to work, always assuming that they could find a parking space there.

I am, yours sincerely

Jennifer Nisbet. (3 November 2016).

From: .
To: [Local Development Plan](#)
Subject: Proposed Local Development Plan - Response on behalf of Inch Cape Offshore Limited
Date: 03 November 2016 15:55:21
Attachments: [Red Line Plan.pdf](#)
[16.11.03 ICOL FLC LDP response.pdf](#)
Importance: High

To whom it may concern

Please find attached a response to the consultation exercise in respect of the above document, on behalf of Inch Cape Offshore Limited.

Please do not hesitate to contact me if you have any queries regarding the attachment.

I would be grateful for an acknowledgement email.

Kind regards
Simon

Simon Herriot
Director
Planning

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3 November 2016



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Dear Sir/Madam

**RESPONSE TO EAST LOTHIAN COUNCIL PROPOSED LOCAL DEVELOPMENT PLAN 2016
RESPONSE ON BEHALF OF INCH CAPE OFFSHORE LIMITED (ICOL)**

This representation to the Proposed Local Development Plan (PLDP) is made on behalf of Inch Cape Offshore Limited (ICOL). ICOL was established to develop, finance, construct, operate and maintain and decommission the Inch Cape Offshore Wind Farm (the offshore wind farm).

Background

East Lothian Council (ELC) will be aware that the decision by Scottish Ministers to grant Section 36 consent for the offshore wind farm was quashed in July 2016 following a petition brought by the Royal Society for Protection of Birds (RSPB) for judicial review of this, and other, offshore wind farm consents. Notwithstanding this decision, ICOL is committed to taking forward the offshore wind farm and has enrolled a reclaiming motion to appeal the judicial review decision.

It is against this background that these representations to the PLDP are submitted, which are specifically concerned with the onshore elements of the offshore wind farm, referred to as the onshore transmission works (OnTW). Planning Permission in Principle (PPP) already exists for the OnTW associated with the offshore wind farm, which was granted by ELC in September 2014, under reference 14/00456/PPM. That PPP remains unimplemented, but extant, and ICOL wishes to ensure that its interests in the Cockenzie area are properly reflected and protected in the PLDP. Ultimately, ICOL is looking for the PLDP to provide an unambiguous and positive supporting policy framework within which the next stages of the OnTW will be considered.

The representations to the PLDP follow on the back of an earlier submission to the Main Issues Report (MIR) in February 2015 and subsequent discussions between representatives of ICOL and ELC. The representations to the PLDP are set within the context of, and draw support from, relevant national planning policy documents such as National Planning Framework 3 (NPF3) and Scottish Planning Policy (SPP), as well as the emerging regional planning policy framework set by the October 2016 version of SESplan. The PLDP representations focus principally upon the policies and proposals contained in the PLDP as they relate

to the site of the former Cockenzie Power Station (as delineated on PLDP Inset Map 32 – Prestonpans, Port Seton & Cockenzie) and related proposals for electrical transmission infrastructure.

While there are elements of the PLDP that are welcomed, overall ICOL feels that the PLDP is confusing in parts and sends contradictory messages about the extent to which onshore transmission infrastructure will be supported within the Cockenzie area, as will be elaborated upon in this submission.

With some relatively minor modifications to some of the draft planning policies and explanatory text, it is considered that the PLDP could be modified to a position where ICOL is happy to support its content, but at this stage, this representation must be treated as an objection.

To assist in the analysis of this representation, a copy of the approved site location plan for the OnTW is enclosed which sets this site within the context of the wider Cockenzie area, as defined by Insert Map 32 of the PLDP.

PLDP Section 1 – Introduction

ICOL notes and welcomes the references in Section 1 of the PLDP to the energy sector and the opportunities that exist within East Lothian for generation and transmission infrastructure, particularly around the Cockenzie area. In particular, paragraph 1.46 is welcomed as this confirms that *'electricity transmission network infrastructure is also a National Development relevant to East Lothian'*. This acknowledgement is carried through in the subsequent text in the same paragraph which notes that *'energy related development'* is a *'key economic sector'* for East Lothian. Paragraph 1.46 confirms that one of the key objectives of the PLDP for the Cockenzie area is to recognise its potential for renewable energy related development while also supporting its status as a location for non-nuclear baseload electricity generating capacity.

ICOL does, however, have concerns about how these welcome, but high level aspirations for the dual use of Cockenzie (thermal generation and transmission infrastructure), have been watered down through subsequent sections of the PLDP in the associated text and policies. The result is a document that is in places contradictory and sends out mixed signals to the development industry and other stakeholders about the Council's aspirations for Cockenzie. These points are elaborated upon in the commentary in the following sections of this representation but essentially the overall message that comes through is that the PLDP favours thermal generation at Cockenzie over all other forms of development, despite acknowledging the importance of electrical transmission infrastructure to the area and extant planning consent for such infrastructure already in place at the Cockenzie site.

While ICOL largely welcomes the commentary in Section 1 on NPF3 and SPP it does feel that the PLDP should clarify at an early point that NPF3 is clear that planning *'must'* facilitate the transition to a low carbon economy. Paragraph 2.7 of NPF3 makes it clear that planning *'must ensure that development facilitates adaptation to climate change, reduces resource consumption and lowers greenhouse gas emissions'*. This theme is carried across into SPP, and paragraph 152 reiterates that *'planning must facilitate the transition to a low carbon economy'*. Use of the word *'must'* in these documents is significant as SPP, page 3 paragraph v confirms that where *'must'* is used it reflects a legislative requirement to take action.

The PLDP needs to be strengthened in both the introductory sections and the later land use policies for Cockerzie specifically to make it consistent with NPF3 and SPP requirements.

The Scottish Government's Electricity Generation Policy Statement (EGPS) 2013 is unambiguous in its support for offshore renewables, recognising that Scotland has the largest offshore renewable energy resources in the EU (25%). Noting this resource, the EGPS states in paragraph 39 that the Scottish Government expects *'offshore renewables to play a major role in meeting our target for 2020 and beyond, and are making every effort to deliver the support and the infrastructure which these technologies and their supply chain will need to develop and flourish'*.

Given these clear statements and unambiguous policy support for the offshore renewables sector, it is imperative that the land use planning system provides clear and consistent policy support and associated land use allocations to provide the development industry with the certainty needed to progress with significant investment decisions without dubiety about the intent behind planning policy. At present, the PLDP does not achieve this objective.

Section 1 of the PLDP should therefore be modified to include a clear statement at the outset of the document clarifying the role of planning in facilitating the transition to a low carbon economy, as this will then set the tone for the remainder of the document and provide context to the more detailed site specific allocations and associated policies.

PLDP Section 2 – A Spatial Strategy for East Lothian

Paragraph 2.13 of the PLDP discusses the importance of the PLDP spatial strategy in setting out a vision for the role that East Lothian is expected to play in Scotland's future, and then specifically discusses land at Cockerzie. ICOL welcomes the statement in this paragraph that the strategy *'supports the principle of an enhanced high voltage electricity transmission grid as another National Development relevant to East Lothian'*.

This statement correctly confirms that the development of high voltage electricity transmission infrastructure is a National Development in NPF3 (National Development 4). ICOL welcomes this acknowledgement but feels that the status of this National Development is then given a lower priority throughout the rest of the PLDP, when discussed in relation to the potential for new thermal generation and Carbon Capture and Storage (CCS) at Cockerzie. The PLDP needs to be modified to ensure that subsequent discussions on the future use of Cockerzie reflects the fact that thermal generation and CCS, and electricity transmission infrastructure are both given National Development status in NPF3, and that one use should not be favoured over the other, unless competing proposals emerge in which case NPF3 requires stakeholders to work together to prioritise these competing land uses.

These concerns are evident in the subsequent discussions in relation to the Spatial Strategy for the Prestonpans/Cockerzie/Port Seton/Longniddry Cluster. Despite acknowledging that the development of high voltage electricity transmission infrastructure is a National Development, this section of the PLDP safeguards land at Cockerzie for thermal generation and CCS facilities only. Paragraph 2.51 of the PLDP states that:-

'To avoid prejudicing National Development status safeguarding the Cockerzie site for thermal generation proposals and Carbon Capture and Storage facilities, other forms of development cannot be supported at the site until such time as a thermal generation proposal is implemented or unless or until its National Development status is reviewed in any revision of NPF3.' (underlining added).

It is this statement and subsequent similar comments in the PLDP that are at the core of ICOL's objections to the PLDP. How, for example, does this statement correlate with the earlier commentary about the importance of a high voltage transmission network and the very acknowledgement in the following line in paragraph 2.51 that *'NPF3 also notes potential at Cockerzie for new port related to energy development, grid connections to potential offshore wind projects and for convertor stations'*?

On the one hand, the PLDP clearly acknowledges that at a national level Cockerzie is noted as an area where there is potential to accommodate onshore infrastructure associated with offshore wind farms. However, in the very same paragraph, the PLDP states that *'other forms of development'*, which presumably includes onshore transmission infrastructure, cannot be supported until a thermal generation proposal is implemented. There are three main issues associated with this statement that must be acknowledged and the PLDP rectified accordingly, as follows:-

1. There are currently no thermal generation proposals at the Cockerzie site submitted for planning approval. Therefore, to resist all other forms of development until such time as a thermal proposal comes forward, of which there is no guarantee, is unreasonable and could severely prejudice delivery of the consented OnTW associated with the offshore wind farm at a crucial stage in the investment decision making process.
2. PPP already exists for OnTW at the Cockerzie site. As part of its ongoing work, ICOL is looking at developing further planning applications. These proposals could potentially be resisted by the Council as they do not involve thermal generation and are therefore not compliant with this stated vision for Cockerzie in some parts of the PLDP. They do, however, involve a form of development which is noted in NPF3 as being a National Development. Does the PLDP seek to prevent this already established use from coming forward?
3. Finally, and importantly, the proposed approach to safeguarding Cockerzie for thermal treatment and CCS is considered to misrepresent NPF3. While NPF3 does safeguard Cockerzie for thermal treatment and CCS, it notes its attractiveness to renewable developers and states that it expects *'developers, East Lothian Council and the key agencies, including Scottish Enterprise to work together to ensure that best use is made of the existing land and infrastructure in the area'*. The language in NPF3 is therefore very different and much less stringent than that in the PLDP and it is requested that the PLDP is modified to acknowledge that NPF3 does not require land at Cockerzie to be safeguarded for thermal generation and CCS at the expense of all other forms of development.

Paragraph 2.63 of the PLDP notes that policy EGT1 safeguards land at Cockerzie, consistent with NPF3. The land to which this policy, and safeguarding applies, incorporates the site of the existing PPP for the OnTW. Further specific commentary on policy EGT1 is set out in the commentary under Section 4, building upon the above concerns.

Furthermore, it is noted that East Lothian Council is currently undertaking a series of consultation events over the course of November 2016 looking at potential future uses for Cockerzie. These events are the first stage

in a forthcoming masterplanning exercise for the Cockenzie site, which is described by the Council in its event invitations as *'one of the biggest redevelopment opportunities in East Lothian'*. ICOL welcomes these events and as a key stakeholder in the masterplanning exercise it will actively take part in the upcoming events, but it does find it strange that the Council is seeking views on potential future uses of the site at a time when its own PLDP proposes to safeguard the site for thermal generation and CCS only, explicitly stating that other forms of development on the site cannot be supported at this time.

If the Council's settled position on the future of Cockenzie, as expressed through the PLDP, is for thermal generation and CCS only at this time, surely it is inappropriate to be asking people for views on potential future use(s) of the site, potentially raising expectations amongst stakeholders regarding the scope for and timing of potential future uses not involving thermal treatment or CCS. ICOL considers that the timing of these events relative to the PLDP consultation is most confusing and further reinforces concerns that East Lothian Council is sending out very mixed signals to all stakeholders about its future aspirations for this site.

PLDP Section 3 – Growing our Economy & Communities

We have no specific comments to make on this Section of the PLDP but would like to again refer to the EGPS, which notes the *'huge economic opportunity'* that the offshore wind sector presents for Scotland in terms of manufacturing, supply chain, job creation and training opportunities. NPF3 contains similar statements about the contribution that the renewable energy sector makes to employment creation in Scotland and the potential importance of this industry to East Lothian should be recognised in the PLDP.

PLDP Section 4 – Our Infrastructure & Resources

This Section of the PLDP contains a section dedicated to *'Energy generation, distribution and transmission'*. As with earlier commentary, there are many welcome high level statements in this part of the PLDP such as paragraph 4.65 which notes that *'the principle of an enhanced high voltage electricity transmission grid is supported in principle as National Development relevant to East Lothian'*.

Paragraph 4.88 of the PLDP acknowledges that NPF3 does state that Cockenzie offers opportunities for renewable energy-related investment. If any competing proposals emerge and there is insufficient land available to accommodate all proposals, NPF3 states that priority should be given to those that make best use of the location's assets and bring the greatest economic benefits. This is considered to be a more accurate reflection of the contents of NPF3 and ICOL welcomes the reference in paragraph 4.89 of the PLDP to the existence of the PPP for the OnTW, associated with the offshore wind farm, noting in particular the statement that NPF3 *'supports onshore links to offshore renewable energy installations and consent has been granted adjacent to the former coal store area for an electricity substation associated with the Inch Cape offshore wind farm'*. Given these acknowledgements, the earlier statement in paragraph 2.51 of the PLDP that all other forms of development should be resisted at the Cockenzie site is all the more perplexing, and we request that this paragraph 2.51 is amended to reflect the approach in NPF3.

The PLDP revisits the Cockenzie issue in paragraph 4.91 stating that as a result of Scottish Power's decision to not proceed with plans for its gas-fired power station at Cockenzie, the entire site now requires to be safeguarded for alternative thermal power generation and CCS proposals, in accordance with NPF3's

expectations. Safeguarding for these uses is considered to be the ‘*only way*’ to ensure consistency with NPF3 National Development 3.

For the reasons previously identified, this is not considered to be an appropriate or necessary step and is an inaccurate reflection of NPF3, which does indeed acknowledge the potential for various uses to co-exist on this site. Should such a scenario arise, NPF3 requires that the various agencies work together to ‘*ensure that best use is made of the existing land and infrastructure in this area*’. A blanket ban on all other forms of development on the site, as proposed by the PLDP, does not reflect NPF3, is overly restrictive and contradicts earlier statements in the PLDP which acknowledge the location specific assets of Cockenzie which make it attractive to the offshore wind industry.

The narrative in the PLDP should therefore be changed to acknowledge that NPF3 does not, in fact, prohibit other forms of development coming forward at Cockenzie. Failure to change the text leaves this part of the PLDP entirely at odds with NPF3 and leaves ICOL with significant uncertainty regarding ELC’s settled position regarding offshore renewables in general and future aspirations for Cockenzie in particular.

The PLDP’s approach to dealing with future planning applications at the former Cockenzie Power Station site (as shown on Insert Map 32) is set out in PROP EGT1. ICOL has severe reservations about this policy as currently drafted as it explicitly states that the site is safeguarded for future thermal power generation and that ‘*other forms of development within the site will not be supported during the lifetime of NPF3...*’ (underlining added). Not only is this policy considered to misrepresent what NPF3 actually says about Cockenzie, as discussed earlier, but it leaves ICOL with significant uncertainty about how future planning application(s) within the PROP EGT1 site will be treated by ELC. It is also considered to be entirely at odds with the Council’s objectives behind the upcoming consultation events regarding potential future use(s) of Cockenzie.

ELC has previously accepted the operational necessity for the OnTW at Cockenzie as part of the offshore wind farm. In its September 2014 committee report into planning application 14/00456/PPM, it was concluded that the proposed development was consistent with the development plan and PPP was granted accordingly. That committee report contained several statements that are considered pertinent in the context of this PLDP representation, as follows:-

- The third paragraph on page 4 of the report notes the requirement in NPF3 that although Cockenzie is safeguarded for thermal treatment, it may present significant opportunities for renewable energy-related investment. As such, key agencies should work together to ensure that best use is made of existing land and infrastructure in the area. The proposal to resist all other forms of development at Cockenzie, as set out in the PLDP, is therefore considered inconsistent with the approach to joined up working advocated through NPF3;
- The fourth paragraph on page 5 of the report considered that the onshore electrical transmission infrastructure is an ‘*essential component*’ of the offshore wind farm and there is an ‘*operational justification for the onshore electrical transmission infrastructure having to be formed in this particular location*’ (underlining added). Given these statements and the acknowledgment in the PLDP of the existence of PPP for the OnTW, there can be no justification for the statement in draft PROP EGT1 that all other forms of development at Cockenzie will not be supported, to avoid prejudicing as yet conceived thermal generation proposals for the site;

- Like the PLDP, the PPP application was considered within the context of NPF3. Whereas the PLDP now seeks to use NPF3 as a basis to resist other forms of development on the site, other than thermal generation and CCS, the committee report into the PPP application made no such claims. Quite to the contrary, in fact, as the first paragraph of page 6 of the committee report notes that NPF3 identifies ‘*significant opportunities for renewable energy-related investment*’ at Cockerzie; and
- It is also significant to note that when the PPP application was under consideration, Scottish Enterprise had signalled its intent to seek planning permission for an energy park on land that included the Cockerzie Power Station and Coal Yard Site (reference 14/00015/PAN). In the PPP committee report, (second paragraph, page 6) it was stated that ‘*there is nothing to suggest that the proposed onshore electrical transmission infrastructure would prejudice the possible future development of Cockerzie Power Station and Coal Yard site for an energy park*’. This statement contrasts with the approach advocated through the PLDP where the Council is proposing to resist all applications on the Cockerzie site on the basis that they may prejudice a possible thermal generation plant. Given that there are no proposals whatsoever for thermal generation at the Cockerzie site at present and given that ELC previously acknowledged that various uses could co-exist on the site (as does NPF3) the proposal to resist all forms of development on the site, unless involving thermal generation and CCS, is in direct contrast to its previous stance on future uses of the site and, most importantly, provides a highly confusing and contradictory position for ICOL to consider its future plans for the site.

ICOL would like to see the PLDP text amended to give the OnTW greater weight in the document, to reflect NPF3 National Development 4, and in particular to modify the overly restrictive approach to future development at Cockerzie, set out in PROP EGT1. Our suggested amendment to PROP EGT1 is set out below:-

‘The site of the former Cockerzie Power Station is safeguarded as a site for future thermal power generation and Carbon Capture and Storage and is also identified as a site of importance for renewable-energy related investment, consistent with ‘National Developments 3 and 4’ in the Scottish Government’s National Planning Framework 3, recognising extant planning permissions within the site at present. The Council will support in principle applications for such uses on the site and will not support other forms of development during the lifetime of NPF3 to avoid prejudicing use of the site for these National Developments. If competing proposals emerge for the site and there is insufficient land to accommodate these proposals, priority will be given to those which make best use of the location’s assets and which bring the greatest economic benefits, consistent with National Planning Framework 3’.

This suggested amendment would bring the policy more in line with NPF3, gives greater status to the existing PPP for the OnTW and allows ELC to resist other forms of development on the site that are not expressly supported by either NPF3 National Developments 3 or 4. Failure to modify the policy leaves it at odds with NPF3 and leaves ICOL in a very uncertain position about how its existing, and potential future plans for onshore infrastructure related to its offshore interests are likely to be received by ELC. Furthermore, such a revision would also bring the policy in line with PROP EGT3, as discussed below.

Further evidence of the contradictory approach to Cockszie in the PLDP is evident in the narrative to, and contents of, PROP EGT3 'Forth Coast Area of Co-ordinated Action'. Paragraph 4.96 of the PLDP notes that the Cockszie and Forth Coast Area are identified in NPF3 as an '*area of co-ordinated action*' and a potentially important energy hub within the NPF3 strategy, helping to deliver a low carbon Scotland. Paragraph 4.97 of the PLDP goes further and acknowledges that the existing high voltage transmission network infrastructure at Cockszie and Torness may present opportunities for new grid connections, making specific reference to the extant PPP for the OnTW. Indeed, paragraph 4.97 states that '*opportunities for new grid connections in proximity to existing electricity grid infrastructure at Cockszie and Torness should be prioritised before the use of any other location on the coast is considered*' (underlining added).

ICOL is fully supportive of this statement but considers that it is entirely inconsistent with the earlier commentary on Cockszie and specifically PROP EGT1, which categorically states that proposals not involving thermal power generation on the former Cockszie Power Station Site '*will not be supported*'. As drafted these two policies are entirely at odds with one another and send out very mixed signals to the all stakeholders, not just the development industry.

ICOL does not have any objections to PROP EGT3 but for the reasons previously mentioned, PROP EGT1 must be modified to bring the two policies in line with one another. Similarly, ICOL supports Policy EGT4 'Enhanced High Voltage Electricity Transmission Network' and associated commentary and has no modifications to suggest in respect of that policy. Indeed, Strategy Diagram 3 on page 110 of the PLDP further reinforces the earlier point that PROP EGT1 is unsound as drafted. This diagram clearly shows the former Cockszie Power Station site as being within the NPF3 Areas of Co-ordinated action, at the landfall of the consented electricity grid connection from the offshore Inch Cape Wind Farm and the location of a potential electricity grid connection. ICOL welcomes this diagram and believes it shows the strategic importance of Cockszie as a location for electricity transmission infrastructure, as noted in NPF3. As such, it also demonstrates that PROP EGT1 requires to be modified to confirm that it is not just thermal power generating proposals that will be supported at this location.

Paragraph 4.97 of the PLDP notes that there is an expectation in NPF3 that partnership working is required between the Council and other stakeholders to ensure that best use is made of land and infrastructure in the area and take forward a planned approach to development. ICOL agrees entirely with these sentiments and looks forward to working with the Council and other stakeholders in the coming months and years to progress its current and potential future proposals for the OnTW at Cockszie. However, without changes to PROP EGT1 and accompanying narrative, the terms of such engagement are unclear at best.

Furthermore, the partnership working advocated in PLDP paragraph 4.97 is entirely at odds with the proposal in PROP EGT1 to safeguard Cockszie for thermal generation and CCS only and to resist all other forms of development.

South East Scotland Strategic Development Plan (SESplan)

SESplan is the strategic development plan used to inform the Local Development Plans of its member authorities, which includes ELC. Consultation on the new SESplan consultation document (October 2016) has commenced. The draft document contains several references to Cockszie and offshore renewables that support ICOL's calls for changes to the PLDP, as follows:-

- Paragraph 3.16 confirms that *'the former Cockerzie Power Station site is not currently subject to specific proposals for carbon capture and storage and thermal generation'*. This is an important point in light of PROP EGT1 and the proposed changes suggested in this representation;
- Paragraph 3.16 and Table 4.1 confirm that Cockerzie Power Station remains part of an Area of Co-ordinated Action and stakeholders *'should consider a wider range of potential future uses for this site'*. This statement reinforces objections to PROP EGT1, which states that other forms of development will not be supported on the site; and
- Paragraph 4.26 notes that the Cockerzie site presents an opportunity to *'contribute to renewable manufacture, servicing of offshore renewables and any possible longer-term opportunities to contribute to a Carbon Capture and Storage Network'*, again a position in stark contrast to the thermal generation and CCS only approach advocated through PROP EGT1.

While in draft format only, the October 2016 SESplan document clearly is more aligned with NPF3 that some elements of the PLDP, as regards Cockerzie. This document provides further substance to ICOL's calls for changes to certain elements of the PLDP.

Concluding Observations

While ICOL positively welcomes much of the high level content of the PLDP as it relates to its interests at Cockerzie it does have significant concerns about the way in which high level support for electricity transmission infrastructure is diluted in some policies and associated text in favour of thermal power generation and CCS only at Cockerzie. This approach to resisting all forms of development at Cockerzie that do not involve thermal power generation and CCS is at odds with NPF3, fails to recognise the existence of an extant PPP for onshore transmission infrastructure at this site and is directly contradictory to the position outlined in PLDP PROP EGT3.

While it is acknowledged that NPF3 does safeguard Cockerzie for thermal generation proposals, it does not do so at the expense of all other forms of development. There is an acknowledgement in NPF3, which is reflected in some parts of the PLDP, that Cockerzie is a location that offers benefits to forms of development other than thermal generation and CCS. Its suitability as a location for infrastructure to serve offshore renewables is specifically mentioned.

The fact remains that there are currently no competing forms of development at the Cockerzie site and there may never be. It is therefore entirely unreasonable and inappropriate for the PLDP to adopt such a restrictive stance to development at the site, as advocated through PROP EGT1. Such a proposal could unnecessarily restrict investment in already consented renewable energy infrastructure in the area and have a significant adverse impact upon wider Scottish Government objectives for renewable energy generation. There would also undoubtedly be adverse impacts for job creation too.

As far as ICOL is concerned, the PLDP is a confusing document and one that gives the company cause for concern about how its future proposals for Cockerzie will be received by the Council. While these are significant concerns, it is considered that a change to PROP EGT1 as suggested in this representation and a

rewording of the supporting narrative, again as suggested in this representation, would address these concerns.

We would be happy to meet with officers to discuss these concerns in more detail and to hopefully pave the way for constructive dialogue and joint working in the future.

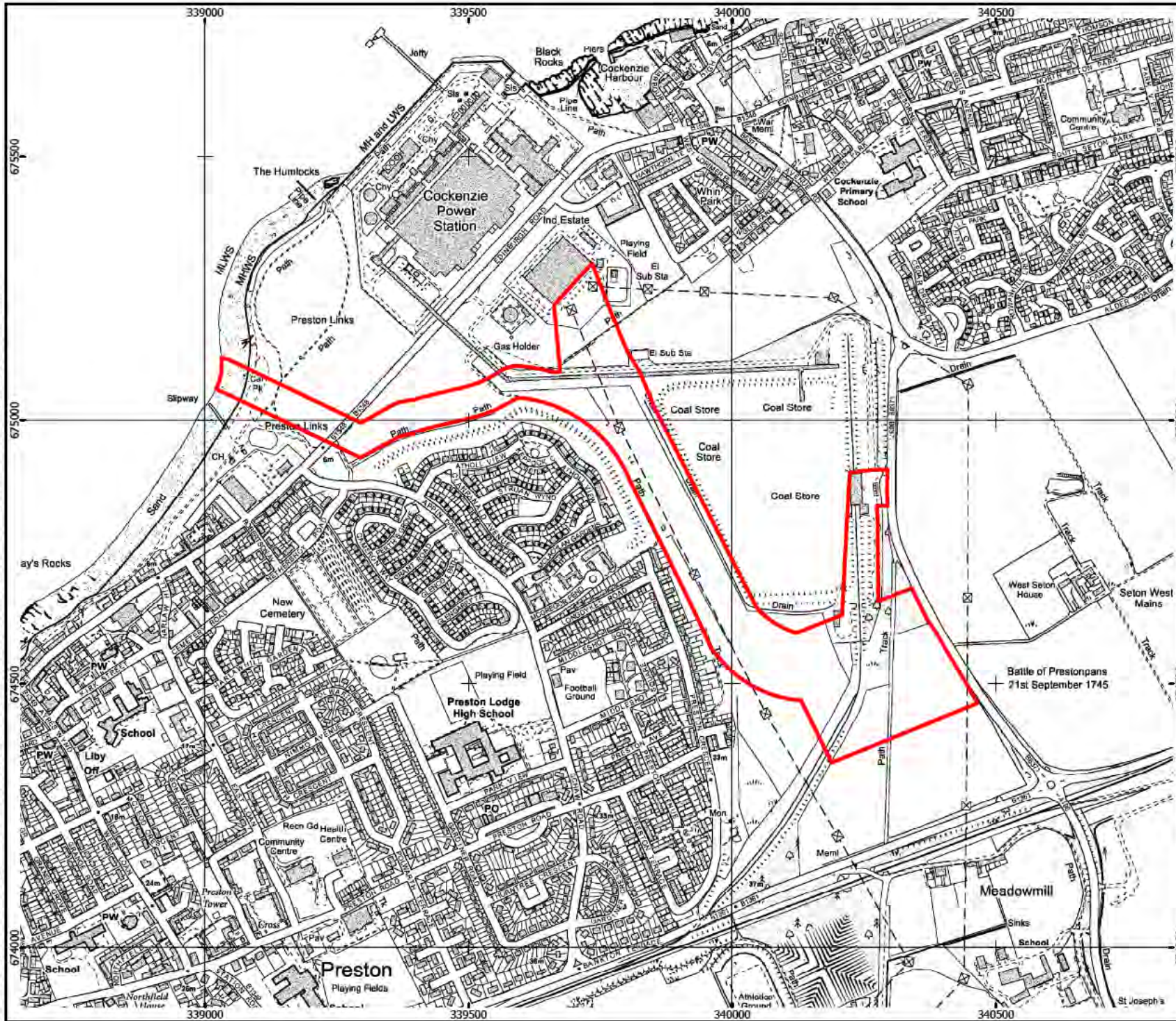
Yours sincerely

Simon Herriot
Director

Enc

Cc Inch Cape Offshore Limited

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Inch Cape Offshore Limited

KEY

Red Line Boundary

Horizontal Scale 1:10,000 A4 Chart



Geodetic Parameters: British National Grid

Produced: DB
 Reviewed: NC
 Approved: EV

Date: 05/06/2014 Revision: 1

REF: int0180_16_7_R1

Red Line Boundary

Inch Cape Onshore
 Transmission Works

Submitted to **East Lothian Proposed Local Development Plan**
Submitted on **2016-11-03 15:56:23**

About You

1 What is your name?

First name:

Gladman Developments Ltd.

Surname:

Gladman Developments Ltd.

2 What is your email address?

Email address:

planning@gladman.scot

3 Postal Address

Address:

Gladman Scotland
2 Eliburn Office Park
Eliburn
Livingston
West Lothian

4 Please enter your postcode

Postcode:

EH54 6GR

5 Are you responding as (or on behalf of) a.....?

Developer/ agent/ landowner

6 What is your organisation and role (if applicable)?

Organisation:

Gladman Developments Ltd

Your role:

Strategic Land Promotion

7 Are you supporting the plan?

No

If Yes: Please include your reasons for support:

Section 1 - Introduction (pages 1-10)

1a Introduction - what modifications do you wish to see made to the Introduction of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modification(s) sought::

Page 2 Paragraph 1.15: Settlements further east are also near the limit of what can be achieved in the way of expansion without significantly changing their character, setting and identity.

Amend to: Some settlements further east need careful planning for future development in order to facilitate expansion without significantly changing their character, setting and identity.

1b Please give any information/reasons in support of each modification suggested to the Introduction of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

This statement in paragraph 1.15 is too broad to be accepted. Many settlements in the east have substantial capacity to absorb future development if managed in

such a way as to preserve their character, identity and setting, where relevant.

Section 2f - Dunbar Cluster Strategy Map (pg 45)

1a Strategy Map for Dunbar Cluster - What modifications do you wish to see made to the strategy map for the Dunbar Cluster? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Introduction of a further Housing Proposal to the Dunbar Cluster: PROP DR__: Newtonlees Farm, Dunbar

Land at Newtonlees Farm, Dunbar is allocated for 115 homes as an extension to the south west of the town, as a continuation phase of the recently approved DR5 development for 240 units. It shall be developed at an appropriate density to make good use of this accessible site, whilst recognising the nature of the landscape, topography, and neighbouring uses. The Council have identified part of the site for use as an immediately required extension to the Deer Park cemetery, and the housing element of the scheme both facilitates and complements this use. Additional land is available in the Newtonlees Farm holding, with longer term potential for infill development, or local environmental improvements.

PROP DR_: Land at Newtonlees Farm

Land at Newtonlees Farm, Dunbar is allocated for a housing development incorporating a cemetery, access, infrastructure, open space and landscaping. Policy OS5 applies.

1b Strategy Map for Dunbar Cluster - Please give any information/reasons in support of each modification suggested to the Strategy Map for Dunbar. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s) :

To meet an immediate need identified by East Lothian Council in the adopted Burial Ground Strategy 2015 (attached). The cemetery site shown in the Strategy Map is incorrect and does not reflect the latest position of the Council (Amenity Services) on this matter.

Future planning for the Dunbar area over the plan period, to include an effective site, assured of delivery in the short-term (5-6 years from 2018).

Provision of a cemetery at Newtonlees as part of a masterplanned exercise, the precise location to be determined following ongoing technical assessments.

Section 2f - Dunbar Cluster Main Development Proposals (pages 47-50)

1a PROP DR1: Hallhill South West, Dunbar - What modifications do you wish to see made to Prop DR1 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

1b Please give any information/reasons in support of each modification suggested to Prop DR1 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

2a PROP DR2: Hallhill North, Dunbar - What modifications do you wish to see made to Prop DR2 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

2b Please give any information/reasons in support of each modification suggested to Prop DR2 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

3a PROP DR3: Hallhill Healthy Living Centre Expansion Land - What modifications do you wish to see made to Prop DR3 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

3b Please give any information/reasons in support of each modification suggested to Prop DR3 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s) :

4a PROP DR4: Brodie Road, Dunbar - What modifications do you wish to see made to Prop DR4 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

4b Please give any information/reasons in support of each modification suggested to Prop DR4 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

5a PROP DR5: Land at Newtonlees, Dunbar - What modifications do you wish to see made to Prop DR5 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

5b Please give any information/reasons in support of each modification suggested to Prop DR5 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s) :

6a PROP DR6: Beveridge Row Belhaven, Dunbar - What modifications do you wish to see made to Prop DR6 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

6b Please give any information/reasons in support of each modification suggested to Prop DR6 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

7a PROP DR7: Land at Spott Road, Dunbar - What modifications do you wish to see made to Prop DR7 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

7b Please give any information/reasons in support of each modification suggested to Prop DR7 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

8a PROP DR8: Pencraighill, East Linton - What modifications do you wish to see made to Prop DR8 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

8b Please give any information/reasons in support of each modification suggested to Prop DR8 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

9a PROP DR9: Land at East Linton Auction Mart - What modifications do you wish to see made to Prop DR9 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

9b Please give any information/reasons in support of each modification suggested to Prop DR9 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s) :

10a PROP DR10: Innerwick East, Innerwick - What modifications do you wish to see made to Prop DR10 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

10b Please give any information/reasons in support of each modification suggested to Prop DR10 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

11a PROP DR11: St John's Road, Spott - What modifications do you wish to see made to Prop DR11 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

11b Please give any information/reasons in support of each modification suggested to Prop DR11 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

12a Policy DR12: Development Briefs - What modifications do you wish to see made to Policy DR12 of the proposed Plan? Please state all relevant paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

12b Please give any information/reasons in support of each modification suggested to Prop DR12 of the proposed Plan. State all relevant paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

Section 3a - Planning for Housing (pages 64 - 73)

1a Housing & Housing Land Requirement - What modifications do you wish to see made to the Housing & Housing Land Requirement section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Paragraph 3.31 should set out the housing land requirement for the period of ten years from the expected year of adoption of the plan (2018-2028).

Paragraph 3.34 should be amended

1b Please give any information/reasons in support of each modification suggested to Housing and Housing land Requirement section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

In accordance with SPP Para. 119.

2a Established Housing Land Supply - What modifications do you wish to see made to the Established Housing Land Supply section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Use of 2016 HLA as a baseline.

Table HOU1: Introduction of a substantial number of additional housing proposals and safeguarded sites.

Table HOU1: Introduction of an increased number of safeguarded sites.

Table HOU2: re-appraisal of the level and timing of delivery of new allocations.

2b Please give any information/reasons in support of each modification suggested to the Established Housing Land Supply section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

We would question the reliance upon the established housing land supply as set out in the Housing Land Audit of 2015. A much more up to date picture would be reflected in the 2016 Audit, prepared in consultation with the house building industry; which should form the starting point for the LDP figures moving forward.

There is a significant existing and ongoing shortfall in the Housing Land Supply (currently assessed as 66%/ 3.32 years based on the 2015 HLA). In order to pick up on this shortfall and deliver the required new homes, a significant number of additional sites need to come forward in both delivery periods of the plan. The Council refer throughout the plan to issues with delivery being outwith the control of the LDP or its Action Programme, but the fact remains, that despite the Council's own Housing Land Supply: Interim Planning Guidance, little or no applications for housing on unallocated sites have been approved by the Council in recent years, with many cases deferring to planning appeal for positive outcomes, thereby substantially delaying the process, costs and ultimately delivery of housing on the ground.

As well as an increased housing land allocation, safeguarded sites should be introduced as a fall back position in the event of an ongoing shortfall in the HLS.

In Table HOU2, the anticipated contribution from new allocations seems highly ambitious given that many sites do not yet have planning permission and are expected to deliver a significant number units by 2019.

3a Maintaining an Adequate Effective Five-Year Housing Land Supply - What modifications do you wish to see made to the Maintaining an adequate Effective Five-Year Housing Land Supply section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Paragraph 3.41: In our view the plan does not go far enough to ensure an effective five year housing land supply at all times, partly through reliance on larger scale developments that require significant investment, with associated timing implications. As such there is a need to allocate a range of short term, effective sites.

The focus should be on LDP means of delivering sites, rather than challenges.

Introduction of additional housing opportunity sites and safeguarded sites.

3b Please give any information/reasons in support of each modification suggested to the Maintaining an Adequate Five-Year Housing Land Supply section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

Additional allocations are required as per previous and attached submissions.

Safeguarded sites would become available for consideration in the event of a shortfall in the HLS, in order to ensure the ongoing delivery of appropriate sites at all times.

4a Affordable Housing - What modifications do you wish to see made to the Affordable Housing section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

4b Please give any information/reasons in support of each modification suggested to the Affordable Housing section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

5a Specialist Housing Provision & Other Specific Needs - What modifications do you wish to see made to Specialist Housing Provision & Other Specific Needs section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

5b Please give any information/reasons in support of each modification suggested to the Specialist Housing Provision & Other Specific Needs section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

Section 3b - Education, Community & Health and Social Care Facilities and Open Space and Play Provision (Pages 74 - 87)

1a Education - What modifications do you wish to see made to the Education section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

1b Please give any information/reasons in support of each modification suggested to the Education section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

2a Community Facilities - What modifications do you wish to see made to the Community Facilities section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

2b Please give any information/reasons in support of each modification suggested to the Community Facilities section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s) :

3a Health and Social Care Facilities - What modifications do you wish to see made to the Health and Social Care Facilities section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

3b Please give any information/reasons in support of each modification suggested to the Health and Social Care Facilities section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

4a Open Space and Play Provision - What modifications do you wish to see made to the Open Space and Play Provision section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Page 86 PROP OS5: New Cemetery in Dunbar Cluster – to be shown at land at Newtonlees Farm, opposite Deer Park Cemetery.

4b Please give any information/reasons in support of each modification suggested to the Open Space and Play Provision section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

The location for the cemetery extension shown/ stated is incorrect. To meet an immediate need identified by East Lothian Council in the adopted Burial Ground Strategy 2015, land on the opposite side of the A1087 is the Council's preferred location. The cemetery site shown in the Strategy Map is incorrect and does not reflect the latest position of the Council (Amenity Services) on this matter – shown in the Burial Ground Strategy as "Confirm the extension to existing facility is no longer a cost effective solution and explore acquisition of land on opposite side of main road" (Newtonlees Farm).

Section 5 - Diverse Countryside & Coastal Areas (pages 118-124)

1a Diverse Countryside & Coastal Areas - What modifications do you wish to see made to the Diverse Countryside & Coastal Areas section of the proposed Plan? Please state all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer. Your justification for this will be sought in the next question

Modifications(s) Sought:

Countryside Around Towns Policy DC8

Supportive of the absence of the Countryside Around Towns designation around Dunbar.

1b Please give any information/reasons in support of each modification suggested to the Diverse Countryside & Coastal Areas section of the proposed Plan. State all relevant policy and/or paragraph numbers of the plan to which the modification(s) refer.

Justification for Modification(s):

There is scope for well planned growth around this settlement, taking into account landscape setting, character and identity.

Appendix 1 - Developer Contribution Zones (pages 145-201)

1a Appendix 1: Developer Contribution Zones; Education - What modifications do you wish to see made to Developer Contribution Zones of the proposed Plan? Please state all relevant zones to which the modification(s) refer. Your justification for this will be sought in the next question.

Modifications(s) Sought:

Whilst developer contributions are recognised as justified when fairly and reasonably relate in scale and kind to the proposed development (Circular 3/2012), they should not be sought in order to offset existing issues.

1b Please give any information/reasons in support of each modification suggested to Appendix 1: Developer Contribution Zones of the proposed Plan. State all relevant zones to which the modification(s) refer.

Justification for Modification(s):

The introductory section of the plan (paragraph 1.33) suggests existing capacity issues in the transport network are as a result of the cumulative impact of population growth in, and commuting through and from the area.

Whilst developer contributions are recognised as justified when fairly and reasonably relate in scale and kind to the proposed development (Circular 3/2012), they should not be sought in order to offset existing issues.

Additional Comments

1a Additional Comments - What additional modifications do you wish to see made to the proposed Plan? Your justification for this will be sought in the next question.

Modifications(s) Sought:

1b Please give any information/reasons in support of each additional modification suggested to the proposed Plan.

Justification for Modification(s):

File upload:

GDL ELC LDP Proposed Plan Newtonlees Dunbar Supporting docs reduced.pdf was uploaded

3 November 2016

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

By e-mail only: ldp@eastlothian.gov.uk

Dear Sirs

**East Lothian Local Development Plan Review: Proposed Plan
Submission of Housing Site: Land at Newtonlees Farm, Dunbar**

This submission by Gladman Developments Ltd., in conjunction with the landowners, is in support of an additional housing land allocation at Newtonlees Farm, Dunbar.

This covering letter accompanies the formal representation submitted online via the consultation hub, and other supporting documents relating to the proposal.

A Proposal of Application Notice was lodged with East Lothian Council (ELC ref 16/00015/PAN), in August 2016, setting out proposals for residential development, a cemetery and associated access, infrastructure, landscape and open space. A public consultation event was held in the town in September, and an application for Planning Permission in Principle will be lodged with the Council during November 2016.

Whilst the site has not previously been promoted during this LDP review, it is a sustainable site within the urban envelope, with scope to deliver much needed housing development commencing in 2018, whilst also facilitating an immediate community benefit in the form of a cemetery extension. Timing of the planning application and associated delivery of new housing (within 5-6 years), means that the case in support of the proposal is assisted by the recognised shortfall in the Council's five-year housing land supply.

Allocating this site for housing linked to the provision of a cemetery extension in the adopted LDP would add an additional effective site to be factored in to the housing land supply.

As set out in the adopted East Lothian Council Burial Ground Strategy 2015, there is an immediate requirement for new cemetery provision in the town of Dunbar, with the proposed extension to the

existing facility at Deerpark no longer a cost effective solution. Land on the opposite side of the A1087 (at Newtonlees Farm) is noted as an alternative.

Site	Land Available Locally	Comments	Solution	Due Date	Total Cost
Dunbar, Deerpark	Yes	New provision locally according to most suitable design solution	Confirm the extension to existing facility is no longer a cost effective solution and explore acquisition of land on opposite side of main road	Immediate	£690k

As such, this site is coming to the plan late in its' preparation linked to the Council's requirement for a cemetery provision. It should not be discounted due to timing – in support of the site we would request it's inclusion in HOU1 as an allocation for up to 115 units for the following reasons:

- Identified in East Lothian Council policy as a suitable location for cemetery extension.
- Housing development can facilitate this.
- Sustainable location within the urban envelope, with good links to the town and surrounding area.
- Capacity within the landscape for a sensitively designed scheme.
- Effective – deliverable within 5-6 years.
- Demonstrated market demand in Dunbar.
- Compliant with the LDP vision/ strategy

Whilst the Council in preparing the Proposed LDP, in HOU2: Housing Land Requirements and Supply, have factored in a significant % generosity to 2024, they express concern in the Planning for Housing subtext that the delivery of such units cannot be guaranteed. As such, the addition of a number of immediately effective sites, including those bringing wider benefits and that are assured of delivery within the LDP timeframe, will bolster the Council's preferred approach in planning for a generous HLS in order to ensure delivery to meet SDP annual requirement of 625 units.

In summary, by this submission we request:

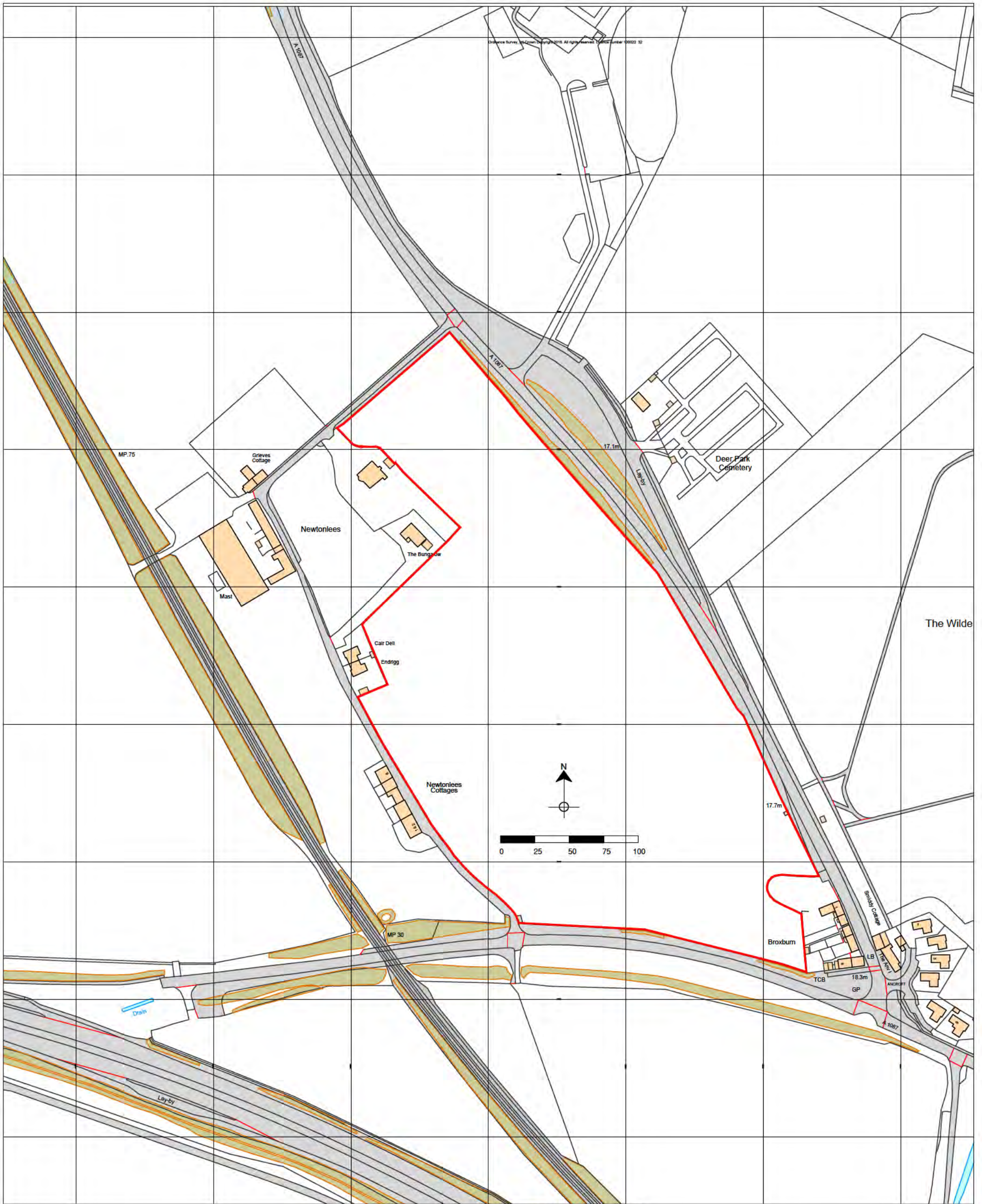
- the relocation of OS5: Potential Cemetery Extensions, regarding Deer Park Cemetery, to land at Newtonlees Farm to reflect the Council's adopted Burial Ground Strategy 2015.
- allocation of land at Newtonlees Farm for residential development for up to 115 units in association with the cemetery extension, in Table HOU1, as an additional site in the LDP future housing land supply.

Should you have any further queries, please do not hesitate to contact us.

Yours faithfully.

for Gladman Scotland
planningscotland@gladman.scot

Encl. Site Location Plan
ELC Amenity Services Cemetery Plan – Newtonlees Farm
Proposal of Application Notice
Indicative Masterplan
East Lothian Council Burial Ground Strategy 2015
Landscape Capacity Assessment



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Rev	Date	By	Revision notes
*	*	*	*
Status			
Preliminary			

Project	Newtonlees Farm, Dunbar
Title	Location Plan

Drawn by	AC	Issue date	28.07.16
Scale(s)	1:2,500		
Drawing No	S021-EL02.001		


For Office Use Only
Ref No:
Registration Date:

Proposal of Application Notice

(To be completed in respect of national and major categories of development)

The Town and Country Planning (Scotland) Act 1997

The Planning Authority will respond within 21 days of receipt of the Notice advising whether the proposed pre-application consultation is acceptable, or what additional notification and consultation above the statutory minimum requirements is necessary.

The minimum consultation activity includes consultation with every community council, any part of whose area is within or adjoins the land where the development is proposed, the holding of one public event, and the advertisement of the public event in a local newspaper.

1. Applicant

Name:	Gladman Developments Ltd	Tel No:	01506 424 920
Address:	Gladman Scotland 2 Eliburn Office Park Livingston, West Lothian	Mobile:	
		Email:	planningscotland@gladman.scot
Postcode:	EH54 6GR		

2. Agent (if applicable)

Name:		Tel No:	
Address:		Mobile:	
		Email:	
Postcode:			

3. Address or Location of Development Site

If the site has no postal address, describe its location. Please provide site plan indicating the outline of the site at which the development is to be carried out and sufficient to identify the site.

Land at Newtonlees Farm, Dunbar, East Lothian

Postcode: EH42

4. Describe in general terms the development to be carried out

Planning Permission in Principle for residential development and a cemetery, with associated access, infrastructure, landscape and open space.

State Class of Development (Please tick):	<input type="checkbox"/> - National	<input checked="" type="checkbox"/> - Major
---	-------------------------------------	---

5. State which other parties have received a copy of this Proposal of Application Notice

Please continue on a separate sheet, if required.

Community Council(s)	Date Notice served
i.) Dunbar Community Council	29.07.16 by email dunbarcommunitycouncil@gmail.com
ii.) East Lammermuir Community Council	
iii.)	
Any other parties	Date Notice served
i.) Cllr. Norman Hampshire	29.07.16 by email nhampshire@eastlothian.gov.uk
ii.) Cllr. Michael Veitch	29.07.16 by email mveitch1@eastlothian.gov.uk
iii.) Cllr. Paul McLennan	29.07.16 by email pmclennan@eastlothian.gov.uk

6. Provide details of the proposed consultation

Please continue on a separate sheet, if required

Proposed Public Event	Venue	Date and Time
i.) Public Exhibition	Dunmuir Hotel, Queens Road,	
ii.)	Dunbar	2pm-8pm
iii.)		
Proposed date for newspaper advert	26th August 2016	
Newspaper(s) where it will be published	East Lothian Courier	

A planning application for this development cannot be submitted less than 12 weeks from the date the Proposal of Application Notice is received and without the statutory requirements having been undertaken. The application must be accompanied by the Pre-Application Consultation Report.

Proposal of Application Notice

NOTES FOR GUIDANCE

- ❖ If pre application consultation (PAC) is required, the prospective applicant must provide to the planning authority a Proposal of Application Notice at least 12 weeks prior to the submission of applications for planning permission and planning permission in principle.
- ❖ The Proposal of Application Notice should include:
 - A description in general terms of the development to be carried out
 - If the site at which the development is to be carried out has a postal address, that address
 - A plan showing the outline of the site at which the development is to be carried out
 - Contact/correspondence details of the applicant or agent
 - An account of what consultation the prospective applicant proposes to undertake, when such consultation is to take place, with whom and what form it will take
- ❖ The general description of the proposed development should include an outline of the proposal's characteristics and the identification of its class (e.g. national or major development). Any subsequent application needs to be recognisably linked to what was described in the proposal of application notice. A description that is too detailed or narrow may mean that relatively minor changes to the description could require the need to repeat PAC.
- ❖ The planning authority will respond to the notice within 21 days stating whether the proposed consultation is sufficient or whether any additional consultation is required.

THE PUBLIC EVENT

- ❖ The applicant is required to indicate in the Proposal of Application Notice what consultation will be undertaken. The statutory minimum consultation activity requires:
 - The applicant must consult every community council any part of whose area is within or adjoins the land where the proposed development is situated.
 - The consultation must include at least one public event for members of the public where they can make comments to the prospective applicant on their proposal. The public event must be advertised at least 7 days in advance in a newspaper circulating in the locality of the proposed development.
- ❖ The advertisement of the public event must include a description and location of the proposed development, details as to where further information about the proposed development may be obtained, the date and place of the proposed public event, it must be stated how, and by whom persons wishing to make comments to the prospective applicant relating to the proposed development may do

so. It must also be stated that comments made to the prospective applicant are **not** representations to the planning authority.

❖ The planning authority may, within 21 days of receiving the Proposal of Application Notice, notify the applicant of any other persons they consider must also receive a copy of the Notice and of any other consultation that must be undertaken, including its form.

❖ If there is no response to the Proposal of Application Notice by the planning authority within 21 days, only the statutory minimum PAC activities, together with any additional activities proposed in the Proposal of Application Notice will be required.

❖ Prospective applicants should have a meaningful, proportionate engagement providing genuine opportunities for members of the public to engage with applicants. The public event should be reasonably accessible to the public at large.

❖ Further advice on planning community engagement activity can be found in “Planning Advice Note 81: Community Engagement – Planning with People”.

❖ It is not the intention that the planning authority will routinely have a direct role in PAC activities beyond their statutory roles in screening, responding to Proposal of Application Notices and considering PAC reports when validating applications.

PRE-APPLICATION CONSULTATION REPORTS

❖ The applicant must submit a PAC report with their application for planning permission or planning permission in principle detailing what has been done during the pre-application phase to comply with requirements of the legislation and any additional requirements set out in the planning authority’s response to the proposal of application notice.

❖ The report should:

- Specify who has been consulted;
- Set out what steps were taken to comply with the statutory requirements and those of the planning authority.

❖ It is advisable for the report to also include:

- Copies of the advertisements of the public events
- Reference to material made available at such events

❖ The PAC report should also set out how the applicant has responded to the comments made, including whether, and to what extent the proposals may have changed as a result of PAC.

❖ The report must accompany the application for planning permission or planning permission in principle when submitted, and the authority is required to include it on part 1 of the planning register along with the application, plans and drawings.



The scaling of this drawing cannot be assured
 Revision Date Dm Chk

Type	Amount
Detached	39
Semi-Detached	30
Townhouse	34
Total	103

Note:
 Masterplan revision underway to accommodate 115 units

Project
 Newtonlees Farm
 Dunbar

Drawing Title
 Indicative Masterplan
 DRAFT

Date 06.10.16 Scale 1:1000@A2 Drawn by MW Check by ST

Project No 26774 Drawing No ind01 Revision -

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Initial Landscape Capacity Study

May 2016

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1 Introduction

- 1.1 This report outlines an initial landscape capacity review of an area of land to the south-east of Dunbar, in relation to potential residential and associated development. It considers the physical and visual characteristics of the site and its context, the existing and proposed surrounding land use pattern and other relevant landscape designations as appropriate, and advises on the particular landscape and visual sensitivities of the proposed site and the surrounding area to potential residential development.
- 1.2 This understanding of the context and character of the site is then used to inform the preparation of a series of conceptual development scenarios, indicating how potential development of the site and particular land uses may be organised. Recommendations for key landscape framework requirements associated with the development of the site are described, together with other related issues as appropriate. Conclusions regarding the appropriateness of the development of the site are presented.
- 1.3 A visit was undertaken in clear weather conditions to analyse the site and its surroundings. Edges of the site which are publically accessible were visited, but private roads and tracks to the north and south were not included. Various locations in the surrounding landscape were visited to gain an understanding of the role of the site in the wider landscape. A series of record photographs were taken.

2 Landscape Context (Figure 1)

Location

- 2.1 The proposed site is located in the eastern section of East Lothian, to the south-east of Dunbar. The site lies immediately to the west of the A1087, which forms part of National Cycle Route 76, and is bounded to its north, south and west by other minor private roads and tracks. The East Coast Main Line (ECML) railway lies approximately 100m to the west of the site, and the A1 trunk road is in close proximity to the south and west. The site is approximately 1km from the coast.

Surroundings

- 2.2 The site is currently in agricultural use, and forms part of a relatively extensive fringe of agricultural land surrounding the south-eastern edge of Dunbar. Sited on a headland above the sea, the town of Dunbar originated as a royal burgh in the 15th century, though the centre of the town no longer focuses on the old harbour and castle and the Gothic landmark of the 19th century church, having expanded considerably to the south and west in the 20th century with various residential, commercial and industrial developments.
 - 2.3 To the east lies the Broxmouth Garden and Designed Landscape (GDL), a nationally important designed landscape which bounds the eastern side of the A1087 over the full length of the site, and which also extends to the north and south of the site along the A1087. Outwith the main policy woodland landscape of the GDL, the existing Deer Park Cemetery and a golf course are located within the northern section of the GDL, to the north-east of the site.
 - 2.4 To the north of the site, there is a large-scale agricultural field which extends to the southern boundary of Dunbar. This land is zoned for housing development in the draft Local Development Plan and is currently the subject of a live planning application for 250 homes. If implemented, this development would considerably alter the existing character of this area.
 - 2.5 To the west, a narrow band of agricultural land is bounded by the site and the ECML, and to the west of the ECML, further agricultural land extends to a large-scale supermarket development, garden centre and the southern suburbs of Dunbar located on Spott Road. This intervening agricultural land is also zoned as future employment land up to the western boundary of the ECML.
 - 2.6 To the south, further agricultural land extends to the ECML where it runs parallel to the A1.
- ### ***Site Location in relation to Landscape Types***
- 2.7 The site is located within the 'Coastal Margins' Landscape Character Type identified in the SNH 'Lothians Landscape Character Assessment', 1998. The proximity to the Forth Estuary and North Sea is the dominant influence on the extensive coastal fringe of landscapes which form the northern boundary of the Lothians, extending in the south from the boundary with Scottish

Borders to the western extent of West Lothian. The landscape is generally flat to undulating, and the dominant land use is arable farming, with considerable areas of Class I agricultural land. The area is punctuated by a series of small towns and villages, and by the concentrated strip of developed land incorporating Edinburgh and its satellite towns, but the area predominantly has a strongly rural, agricultural character and with a close connection to the sea.

- 2.8 Within this LCT, the site falls within the '*Dunbar Plain*' Landscape Character Area, which skirts the north-eastern fringes of the Lammermuir Hills and forms a transition between the southern hill-slopes of the Lammermuirs and the sea. This area is composed of rolling lowlands which gradually open out into a broad, gently undulating plain, terminating in a series of rounded headlands bounded by extensive rocky cliffs. Medium to large-scale arable fields are the dominant land cover, interspersed with small stretches of improved grassland and with streams and farmsteads delineated by small-scale scrub and broadleaved woodland. Extensive views from the predominantly unwooded plain are dominated by the horizon-line of the open sea, although transport corridors and major industrial developments on the coast often form highly visible features. The coastline is also a popular recreational resource.

Proposed Cemetery

- 2.9 East Lothian Council (ELC) proposes to provide an extension to the existing Deer Park Cemetery which is currently located on the eastern side of the A1087. This cemetery extension is planned to be located within the boundary of the site, occupying approximately 1.3ha of land. ELC have currently proposed a location immediately adjacent to the A1087, extending over a considerable portion of the road frontage of the site. This study will review this proposed location and incorporate suggestions for where a cemetery of the scale required may be most appropriately integrated with the character of the site and any associated development. It is assumed for the purpose of this exercise that there are no ground condition issues associated with the site which would limit the positioning of the cemetery on other areas of the site from that currently indicated by ELC.

3 Landscape Characteristics of the Site (Figure 2)

- 3.1 The topographic pattern of the site is gently rolling, rising gradually and smoothly from the south to a high point opposite the Deer Park Cemetery, then falling northwards to the northern boundary of the site. This topographic pattern creates a strongly defined broad ridgeline which crosses the site, and divides the site into two zones to its north and south. There is approximately a 5m change in level within the site between its high and low points. There is a slight fall across the site from east to west, although of a lesser height change. The high point on the site corresponds with a steep, high roadside embankment to the A1087, indicating that this section of the road has been historically cut into the existing ground level.
- 3.2 The site is currently under arable production, comprising essentially of a single large-scale field. Field boundaries around the edges of the site comprise sporadic mixed hedgerows dotted with occasional trees. Trees are limited to small clusters located around farmsteads and cottages, where they define the boundaries to the plots, or along the lines of small burns. Scrub vegetation lines the bankings of the ECML. The extensive woodland policies of the Broxmouth GDL form the most significant block of mature woodland within the local area.
- 3.3 The site and its surroundings exhibit a relatively simple landscape pattern, due to the predominantly open character of the area. The medium-large-scale agricultural field pattern, generally undefined by tree lines, creates a simple, geometric pattern which is echoed by the simple woodland block pattern of the policy woodland of the Broxmouth GDL. The simple geometric pattern of the area is reinforced by the linear geometries of the ECML and the A1 as they sweep through the adjacent landscape. These characteristics combine to produce a strongly north-west to south-east orientation to the overall landscape pattern of the area, defined essentially by the alignment of the Broxmouth GDL woodland and wall, and the ECML.
- 3.4 There are several existing residential properties within or immediately adjacent to the site. At the southern end of the site at Broxburn, there are two rows of traditional terraced cottages which, in combination with other similar properties to their immediate east, define the junction of the A1087 with the minor road forming the southern boundary of the site. Equally, in the north-west of the site, there are several residential and farm buildings at Newtonlees, which also have a traditional architectural character. Newtonlees Cottages, a traditional vernacular style row of terraced cottages, face towards the western boundary of the site, although they occupy a low area of

ground and nestle well into the rolling landform pattern. Newtonlees Farm comprises some large scale agricultural buildings, but their overall scale is partially masked by the ECML embankments and adjacent tree groups.

- 3.5 Given that the site predominantly rises to the north, much of the site has an open aspect to the south, assisted by the generally open character of the surrounding landscape. The mature policy woodlands of the Broxmouth GDL to the east are likely to cast some shadow over the eastern fringes of the site during early winter mornings, although this would be limited in extent. The northern section of the site, to the north of the high point on the site, faces to the north-west, with an open aspect over the currently undeveloped fields to the north, although the character of this view will change if the proposed residential development for this area is approved and constructed.
- 3.6 The site exhibits many of the general landscape characteristics which are prevalent within the wider landscape character of this part of East Lothian and which contribute to the gently undulating, open agricultural landscape of the area south of Dunbar, as well as having close proximity to the ECML and the cement works which form locally important visual features within the surrounding landscape. However, unlike most other parts of the surrounding landscape, the site has limited connectivity with the nearby coastline, due largely to the screening effect of the woodland policies and boundary stone wall of the Broxmouth GDL.

4 Visual Characteristics and Prominence of the Site (Figures 2 – 6)

- 4.1 The high point of the site to the west of the existing Deer Park Cemetery forms a locally prominent rounded broad NE – SW ridge, extending across the width of the site, and which acts as a visual barrier to views northwards and southwards from within the site. Consequently, views northwards from within the southern section of the site are bounded by this ridgeline, such that views of Dunbar to the north are screened, with the ridgeline appearing as a locally important skyline feature when looking northwards, and which is often seen in combination with the outline of the landmark Gothic church in Dunbar rising above the skyline ridge. Equally, the section of the site to the south of the ridge is not visible in views from within the northern part of the site, with the ridgeline also acting as a local skyline profile within these views.
- 4.2 Views out of the site are divided by the high central ridgeline, such that to the north of the ridgeline, views focus northwards over currently open fields towards the southern edge of Dunbar, whilst to the south of the ridge, views focus southwards to the backdrop of the Lammermuir Hills. The policy woodlands and their high stone boundary wall to the east and the raised banking of the ECML to the west tend to limit and control views in these directions, forming visual enclosure from within the lower sections of the site and consequently emphasising views from within the site to the north and south. Currently, views out from the site comprise of attractive rural compositions, relatively undisturbed by detracting features, although the character of the view northwards is likely to change significantly if the proposed large-scale residential development to the immediate north of the site is constructed. Whilst the large-scale cement works is a detracting feature in general views to the south-east, this is partially screened by the intervening policy woodlands of Broxmouth in views from within the site, so that its overall scale and height are not as apparent as in closer proximity or more distant views.
- 4.3 From the elevated ridgeline within the site, there are more extensive views of the immediate surroundings of the site, with glimpses of the North Sea and coastal edge to the north-east, although from the large majority of the site, the coast is not visible. There are also uninterrupted views southwards to the backdrop of the Lammermuir Hills.
- 4.4 From the north of the site, much of the site is screened from view by the high ridgeline which crosses the northern section of the site, creating an important intermediate horizon behind which the majority of the site to the south is unseen, although consequently, this northern part of the site forms a prominent feature, particularly for travellers heading south out of Dunbar on the A1087. Views southwards along the A1087 have a particularly rural character, with the elevated northern section of the site forming a locally prominent intermediate horizon in views along the line of the A1087, and which is seen against the more distant backdrop of the higher Lammermuir Hills.
- 4.5 From the east, along the A1087, there are predominantly open views westwards across the site, emphasised by the mature woodland enclosure to the east, although in the vicinity of the Deer

Park Cemetery, a rising roadside embankment on the west side of the road screens views of the site entirely. The high stone wall which bounds the western boundary of the GDL along the A1087 considerably limits views towards the coast and policies, providing in combination with adjacent policy woodland a strong sense of enclosure to the A1087, and which consequently tends to direct views along road and into site.

- 4.6 From the south, there are open views northwards over rising ground until curtailed by the prominent ridgeline which screens the northern part of the site, and also Dunbar, from view, with only the focal feature of the church seen as a prominent skyline feature above the skyline ridgeline. Views from immediately west of the site are partially screened by existing boundary hedges, although the overall impression is of an open landscape across the site until terminated by the policy woodlands of Broxmouth. Views of the site from further west, looking eastwards, are blocked by the intervening ECML high embankments, which screen the site from view, except for its highest ridgeline and the roofscape of Newtonlees Cottages which are seen rising slightly above the embankment top.
- 4.7 From the elevated ECML, there are extensive open views across the site, and from where the full extent of the site can be appreciated, albeit as a short duration view seen at speed. Generally, views of the site from the A1 are restricted by a combination of roadside embankments, trees, the ECML and the rolling topography of the surrounding area, all of which combine to limit views of the site. Where views are available, they focus on the prominent church profile on the southern edge of Dunbar, as a key skyline focal feature, rather than on the site itself.
- 4.8 The high chimney of the cement works to the south-east forms a prominent focal feature in views from much of the local area, frequently seen rising above the policy woodlands of Broxmouth. The gently undulating skyline of the Lammermuir Hills forms a constant backdrop to views southwards, defining the extent of the agricultural coastal plain. Despite the close proximity of the site to the coast, there are very limited views of the coastline or North Sea, due to the intervening policy woodlands which screen most views except from the highest points of the site. To the north, the distinctive church profile on the southern side of Dunbar frequently acts as a key skyline feature, set well above the surrounding development.
- 4.9 Within longer distance views towards the site, particularly from rising ground to the south of the A1, in the vicinity of Doon Hill and its lower slopes, the combination of the expansive nature of these views, the lack of distinctive features on the site itself and the general uniformity of character of the agricultural landscape of which the site is part of, frequently make it difficult to specifically identify the site within wider landscape compositions. The site forms part of an extensive swathe of agricultural land which currently forms the southern surrounds of Dunbar, and consequently, the site does not form a prominent visual feature in itself, but is generally seen as a part of more extensive panoramic views of the surrounding coastal fringe landscape.
- 4.10 Views from within the historic core of Dunbar are screened by intervening buildings comprising the dense development pattern. From the historic harbour, views southwards towards the site are screened by intervening buildings, topography and the policy woodland of Broxmouth GDL, which forms a significant landscape feature in views south-eastwards along the coast.

5 Local Development Pattern and Character

- 5.1 The historical development pattern of Dunbar is concentrated to the north of the ECML, and the town has been limited in its eastern development by the Broxmouth GDL. Some 20th century suburban development has occurred along the A1087 to the north and east of the ECML, but much of the recent residential suburban expansion of Dunbar has been to the south and west of Dunbar, to the west of Spott Road.
- 5.2 To the east of Spott Road and south of the ECML, recent large-scale retail, commercial and light industrial development has occurred, and land to the east of this, extending to the ECML in the east and southwards to the A1, is currently zoned for further employment uses on existing open agricultural land.

- 5.3 Land at Newtonlees between the northern boundary of the site and the southern edge of Dunbar is currently zoned for residential development in the draft LDP (PROP DR9), and is the subject of a current planning application for 250 houses. This development would relocate the effective edge of the town significantly southwards.
- 5.4 The Broxmouth GDL forms a major landscape feature to the south-east of Dunbar, with the combination of the policy woodlands and high bounding stone wall creating a strongly defined physical and visual edge along the eastern side of the A1087.
- 5.5 Approaching Dunbar from the A1 along the A1087, the road has a strongly rural character, flanked by open agricultural fields to the west and policy woodlands and stone walls to the east, and interspersed by small hamlets such as Broxburn, and this character extends continuously to the current southern edge of Dunbar, where there is a sudden and stark transition from rural, agricultural landscape to built-up urban character. This sudden change in character is more acutely experienced when leaving Dunbar southwards along the A1087.
- 5.6 Large-scale retail development characterises the southern approach of Spott Road to Dunbar from the A1, with little sense of approach and entry to the town created, and with an immediate change in character from dual carriageway road within a rural setting to built-up edge-of-town retail and industrial development. Extensive suburban 20th century development flanks the western side of Spott Road leading towards the historic core of the town, mirrored by mixed light industrial development to the east.
- 5.7 At the strategic level, and considering the land allocations included within the draft LDP, Dunbar can be seen to be contained to the south by a combination of the A1 corridor and adjacent east-west minor roads, which provide logical physical boundaries to the future southern development of the town, as to the south of the A1 corridor lies undeveloped, rising open agricultural land, with no clearly defined physical or visual boundaries.
- 5.8 Land allocations DR5 and DR7 straddle the ECML, with the southern boundary of DR7 following the northern edge of the A1 and then a minor road extending eastwards from the A1, whilst DR5 only extends as far south as the northern boundary to the site. The minor road extending from the A1 continues to extend eastwards across the southern boundary of the site to the hamlet of Broxburn, where it meets the south-western boundary of the Broxmouth GDL.
- 5.9 Consequently, the site occupies a strategic parcel of land lying north of this minor road and bounded to the north by land allocation DR5, and essentially to the east by the ECML and land allocation DR7. In land use terms, there seems merit in considering the minor road to the south of the site as a long term boundary to the southern expansion of Dunbar, which is consistent with the strategic development pattern principles of land allocations made elsewhere around Dunbar in the draft LDP.
- 5.10 Considering the relationship of this minor road to the site, the land rises steeply immediately to the south of the road, such that the southern part of the site is screened from view from locations further south due to the intervening screening effect of this higher area of ground. This combination of road and landform feature are considered to form an appropriate robust southern boundary to any longer term expansion of Dunbar to the south-east.

6 Landscape and other Designations

- 6.1 The Broxmouth Park GDL is located in the immediate vicinity of the site, on the eastern side of the A1087, and therefore forms a key part of the detailed setting and character to the site. As the GDL is listed in the Inventory of Gardens and Designed Landscapes, it is considered to be of national importance.
- 6.2 The GDL is described in the Inventory as: 'a remarkable example of late 17th / early 18th century, extensive formal landscape associated with the Battle of Dunbar. The designed landscape is laid out around a series of long distance vistas and includes a wilderness, walled deer park, and remains of a formal water garden. Letters from the 1st Duke of Roxburghe (d. 17401) show that he was inspired by the French baroque gardens he had seen such as Fountainbleau, Marly, St. Cloud, Sceaux and Chantilly'.

- 6.3 Key features of the GDL identified in the Inventory and which have direct relevance to this study are:
- i) The designed landscape is considered to be relatively intact, in relation to its original design intent and layout;
 - ii) A number of significant architectural features which are Category A and Category B listed are integral to the design layout;
 - iii) In relation to Dunbar, Broxmouth has high scenic value and is important in providing the landscape context to Dunbar as viewed from the south-east. Its wooded policies are significant in relation to the cement works to the south-east;
 - iv) The Broxmouth policies are prominent from Dunbar and from the A1087 to the south;
 - v) The designed landscape is built around a series of axial views, shown on a 1734 estate map radiating out from The Wilderness: northwest to the Bass Rock and Dunbar Church, westwards to North Berwick Law and southwest to Traprain Law (Dunpinder Law). Along the Brox Burn there are views out northwards to the Isle of May and views from Sloe Bigging Tower over to the Bass Rock. From the South Lodge there are wide views over Doon Hill, the site of the Battle of Dunbar;
 - vi) The house is now approached from the West Lodge, a single storey 19th century building.
- 6.4 Considering the above features in relation to the potential development of the site, the following issues arise:
- i) The Broxmouth policies contribute much to the southern landscape setting of Dunbar, and are important in views towards and from the settlement. Consideration will require to be given to the extent to which any development on the site may compromise this role;
 - ii) The Wilderness forms one of the closest components of the GDL to the site. An axial view line from The Wilderness to Traprain Law passes through the site. However, site investigations indicate that existing mature policy woodlands of The Wilderness screen views of the site from immediately east of the A1087. From Broxmouth House itself, set well within the GDL and likely to be set on higher ground, views to Traprain Law may still be available, although the intervening policy woodlands are likely to screen views of the site and any future built development on it, although this would have to be subject to further detailed analysis;
 - iii) The West Lodge approach now seems to be blocked off and unused, with the southern access, consisting of an integrated lodge building, walls and gates, now appearing as the primary approach into the GDL. This access is located at a considerable distance from the boundary of the site, so that views of the site are not available on entering and leaving the GDL.
- 6.5 The Battle of Dunbar occurred in the vicinity of the site, and is included in Historic Scotland's Inventory of Battlefields. As such, it is considered to be of national importance. The battle has close links with Broxmouth House to the east of the site, where Cromwell was based, and the site lies towards the core of the designated battlefield area. The Inventory makes various references to specific locations within the surrounding area of the site, including a church in the general vicinity of the existing landmark church in Dunbar, Doon Hill to the south of the site on the flanks of the Lammermuirs, and Brands Mill on the Spott Burn/Brox Burn to the immediate south of the site. Present understanding of the battle indicates that it is likely that certain actions, especially movements of English troops and their baggage train and artillery, occurred on parts of the site.
- 6.6 The Inventory identifies the following areas as important to the battle in relation to the site and its surroundings:
- Broxmouth House and the designed landscape and the southern part of Dunbar, which were the locations of the English camps including the graveyard of Queen's Road parish church in Dunbar where the baggage train and artillery were located;
 - The well preserved landscape characteristics of the battlefield including views out and relationship between the summit and the lower slopes of Doon Hill, along with the Brox Burn and Broxmouth House and grounds;
 - The battle was fought on open land on the outskirts of Dunbar. The main action took place on the lower slopes of Doon Hill and beside the narrow steep gorge created by the Brox Burn.
- 6.7 The Inventory notes that this landscape has been significantly altered since the time of the battle through the enclosure of the land. Extensive mineral extraction and the construction of major transport links within the battlefield have divided the area into separate zones, making it difficult to

read the land as a single entity. However, significant landscape features identified on Fisher's map including the Brox Burn, Doon Hill and the grounds of Broxmouth House survive intact and are well preserved. Further fragmentation of the overall battlefield and the cumulative development of currently open agricultural land, including land allocations DR5 and DR7, would be likely to make the reading of the overall landscape context of the battle more difficult.

7 Summary of Key Landscape and Visual Characteristics

7.1 The following issues, arising from the previous analysis of the site character and context, can be summarised as follows:

- Visual prominence and sensitivity of the high ridgeline which crosses the site, meaning that any built development located on the north slope or on the ridgeline itself would be highly visible in views from Dunbar to the north and for travellers heading south along the A1087;
- Proximity of Broxmouth GDL to the site, and the requirement to ensure that any strategic development layout responds to the GDLs role in contributing to the southern landscape setting of Dunbar;
- The site currently forms part of the rural agricultural landscape, which forms much of the southern and eastern surroundings to Dunbar;
- Given the location of the site within the boundary of the Battle of Dunbar battlefield, its' development, in combination with the development of other proposed land allocations in adjacent areas to the site, may result in a cumulative reduction in the overall integrity of the site through changes to the current open agricultural character;
- In terms of the strategic land use pattern of the area, the development of the site would complete a logical southern extension of Dunbar which is consistent with the strategic development pattern principles of land allocations made elsewhere around Dunbar in the draft LDP;
- Built development in the surrounding area comprises of traditional, terraced cottages and small farmsteads, or estate gatehouses, which have a clear locational relationship with the landscape pattern of the area;
- Any new development pattern should respond to the simple landscape pattern of the site and its surroundings and should seek to optimise aspect and outlook from the site.

7.2 Whilst the summary of landscape and visual characteristics above recognises that there are a series of particular sensitivities associated with potential development of the site, these sensitivities are not considered to be of such significance or magnitude that the site would be considered inappropriate for any form of development. Consequently, it is considered that the site would have some capacity for development, but only within certain design parameters which respond directly to the identified landscape and visual sensitivities. The following section outlines a series of conceptual development scenarios which indicate how development of the site may be organised in response to these landscape and visual sensitivities.

8 Potential Conceptual Development Scenarios

General

8.1 In order to consider the landscape capacity of the site for residential development, a series of conceptual development layout scenarios, informed by site analysis and related issues, have been prepared, and are intended to demonstrate how different arrangements of uses on the site might be organised in an integrated manner, taking account of and responding to the key landscape and visual sensitivities identified earlier. Each scenario is presented as a conceptual, semi-diagrammatic layout plan, with an associated commentary reviewing the main issues associated with each scenario outlined below.

8.2 For the purposes of preparing the conceptual development scenarios, the following assumptions have been made:

- Direct frontage access onto the A1087 would not be permitted, with only a single vehicular access to the site being allowed to be taken from the A1087, and that this access will require to be located to the south of the high roadside embankment on the north-eastern boundary of the site to ensure adequate visibility sightlines;
- Existing residential properties within the north and west of the site could be either retained or removed as part of the overall development scenarios;
- Vehicular access to the future cemetery site may be taken from a surrounding minor road, with appropriate junction and road improvements as necessary, as well as directly from the A1087.

8.3 The following general design principles have also formed key considerations in the preparation of the conceptual development scenarios:

- Prepare layout scenarios incorporating the proposed cemetery as proposed by ELC, to indicate the implications on the site planning of the development scenarios;
- Prepare layout scenarios which locate the proposed cemetery within the northern section of the site, which is the most sensitive part of the site in landscape and visual terms, as it would provide a predominantly open green development of this area, whilst having a good locational relationship with the existing cemetery. Potential locations towards the south of the site for a new cemetery are considered to introduce too much separation distance between existing and proposed locations;
- Avoid any built development on the higher sensitive ridgeline which crosses the northern part of the site, and which would be highly prominent in such an elevated location, allocating green space in this area and which would be related to the landscape pattern of the Broxmouth GDL policy woodland to the immediate east;
- Generate a general development pattern or grain which responds to the overall NW-SE landscape pattern of the site and its surroundings and which offers opportunities to optimise a southerly and south-westerly orientation and views;
- Create a sequence 'nodes' or 'incidents' in the overall development layout, reflective of traditional village development patterns throughout East Lothian;
- Given the lack of any significant landscape features within the site itself on which to relate a residential layout, introduce a sequence of connected green spaces through the development to provide spatial diversity, form the basis for an integrated footpath/cycleway network and to assist in forming a transition of development density with the surrounding undeveloped rural landscape;
- A landscape frontage to the A1087 should be incorporated, recognising the presence of the Broxmouth GDL on the opposite side of the road. It is considered that this need not comprise a wide strip of dense planting, but should be consciously designed as an important visual edge and frontage to the development, using for instance hedges and informal tree avenues, and carefully considering the positioning of buildings, garden space and plot boundary treatments as part of a comprehensive design proposal;
- Main vehicular entrances should adopt design clues and principles from the southern gateway lodge layout of the Broxmouth GDL, taking due recognition of appropriate visibility sightline requirements, where the integration of buildings, walls and landscape features creates a distinctive entrance feature and strong statement of local character;
- Provide an integrated footpath/cycleway system through the site and which connects the site to its surroundings;
- Provision of an area for a SUDS feature within the development pattern;
- Relate the development pattern to features immediately surrounding the site, so that it is 'knitted' into its local context.

Conceptual Development Scenario No 1 (Figure 7)

8.4 This layout has the following features:

- Retention of existing residential properties in the north and west of the site;
- Locating the proposed cemetery in the north-east corner of the site, accessed from the north by road improvements to existing junction with the A1087 and track as necessary, where it has a good locational relationship with the existing cemetery and occupies much of the visually sensitive northern part of the site;
- Allocating a major area of green space on the highest section of the site, which is most visually sensitive in views from the north and south, and which aligns across the A1087 with the northern extent of the Broxmouth GDL policy woodlands;
- Locating residential development on the lower, less sensitive southern section of the site, and which would be fully hidden in views southwards from Dunbar and that section of the A1087 to the immediate south of the town;
- Creating a clear relationship with the Newtonlees Cottages through creation of a 'village green' linking the proposed development layout with these buildings;
- Allocation of green space adjacent to the hamlet of Broxburn, to protect its current setting.

Conceptual Development Scenario No 2 (Figure 8)

8.5 This layout has the following features:

- Retention of existing residential properties in the north and west of the site;

- Locating the proposed cemetery in a generally east-west alignment across the highest part of the site on the sensitive ridgeline, accessed from the north by road improvements to existing junction with the A1087 and track as necessary, where it has a good locational relationship with the existing cemetery and occupies the most visually sensitive part of the site. As such, it would become a local feature in views from the north;
- Introducing a small cluster of terraced cottage development, reflecting local development patterns at Newtonlees Cottages and Broxburn, on the very northern section of the site, limited to the lowest area of the site and clustered around a small green space and served from an upgraded section of track and junction with the A1087;
- Allocating green space on the rising, sensitive northern slope between the ridgeline cemetery and the lower terraced cottage development;
- Allocating green space to the immediate south-east of the proposed cemetery, on the visually sensitive slope adjacent to the A1087;
- Locating residential development on the lower, less sensitive southern section of the site and which would be fully hidden in views southwards from Dunbar and that section of the A1087 to the immediate south of the town;
- Creating a clear relationship with the Newtonlees Cottages through creation of a 'village green' linking the proposed development layout with these buildings;
- Allocation of green space adjacent to the hamlet of Broxburn, to protect its current setting.

Conceptual Development Scenario No 3 (Figure 9)

8.6 This layout has the following features:

- Removal of existing residential properties in the north and west of the site, allowing this part of the site to be considered as part of an overall development proposal;
- Locating the proposed cemetery in a generally east-west alignment across the northern part of the site, accessed from the north by road improvements to the existing junction with the A1087 and track as necessary, where it has a good locational relationship with the existing cemetery and occupies part of the most visually sensitive northern part of the site;
- Allocating a major area of green space on the highest section of the site, which is most visually sensitive in views from the north and south, and which aligns across the A1087 with the northern extent of the Broxmouth GDL policy woodlands;
- Upgrading of the track to the north of the site to allow access to the western portion of the site, so that the development pattern wraps around the proposed cemetery and major open space area to their west, on generally lower ground and where retention of existing tree groups around the existing residential properties would assist in reducing its overall visibility in views from the north and from the A1087;
- Creating a clear relationship with the Newtonlees Cottages through creation of a 'village green' linking the proposed development layout with these buildings;
- Allocation of green space adjacent to the hamlet of Broxburn, to protect its current setting.

Conceptual Development Scenario No 4 (Figure 10)

8.7 This layout has the following features:

- Retention of existing residential properties in the north and west of the site;
- Locating the proposed cemetery along the eastern boundary of the site as proposed by ELC;
- Introducing a small cluster of terraced cottage development, reflecting local development patterns at Newtonlees Cottages and Broxburn, on the very northern section of the site, limited to the lowest area of the site and clustered around a small green space and served from an upgraded section of track and junction with the A1087;
- Allocating a major area of green space on the highest section of the site, which is most visually sensitive in views from the north and south, and which generally aligns across the A1087 with the northern extent of the Broxmouth GDL policy woodlands;
- Locating residential development on the lower, less sensitive southern section of the site and which would be fully hidden in views southwards from Dunbar and that section of the A1087 to the immediate south of the town;
- Creating a clear relationship with the Newtonlees Cottages through creation of a 'village green' linking the proposed development layout with these buildings;
- Allocation of green space adjacent to the hamlet of Broxburn, to protect its current setting;
- The new residential development is only served from one access point, potentially limiting the number of units which may be incorporated.

Conceptual Development Scenario No 5 (Figure 11)

- 8.8 This layout has the following features:
- Removal of existing residential properties in the north and west of the site, allowing this part of the site to be considered as part of an overall development proposal;
 - Locating the proposed cemetery along the eastern boundary of the site as proposed by ELC;
 - Introducing a small cluster of terraced cottage development, reflecting local development patterns at Newtonlees Cottages and Broxburn, on the very northern section of the site, limited to the lowest area of the site and clustered around a small green space and served from an upgraded section of track and junction with the A1087;
 - Allocating a major area of green space on the highest section of the site, which is most visually sensitive in views from the north and south, and which aligns across the A1087 with the northern extent of the Broxmouth GDL policy woodlands;
 - Upgrading of the track to the north of the site to allow access to the western portion of the site, so that the development pattern extends along the full extent of the western portion of the site and where retention of existing tree groups around the existing residential properties would assist in reducing its overall visibility in views from the north and from the A1087;
 - Creating a clear relationship with Newtonlees and Newtonlees Cottages through creation of 'village greens' linking the proposed development layout with these buildings;
 - Allocation of green space adjacent to the hamlet of Broxburn, to protect its current setting.

9 Suggestions for Key Landscape Framework Requirements and other Measures

- 9.1 Conceptual development scenarios 1-3 indicate potential locations for the proposed cemetery which integrate with various residential and open space development patterns on the site and which also offer good connectivity with the existing cemetery. All potential locations would be accessed from the existing track to the north, necessitating some degree of junction road improvements.
- 9.2 Each of development scenarios 1-3 locate the proposed cemetery and associated green space in a combined manner on the visually sensitive northern section of the site, to avoid introducing new built development into such an elevated location. This approach therefore allows residential development to be introduced into the less sensitive parts of the site, where it can be readily accessed from the surrounding road network to the east and south, and where it would be screened in views southwards from Dunbar by the intervening higher ridgeline, and where it would not interrupt the ridgeline skyline profile in views from the south.
- 9.3 Development scenarios 4-5 locate the proposed cemetery as proposed by ELC, immediately adjacent to and accessed from the A1087. This location precludes any access from the A1087 to the proposed residential development areas, and, in combination with the provision of open space on the visually sensitive northern area of the site, limits the extent of development which may be accommodated on the site.
- 9.3 Key to any potential development of the site will be to:
- Recognise the sensitivity of the northern ridgeline and associated slopes and avoid locating built development in this location, where it would intrude into views of the ridge as a skyline feature or as an important intermediate horizon;
 - Establish an appropriately designed, integrated built and landscaped frontage to the A1087;
 - Create a sequence of connected green spaces throughout the development pattern, to provide focus and incident;
 - Respond to existing adjacent built features such as Newtonlees Cottages and Broxburn through adopting particular development layouts which connect with and/or respect their settings.

10 Conclusions and Recommendations

- 10.1 The landscape and visual analysis of the site and its surroundings has identified particular sensitivities in relation to its potential for residential development. However, it is not considered that these sensitivities are of such a significance or magnitude that they would preclude any form of development on the site, only that particular care and sensitivity will be required to be adopted in terms of generating an overall layout and allocation of uses within the site which is directly responsive to its landscape and visual context.

- 10.2 Based on the landscape and visual analysis, and adopting a series of strategic design principles in direct response to the landscape and visual sensitivities of the site and its surroundings, a series of conceptual development scenarios for the site have been developed, indicating potential land use allocations and how particular development principles and approaches may be incorporated to ensure that comprehensive development proposals integrate with the site and surroundings. In landscape and visual terms, none of the five development scenarios which have been generated are considered to be preferable over the others, and ultimately any development layout will be dependent on the final location of the proposed cemetery and the retention or removal of the existing residential properties in the north and west of the site.
- 10.3 Using this report and the associated conceptual development scenarios, it is recommended that consultations are commenced with ELC regarding the alternative proposed cemetery locations suggested, seeking to obtain buy-in to the development strategy proposed and to identify a preferred location. This decision will be key to any further more detailed development of a layout for the site. It should be recognised that this decision on the location of the proposed cemetery will be dependent on the retention or removal of the existing residential properties in the north and west of the site, as one scenario involves locating the cemetery on the site of these properties.
- 10.4 Given the visual sensitivity of the ridgeline crossing the northern section of the site, a detailed topographic survey of the site would be required, in order that more detailed positioning of building locations and associated heights can be explored, to test the extent to which buildings could be positioned in relation to the ridge without compromising its role as an important skyline and intermediate horizon feature in views from the south and north.

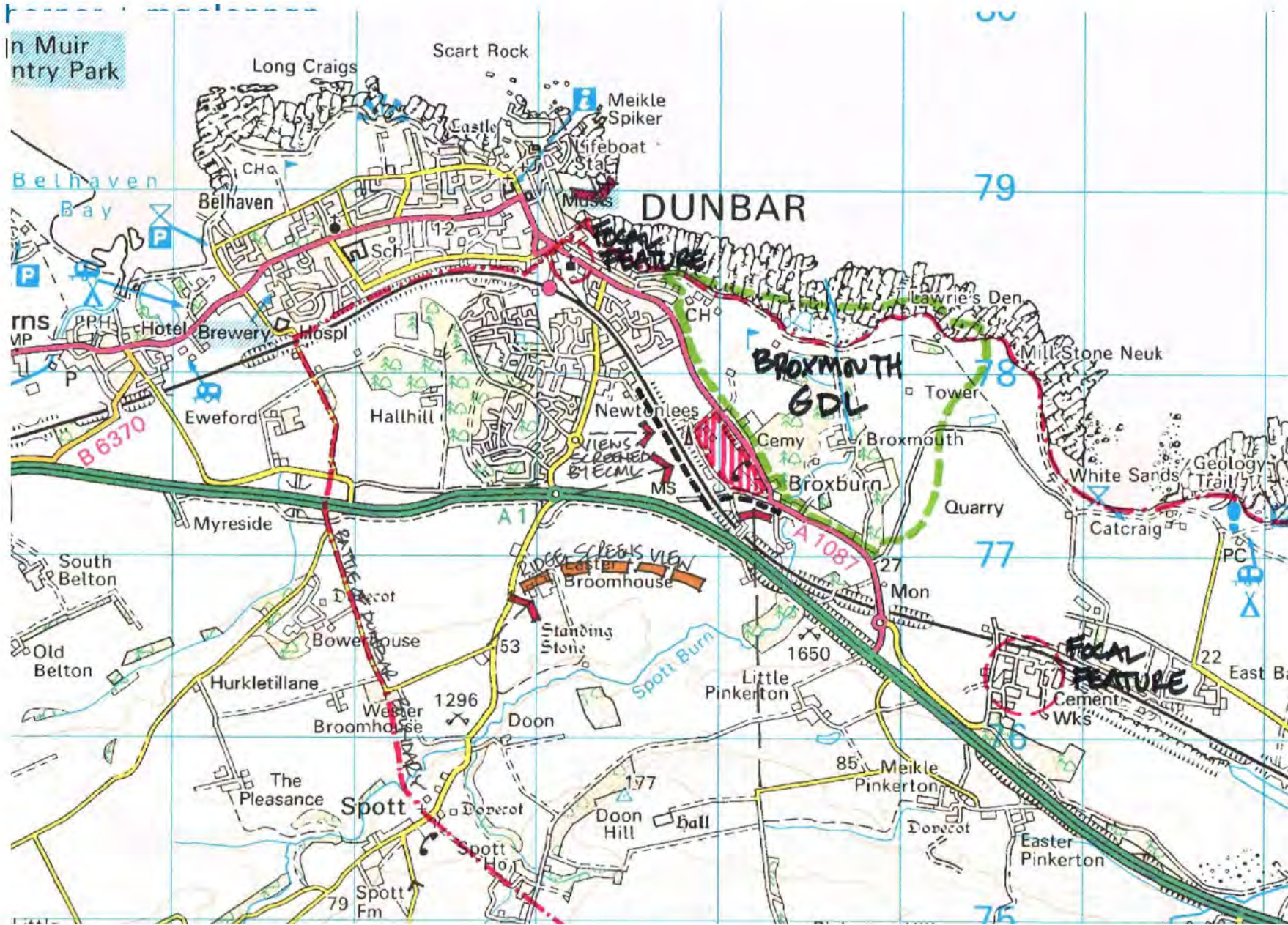


Figure 1

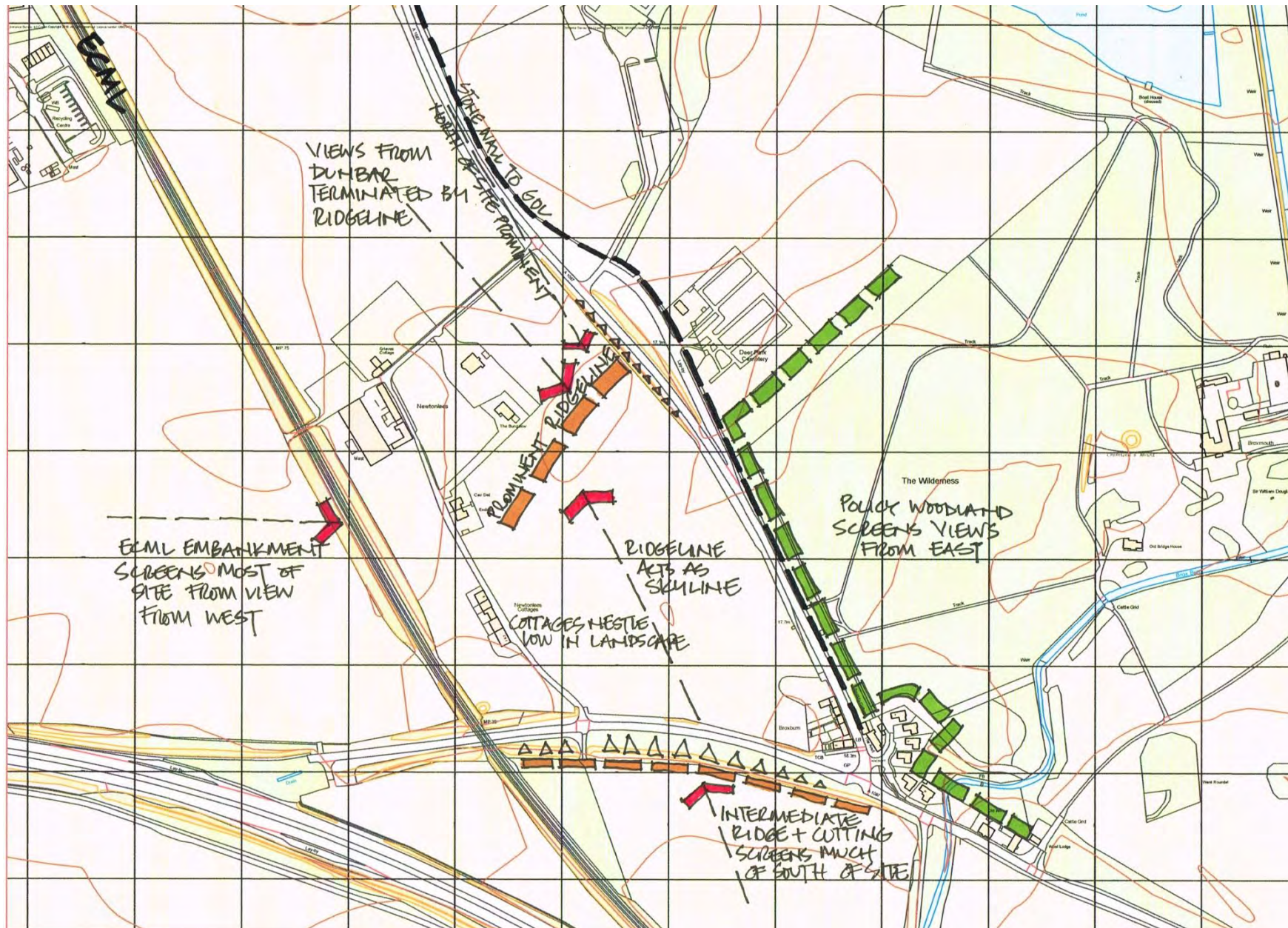


Figure 2



Distant elevated view from the south-west – site screened from view by intervening ridgeline. Broxmouth policies visible against backdrop of sea.



View from near Doon Hill. Site visible as large brown field, with ridgeline seen in contrast against adjacent field to north of site. Site forms part of wider agricultural landscape to south of Dunbar. Broxmouth policies form a major landscape feature to the east of the site.



View from near Doon Hill. Site visible as large brown field in centre of photo. Most of 20th century development on southern side of Dunbar screened by intervening foreground ridgeline.



View from Dunbar Harbour. Broxmouth GDL policies form a key landscape feature, with the site screened from view by intervening buildings and woodland.



Traditional terraced cottages at Broxburn.



Broxburn GDL southern gateway – the integration of building, wall and landscape.



Looking south along the A1087, with northern part of site aligned on main view axis along road, and forming an intermediate horizon against the backdrop of the Lammermuirs.



View from northern boundary of site showing rising ground to elevated ridgeline.



A1087 with high ridgeline of site above roadside embankment. Focal skyline feature of church prominent in view northwards.



View looking westwards across site. Newtonlees Cottages nestle into the rolling landform pattern. Overhead wires of ECML visible on skyline.



Typical view from A1087 looking west across site.



View of prominent ridgeline crossing site, and which screens northern part of site from view.



View from southern boundary looking northwards, with site gradually rising northwards to form skyline ridge. Broxmouth policies enclose the view eastwards.



Elevated view from the south, showing the open, rising character of the site, forming a key skyline feature and the visual enclosure of the Broxmouth policies to the east.



View from adjacent to A1. Only the highest section of the site and the roofscape of Newtonlees Cottages is visible above the intervening ECML embankment.



View from the west – the site is screened by the intervening ECML embankment.

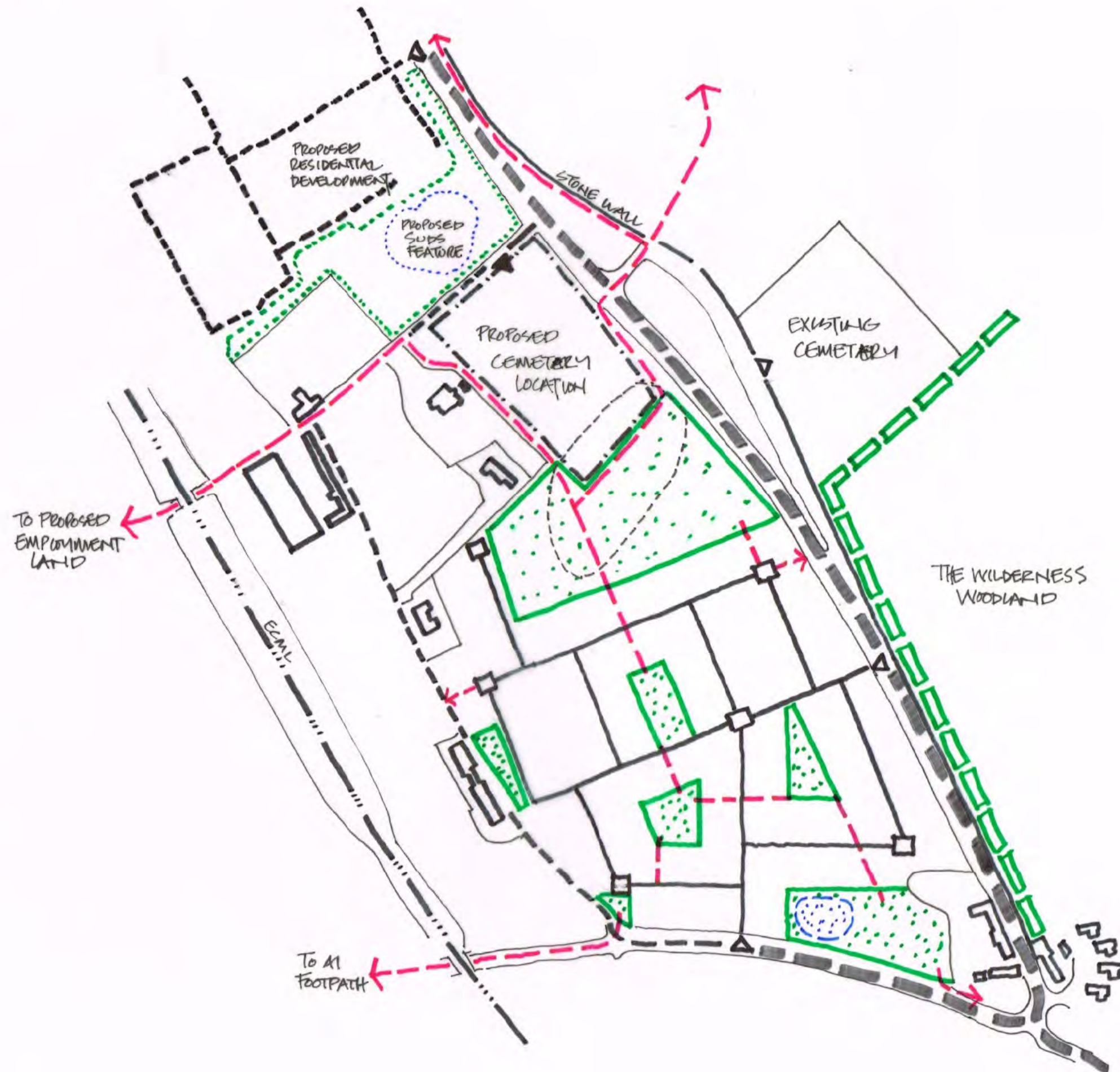


Figure 7

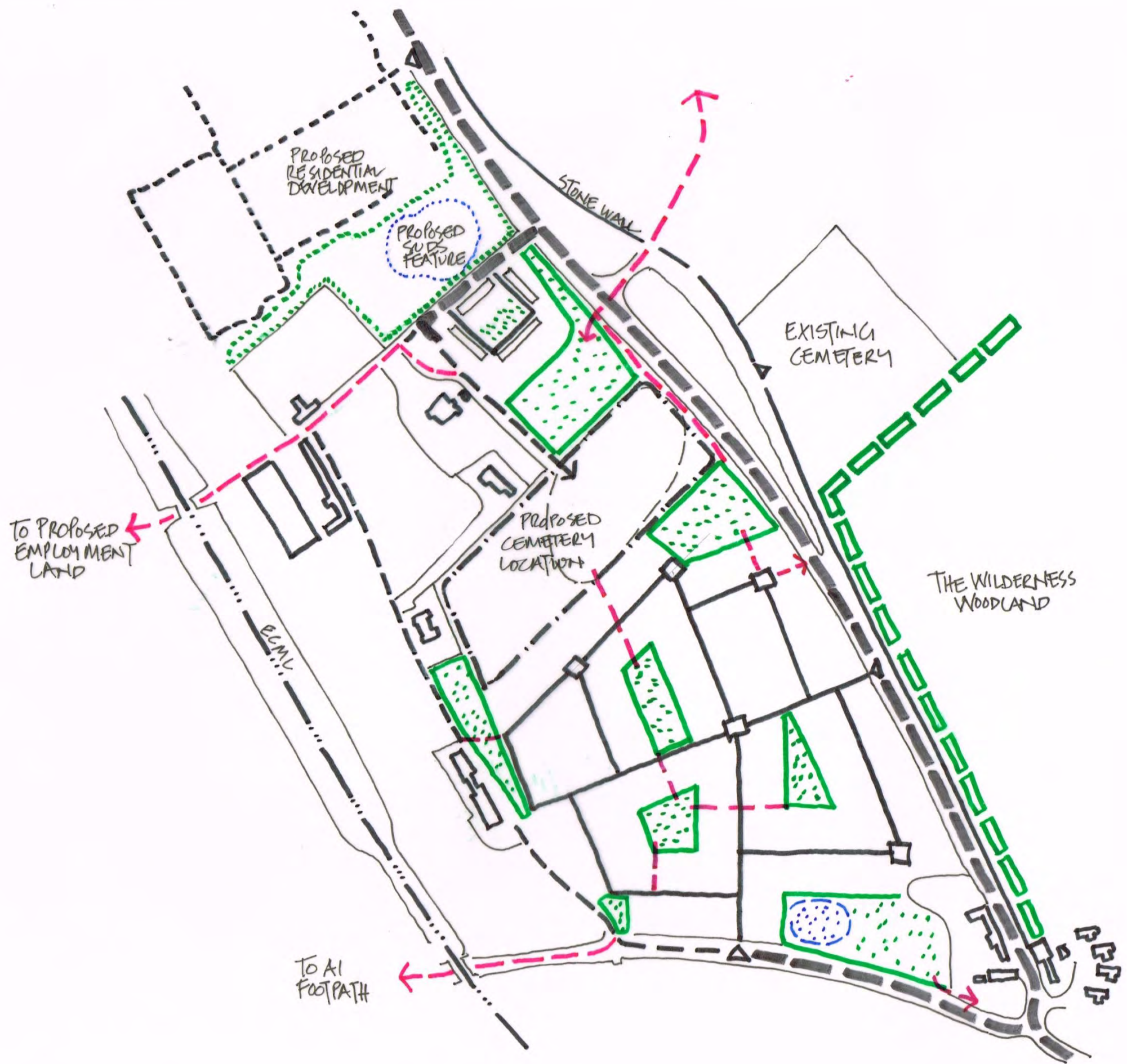


Figure 8

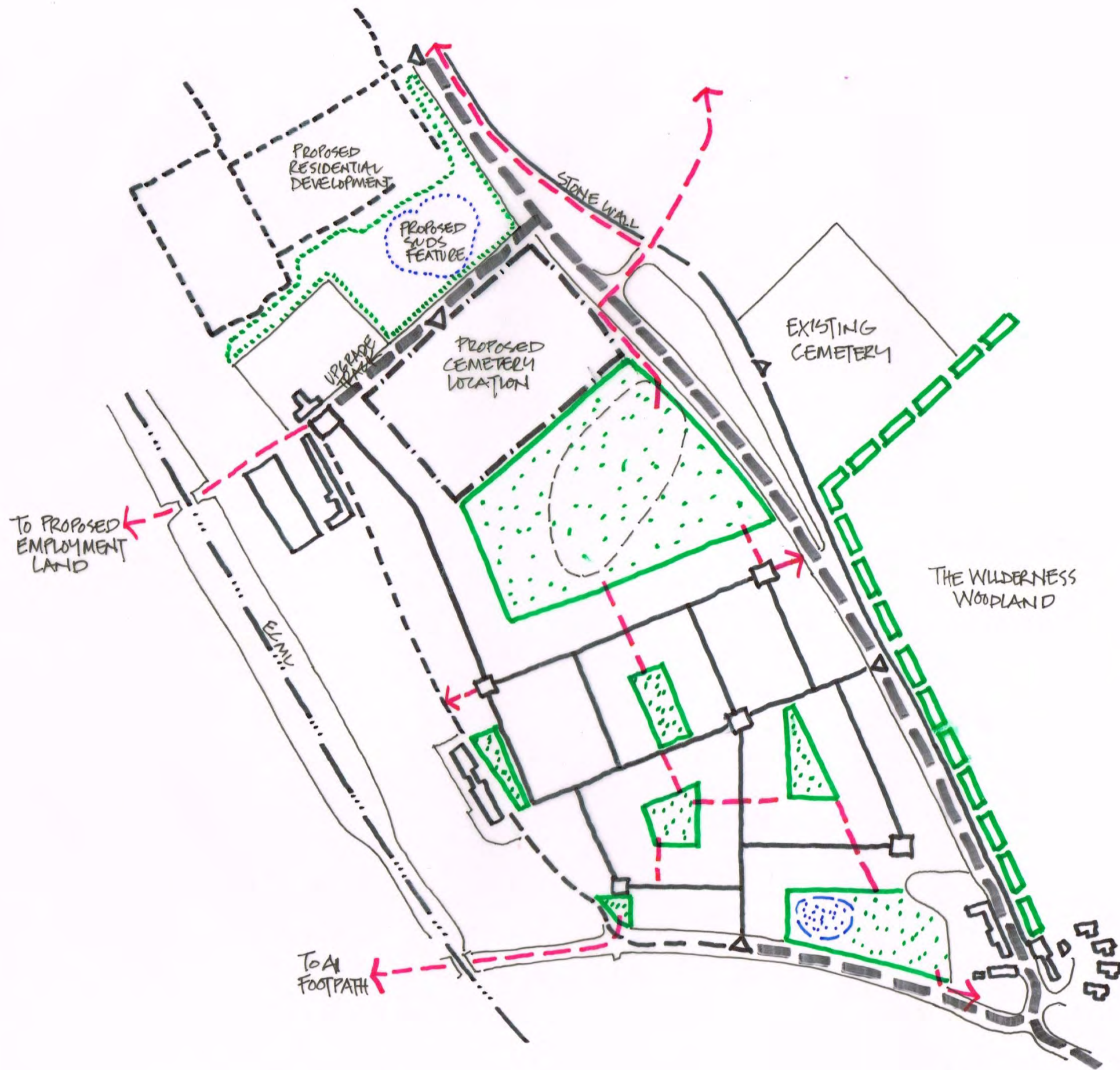


Figure 9

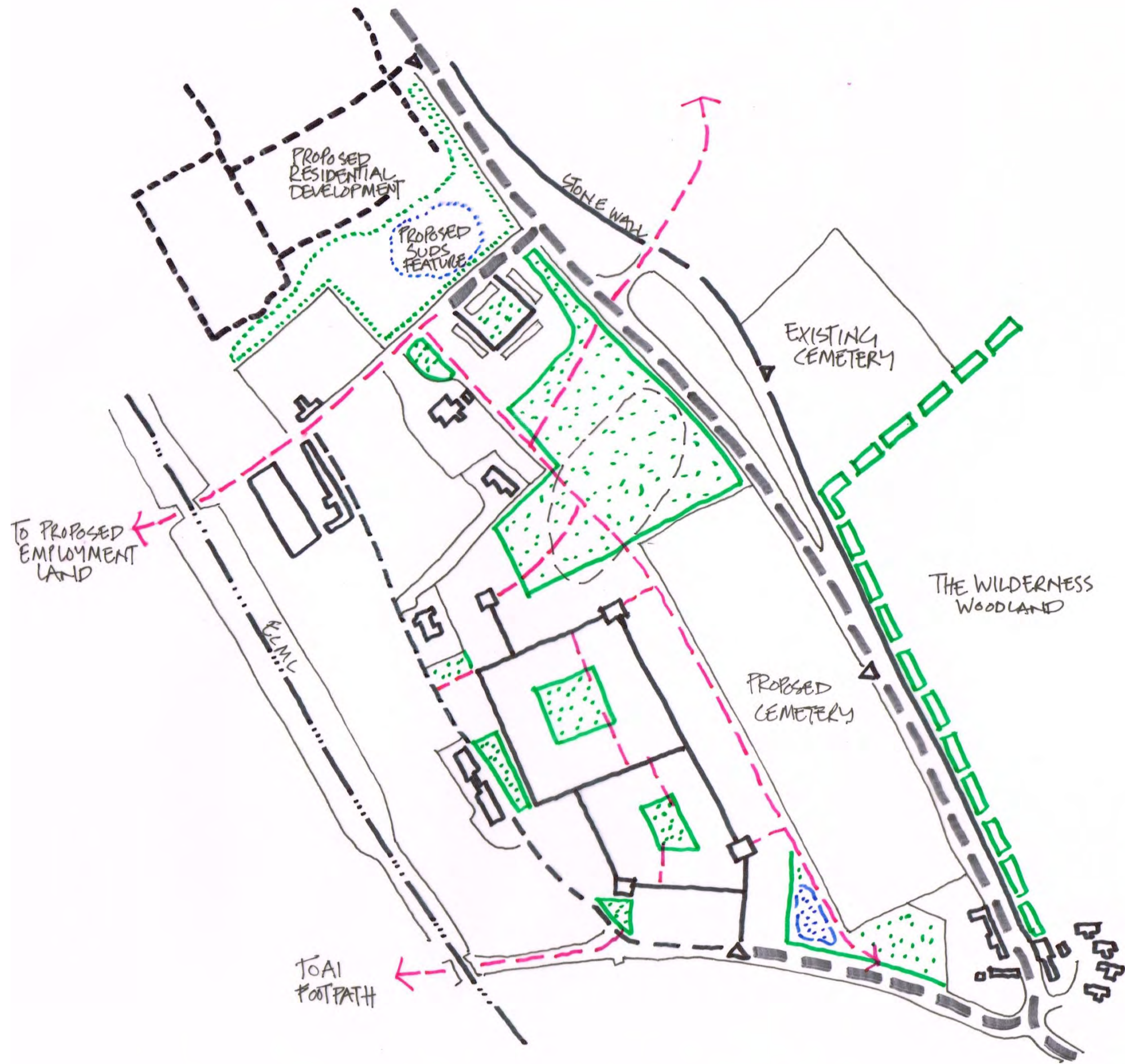


Figure 10

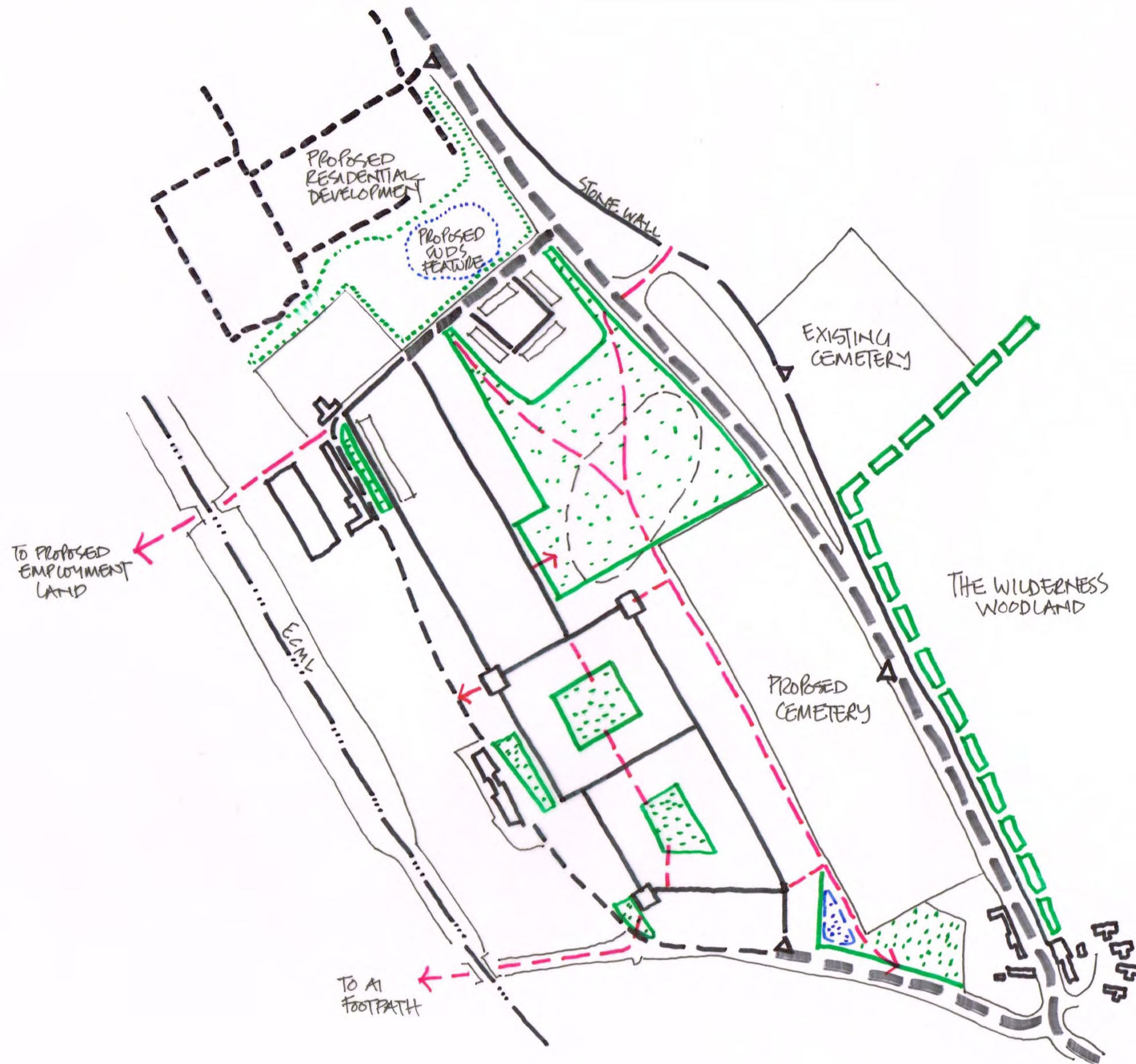


Figure 11

2015



EAST LOTHIAN COUNCIL BURIAL GROUND STRATEGY



EAST LoTHIAN COUNCIL
STRATEGY FOR
THE PROVISION AND MANAGEMENT OF BURIAL GROUNDS
EXECUTIVE SUMMARY

East Lothian Council has a statutory duty to provide space for burial of the dead and must plan for future provision. The Council currently provides an effective burial service that is held in high regard by stakeholders. Staff who deliver the service are highly skilled, experienced and motivated by a desire to deliver an exemplary public service.

However, the service needs to consider diminishing land resources, dilapidation of the existing amenities, changing trends towards environmentally friendly means of burial, best practice in service delivery and ongoing review of related legislation.

The Council's burial service administration and regulation processes were last reviewed in 2000 and since that time, service issues have been recorded and monitored and the emerging patterns governed the need for a further review of our procedures.

Most of the administration arrangements, regulations and procedures have been reviewed and the burial service is now being operated within those revised procedures which reflect best practice nationally. Formal adoption of the revised procedures will require approval by the Council.

There exists a need in most cases to extend the existing provision to meet the needs of the community for the next 50 – 75 years. The level of capital investment required to deliver the needs of the community currently exceeds the limitations of the Council and is likely to do so for a number of years to come. Accordingly, the investment programme needs to be carefully timetabled to eventually deliver the long-term needs while balancing available finance, income generated from within the burial service and alternative short and medium-term income generation opportunities that can be developed in parallel with the required land acquisition.

KEY OBJECTIVES OF THE STRATEGY

- To ensure adequate supply of burial space in East Lothian for a minimum of 50 years and build in options for a period of up to 75 years
- To regulate service provision and produce information and guidance in a manner that is clear, consistent with best practice and ensures customers have a full understanding of what their options and responsibilities are and expectations should be
- To develop and offer a wider choice and range of options that are inclusive and better fit the needs of the whole community
- To deliver a burial service that is sustainable for the long-term with regard to capital investment, revenue expenditure, income levels and meeting local needs
- To clarify inter-departmental areas of responsibility and establish service level agreements between stakeholders
- To reflect the outcome of the Scottish Government review of Death Certification, Burial and Cremation.
- To protect and develop record and administration systems that offer improved accuracy and options for digitisation and greater public access
- Explore alternatives to burial, such as crematorium provision through private sector or partnership arrangements
- To develop a range of helpful guidance, publications and information to better inform customers and stakeholders about service range, administrative and regulatory matters

MISSION STATEMENT

East Lothian Council will provide and manage its burial services to the highest possible standard of customer care, offering choice, compassionate and efficient professional management, consistency of service and best value in all aspects of delivery to provide a sustainable, environmentally friendly service that meets the needs of customers and stakeholders for the long-term.

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Section Number	Subject Matter
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5.0	New burial space provision
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8.0	Crematoria and related provision
9.0	Management of sites
10.0	Administration and burial management
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16.0	Staff and stakeholder training
17.0	Policy summary
18.0	Strategy review and monitoring
19.0	Action plan

THE STRATEGY

1.0 Introduction

- 1.1 This strategy examines all aspects of burial ground provision and management to ensure that proper consideration is given to the future development of burial grounds in East Lothian. The strategy has been developed at a time of possible change for burial ground legislation in Scotland and a growing population within East Lothian. While some of the issues likely to be covered within any new legislation and predicted population increases are allowed for within the strategic recommendations, this strategy should be treated as a working document and should be subject to regular review, to ensure it remains fit for purpose.
- 1.2 The strategy considers both short-term and long-term development of the service. In the shorter term, assessment must be made of the likely changes in burial law and any impact such changes may have on the service. It also considers the existing organisation and financial controls employed by the Council, prescribing new operating models that will benefit the Council and stakeholders and ensure high standards of service delivery are provided. In the longer term the strategy takes account of the increasing need of the community for burial facilities and extended choice for the bereaved and their relatives.
- 1.3 The strategy is divided into three sections
 - General background, giving some historical and legislative context to the strategy
 - Current position with the service in relation to standards of provision
 - Future development of sites, management and administration for burial and related provision whilst considering the views of the stakeholders, likely future legislative changes, extending choice and information and guidance provision.
- 1.4 The subject matter considered by the Strategy was identified as a result of an extensive consultation and review process undertaken by the Institute of Cemetery and Crematoria Management (ICCM). This subject matter has been further explored by a number of focus groups representing cross departmental interests and audited by a Steering Group with Elected Member representation.

BACKGROUND

2.0 Legislation

- 2.1 The legislative position with regard to management of burial grounds has changed very little in Scotland over the years. The last substantive piece of legislation relating specifically to the management of cemeteries was the Burial Grounds (Scotland) Act 1855. Transfer of the burial grounds has been dealt through the Church of Scotland (Property & Endowments) Act 1925 and the Local Government etc (Scotland) Act 1994.
- 2.2 In response to the lack of statutory burial ground guidance and as burial law is once again being considered in England and Wales, the Scottish Parliament has carried out detailed consultation and has issued a set of recommendations to be considered for future burial law. It should be noted that no timetable has yet been published for legislative change in Scotland however the recommendations indicate a commonality with other UK burial legislation.
- 2.3 The procedures and regulations established as part of the development of this strategy have taken account of the set of recommendations to be considered for future burial law, published by the Scottish Government. However, the procedures and regulations will require further review following any legislative change and to take account of suggested best practice.

3.0 Administration

- 3.1 The administration of burials has traditionally been undertaken in East Lothian by Cluster based Registrars and assistants, operating in and covering the 6 geographic sub-districts of the county. However recent adjustments designed to provide efficiencies in front of house servicing have seen the administration move centrally to Haddington.

4.0 Statistics

- 4.1 The following chart shows the population, registered deaths and numbers of burials between 2004 and 2013:

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	Averages
Population	92170	92730	93850	94440	97470	98340	99140	99920	100850	101360	97139
Deaths	996	1013	1017	1028	1070	1081	1076	1047	947	930	1020
Burials ¹	422	426	400	425	446	393	373	390	375	357	401
% Burial	42.37	42.05	39.33	41.34	41.68	36.35	34.66	37.24	39.59	38.38	39.31

- 4.2 The following chart shows the number of burials and new lair sales from 2004 to 2013

	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013
Deaths	996	1013	1017	1028	1070	1081	1076	1047	947	930
Burials ¹	422	426	400	425	446	393	373	390	375	357
New Lair Sales	282	277	301	243	282	244	202	157	170	195
% New Lairs Versus Burials	67	65	75	57	63	62	54	40	45	54

1- Excludes Interment of Ashes at average of 90 per year

During 2009 a gradual implementation of the policy of not selling lairs in advance of immediate need was introduced across most of the main town cemeteries, this only having been in place in a few specific sites previously. While this resulted in an initial reduction in new lairs sales, the 2013 figure seems to suggest that the sale of lairs for immediate need is starting to climb again and will revert to an average of 270 new lair sales per year based on the current population. This gives a 50 year need for new lair space of 13,500.

- 4.2 The Council in its last Local Development Plan was required to find development sites for 10,000 house units in East Lothian which, with current trends towards burial, could produce a demand for burial space in the region of 5000 lairs in addition to the 13,500 needs of the current population. The Council is currently undertaking consultation on its Main Issues Report which will inform the significant growth required within the county. All of this adds to the increase need of burial provision.
- 4.3 Based on the 2011 Census, 98% of the population described themselves as either of no religion, Church of Scotland, Roman Catholic, Other Christian or gave no response. Of the remaining 2%, the largest non-Christian group is Muslim followed by Buddhist, Hindu, Jewish and then Sikh and 1% described as Other Religion. However, depending on the design brief for any large-scale new housing development, inclusion of new-build places of worship may have a positive impact on the religious diversity of the area and this will require to be monitored to ensure that burial provision keeps pace with population trends and diversity.

STRATEGY DEVELOPMENT AND POLICY PRESCRIPTIONS

5.0 New Burial Space Provision

- 5.1 Consultation by the ICCM with community representatives drew the following conclusions with regard to locality of cemetery provision;

Central provision – the provision of one main burial ground designed to provide for all deaths for at least a 50 year period, accounting for the gradual closure of more local facilities. This type of provision would allow resources to be most effectively utilised and could provide a wide range of facilities for the bereaved, however, initial consultation shows a strong preference for local facilities to be maintained where possible.

Local provision – the continuance of the provision of local burial grounds is deemed to best meet the expectations of East Lothian residents, based on a consultation exercise already completed. Such a policy would also go some way towards meeting environmental targets to reduce the amount of vehicular travel in the County as the bereaved travel to visit the burial grounds on a regular basis. However, there are difficulties in continuing to add to existing burial grounds, particularly when considering the requirements of Groundwater Regulations 1998 as enforced by SEPA. This will require groundwater risk assessments to be carried out prior to the approval of any new burial grounds or extensions to old burial grounds. There are also geographic and geological restrictions in some cases that make extension of existing sites impossible and historic, archaeological and planning issues that may determine some sites as unsuitable for extension

Combined approach – this approach is the more favourable as it balances the wishes of the community against the restrictions listed above and capabilities of the Council to secure additional ground. Accordingly, it is proposed that the Council will make future provision by combining local and cluster based provision, according to the discrete options and restrictions that apply to each area.

- 5.2 In developing the combined approach, a balance has to be sought between the community favouring local provision and the physical, legislative and historic restrictions, the level of investment required to facilitate expansion and the likely operating life of the expanded facility. The approach therefore needs to be developed, based on a sound business case and a smart plan.

The following model will therefore be adopted by the Council in determining priorities for developing sites

- a) A proposed cemetery location must be free from restriction to develop as a result of SEPA, Historic Scotland or Local Plan determination or the costs associated with complying with such restrictions must fall within the financial model described in b)
- b) No dispensations are available from Planning or SEPA with regard to development and provision of burial grounds so, all proposed sites must comply with the associated regulations and guidelines operated by those authorities.
- b) The overall cost of a proposed facility, inclusive of any archaeological investigation, ground survey, acquisition, construction, servicing and fees must equate to no more than

£630 per created lair as at 2014. This figure is based on the average sale of a Right of Burial according the Council Charges Book at 2014 with the long-term maintenance site covered as part of the interment fee and headstone management fee

- c) A site will only be considered suitable for development if it is capable of serving either the immediate geographic community, ward or cluster for a minimum of 50 years
- d) To be considered for development, new sites must pass the criteria contained within the Land Acquisition Check List: Appendix 1
- e) New build housing developments will be required to demonstrate how burial provision needs can be met within their respective master plans for the defined 50 year period. In all cases the required provision will allow for 38% of the additional households at a rate of 4.5 burial spaces per household.
- f) Each discrete housing development will be considered in relation to availability of land already secured by the Council and if such facility exists or can be provided, developers will require to contribute a capital sum equal to the investment required to provide serviced lair space on an existing site to the volume required to meet the projected burial space needs of that development. In cases where no opportunity exists to extend an existing facility or, the scale of the extension would have an adverse effect on the identity of the facility, the developer will be required to allocate land and set aside funding to develop this land within the housing development footprint.
- g) The Council will also explore opportunities to develop, either directly or with partnership arrangements, green burial options that can contribute to the aims of protecting and enhancing the natural environment and allow for appropriate recreational use of such land

5.3 Based on current trends towards burial and taking account of existing and estimated population growth, in order to meet a minimum 50 year demand, on cluster provision, the Council would require new lair space at estimated cost as follows;

Cluster	No. of New Lairs	Hecterage	Purchase Cost	Development Cost
Dunbar	2500	1.50	£20,000	£852,000
North Berwick	1600	1.00	£13,000	£552,000
Haddington	1300	0.90	£20,000	£538,000
Tranent	2650	1.60	£24,000	£1,054,000
Prestonpans	3100	1.90	£24,000	£1,054,000
Musselburgh	2300	1.40	£18,000	£782,000
New Housing Demand ⁽¹⁾	5000	3.00	(£39,000)	(£1,704,000)
East Lothian	18450	8.30	£124,000	£4,938,000

(1) Dispersed according to the outcome of the MIR and development of the new LDP and costs excluded from total as developer contributions will require to be negotiated according to each discrete location and circumstance

(2) Figures quoted refer to estimated total development costs within each cluster but development will be phased in line with uptake of space and income from lair sales

5.4 Taking account of community aspirations where possible, considering these against land that may be available to purchase and develop, the following table represents the Council's

proposed intent and required delivery date, with regard to the current active burial sites, to provide the lair space needed for the next 50 years and, in some cases, beyond. This takes account of recently completed or proposed, new build housing

5.5

Site	Land Available Locally	Comments	Solution	Due Date	Total Cost
Dunbar, Deerpark	Yes	New provision locally according to most suitable design solution	Confirm the extension to existing facility is no longer a cost effective solution and explore acquisition of land on opposite side of main road	Immediate	£690k
Prestonkirk	Yes	Site of significant Archaeological Interest, cost likely to be excessive	Investigate feasibility cost of full archaeological site examination or cover by Dunbar if local solution is cost prohibitive	2019	£110k +
Thurston			No action required		
Oldhamstocks			41 Years new ground left		
Spott Church	Yes	Agricultural land	Create extension to existing facility	2042	£36k
Stenton Church	Yes	Agricultural land	Create extension to existing facility	2040	£36k
Athelstaneford Cemetery		Monitor Drainage	No action required on lair space.		
East Saltoun	Yes	Agricultural land. Local car parking issues	Create extension to serve Humbie, Saltoun and Bolton	Immediate	£46k
Gifford Kirk	No	No suitable adjacent land available and significant ground water issues suggesting SEPA approval unlikely	Cover by Haddington Cluster	2018	£41k
Humbie Kirk	No	No suitable ground available for extension	Cover by East Saltoun	Immediate	£41k
Morham Church			No action required		
Haddington St Martin's	No	Available land too close to river making SEPA approval unlikely	New, out of town site to serve Cluster	2041	£430
Musselburgh, Inveresk	No	No adjacent ground available	New out of town site to serve Cluster	2021	£800k
Dirleton Cemetery	Yes	Agricultural land	41 Years new ground left but safety concerns for car parking determine land acquisition and car park should be brought forward		
Aberlady Kirk	Yes	Site of significant Archaeological Interest, cost likely to be excessive	Complete desktop archaeological review of area to establish if local provision is possible, if not cover elsewhere in cluster	2018	£174k
North Berwick	Yes	Would require relocation of depot or extend to the east	Consult locally on options and identify suitable site for purchase	2031	£348k
Whitekirk	Yes	Agricultural land with very shallow bed rock	Cover by North Berwick unless Church gift Glebe Field	2014	£30k
Gladsmuir Kirk	Yes	Agricultural land which seems suitable for extension	Create extension to west of access road to serve established catchment and include off road car park	2015	£105k
Pencaitland	No	Would require new site across road	Investigate suitability of agricultural field across road or cover by Tranent or West Byres	2020	£87k
Tranent	Yes	Greenfield Site to Church Street side of cemetery	Create extension to serve cluster	2015	£844k
West Byres	Yes	Urgent need for car park	Acquire section of field to north of cemetery	Immediate	£41k
Prestonpans	No	Cemetery Park needs to be retained for recreation and would only provide 10 year use because of underground services. Agricultural land to south and east of town covered by Scheduled	New out of town site to west of town serve cluster	2015	£1,078k

		Ancient Monument.		
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Estimated land purchase costs of £124k, based on agricultural values are not included in above table

Consolidated Investment Requirements

Period	Immediate	2014 - 2019	2020 - 2029	2030 - 2039	2040 - 2049
Combined Cost	£818,000	£2,469,000	£800,000	£348,000	£502,000

The stated development costs are based on 2013 estimates and the final cost for each period would to be indexed to the prevailing rates at the time.

With the current pressure on public sector finances and the likelihood that this austerity will continue for a number of years to come, the required capital investment must be recognised as being in excess of the finance available to the Council at present. Accordingly, there exists a need to programme the development of facilities within acquired land packages, in close alignment with short-term needs, phasing each stage with more accurately assessed needs based on emerging burial trends. This approach will still deliver the 50 to 75 year aims of the strategy but will do so in a way that;

- Acquires the long-term land needs in the immediate future, securing and protecting that land for later development.
- Provides land in Council ownership that can generate income from uses such as agricultural tenancy until lair space development becomes essential.
- Gives the Council and the community, security in the knowledge that they can plan future provision and use respectively.
- Allows development of lair space provision to be undertaken in line with income from burial services and land ownership, in accordance with developing trends and needs.
- Facilitates the advance sale of renewable rights of burial with the knowledge that acquired land can be readily developed in alignment with generated income.

Proposals for each discrete site / cluster will be brought forward for approval by the Council with a separately costed proposal in line with the current approved Capital Plan and anticipated income from lair sales and burials.

6.0 Lair Sales

- 6.1 The community as a whole are concerned about the long-term shortage of lair space and recognise that some hard choices have to be made. However, there also remains a need among service users to have the knowledge and peace of mind that their wishes in death are taken care of. Families traditionally have, on the loss of a relative, bought additional lair space to meet their extended family needs.
- 6.2 Under Section 18 of The Burial Grounds (Scotland) Act 1855, the Council has the power to sell rights of burial in perpetuity or for a limited period, under such restrictions as they think proper.

6.3 Traditional arrangements within the Council have meant that, when Right of Burial in a Lair is granted to someone, this right has been in perpetuity. Recent studies have shown that as many as 4% of lairs sold in advance of need are unused and are likely to remain this way. The accumulated total of this, over the operational life of a cemetery, can equate to the new ground sales of that cemetery for a year, and could contribute significantly to increasing the operational life of a cemetery that is currently short of space.

6.4 Where appropriate, in circumstances dictated by extreme shortage of space, the Council may consider applying a 'generational' categorisation of 75 years to all such pre-sold lairs and take appropriate steps to try to recover the unused ground where it can be released for immediate use.

In implementing this policy the Council will need to apply the following steps;

- Prioritising of sites according to greatest need
- Detailed survey of Lair Books and subsequent on-site assessment
- Positioning of any headstone and associated costs of relocation of same from centre of double / adjacent plots
- Accessibility of the lair with regard to trees, adjacent headstones, etc
- Accurate checking of the status by test digging to ensure no previous, inaccurately recorded interments
- Address the legal requirements to demonstrate that reasonable steps have been taken to trace lair holders, including advertising the intention

6.5 The Council will continue to buy back the right of burial from any lair holder who wishes to relinquish their right, in accordance with the regulations published at the time of the buy back.

6.6 With regard to future arrangements, while recognising that the community wish to have the opportunity to advance purchase ground, this arrangement cannot be sustained where multiple lair purchases in perpetuity are made. Such practice is a particular problem in sites that are becoming short of space and the community, being aware of this have demonstrated a tendency towards buying lairs well in advance of need, greatly reducing availability of lair space for those with immediate need. It is also recognised that the recent policy of selling one lair for immediate use and one more for future use isn't an appropriate solution as this discriminated against larger families. Accordingly, the following model for Lair Sales will be adopted;

- In burial grounds where the availability of new ground equates to more than 5 years of average sales, and an active proposal exists to extend required provision beyond that 5 year period, the Council will advance sell Right of Burial up to a maximum of 3 Lairs regardless if those lairs can accommodate 2 or 3 coffin interments
- Applicants with a direct spousal connection will be limited to one purchase application but offspring over 16 years of age, siblings and other direct relatives can make separate applications
- In burial grounds where the availability of new ground equates to less than 5 years of average sales, the Council will reserve the right to sell ground for immediate use only

- In cases where new ground availability equates to less than 5 years, the Council will only sell Right of Burial for cremated remains in full sized lairs on completion of the actual interment of the cremated remains
- In all cases, those with Right of Burial in a lair will only be granted permission to erect a memorial marker on the lair following interment of coffin or cremated remains

The current arrangements for pre-selling of lairs are detailed in Appendix 2

Operating this approach will best meet community expectation through affording reassurance that their needs are catered for, ensuring those who don't wish to advance purchase, have the surety that their needs will be catered for at the time.

- 6.7 An increasing trend is also emerging whereby lair space is requested for the interment of cremated remains. In recognising this trend, the Council will, in developing any new burial spaces, design in discrete space for this purpose and the charging structure will reflect the more efficient use of space. However, in order to maintain an element of choice, the council will continue to sell full sized lair space in cemeteries where Ashes Only lairs are not available. In such cases the perpetuity rights for future interment will be limited to 25 years unless the lair is subsequently used for interment of coffin remains by the Lair Holder.
- 6.8 In certain circumstances, an individual may only require room for one interment in a lair, resulting in less efficient use of the available ground. In some circumstances, such as in Social Work managed interments, the lair could be identified as being available for future one person interments or, an individual could express a wish to share with others in similar circumstances. This option could afford a reduced purchase price and should be publicised in literature to make customers aware of the option and encourage take up.

7.0 Procedures, Regulations & Choice

- 7.1 The Council undertook a review of its Burial Ground Regulations and Burial Procedures in 2011, this exercise having been previously undertaken in 2000. The Council is also aware of the current Scottish Government review of Death Certification, Burial and Cremation legislation and, in developing revised and updated procedures, has taken account of the national consultation process completed in October 2010 as part of the governmental review.
- 7.2 Revised regulations and procedures are attached to this strategy as Appendices 3 & 4 and, while subject to further review on adoption of any legislation arising from the governmental review, will be considered as having been adopted by the Council as part of this strategy.
- 7.3 In setting these revised regulations and procedures, the Council has considered the needs and wishes of the majority, looked at examples of best practice within other local authorities, taken account of issues that have emerged since the 2000 review, brought standardization to procedures throughout the county, all towards the aim of ensuring that the service can be provided in a sustainable manner and reducing medium to long-term risk to the Council, staff and general public.

- 7.4 These regulations will be fully enforced across all sites and lair holders, where in breach of any rules, may be subject to retrospective enforcement action, particularly in matters relating to fencing and kerbing and related embellishment around lairs where this has a direct detrimental effect on neighbouring lair holders
- 7.5 The Council wants to ensure that the burial services offered reflect the various religions, beliefs and secular lifestyles within the population of East Lothian and to ensure that all groups and individuals are able to receive appropriate services at relevant times where reasonably practical.
- 7.6 The Council also recognizes the need to accommodate some freedom of choice within its procedures. However, this has to be balanced with long-term sustainability with particular reference to maintenance, safety, avoiding detriment to others and general risk to the Council. Accordingly the Council has considered examples of best practice and adopted these principles within the revised procedures and regulations.
- 7.7 With regard to extending the choice of facilities available for interment, the Council recognises the increasing popularity and environmental benefits of green burials. The principals associated with such practices are covered in Section 14 of the Strategy.
- 7.8 In order to reflect the specific needs of those who are unfortunate enough to require to bury an infant or person below 5 years of age, where possible, the Council will set aside specific space for such interments, that is designed in such a way as to allow additional decoration and commemoration suited to the circumstances
- 7.9 East Lothian currently has one privately managed woodland burial area and has worked in partnership with the owners to develop this site. However, woodland, meadow and other less formal places of burial can be further extended, both to increase choice for customers and provide a more sustainable method of service delivery. Accordingly, the Council, in considering new sites for burial, commenting on design briefs for new housing developments and accepting invitations for partnership working, will promote this approach towards burial, whenever opportunity exists.

8.0 **Crematoria and Related Provision**

- 8.1 In 2000, the Council undertook a detailed feasibility study into the possible provision of a crematorium for the county. At that time, it was reported that with neighbouring crematoria in Edinburgh having surplus capacity of some 40% and the ratio of burial to cremation in East Lothian being higher than the national average, the business case for a crematorium would neither withstand scrutiny nor have a positive impact on the burial space required for the future.
- 8.2 Further scrutiny in 2011, of the work undertaken in 2000, suggests that the status quo remains and that the Council could not justify the capital expenditure, nor guarantee the

income required to recover that expenditure and repay the initial investment. Indeed, the provision of a crematorium within Scottish Borders Council area is likely to have further weakened the case.

- 8.3 However, in the interests of providing enhanced facilities for the local community and perhaps contributing to a further reduction in burial numbers, the Council is committed to working with any partners who may wish to develop a local facility as a commercial venture and is particularly interested in exploring other options for disposal of the dead and development of greater choice such as Promession or Resomation facilities.

9.0 **Management of Sites**

- 9.1 The Council currently manages 34 individual churchyards and burial grounds, 11 of which are considered closed for new ground but still have lairs that can be reopened for coffin or ashes interment.

- 9.2 Under Section 17 of The Burial Grounds (Scotland) Act 1855, the Council has power of general management, regulation and control of burial grounds and under health and safety legislation. The Council also has a duty of care to ensure that the environment of a burial ground presents no danger to operatives, visitors or other professional staff engaged to deliver services within a burial ground.

- 9.3 Common to the older established sites are problems relating to headstone safety, access, car parking, security and maintenance / repair of walls, gates and paths. Where reasonably practicable, the Council has an obligation to ensure access to sites complies with the Disability Discrimination Act and a moral obligation to cater for the mainly older people that wish to visit the sites.

- 9.4 The Council has reviewed the Regulations for the Management of Burial Grounds (Appendix 3) and has determined that these regulations will be upheld and, where appropriate enforced, particularly with regard to the management of headstones and related graveside embellishments

- 9.5 The Council also has a duty of care with regard to headstone and memorial safety and a visual inspection of the sites has identified that there are many memorials that pose a potential danger to the public and staff. The safety of headstones and the need to implement a system of inspection and maintenance is included in the Council's Risk Register. The detailed procedures to be applied to addressing this issue are contained in Appendix 5

- 9.6 With regard to installation of new memorials, applicants will be required to comply with the East Lothian Council Burial Ground Regulations with regard to overall dimensions of the memorial. The Council will also undertake installation of foundations for new memorials and require Monumental Sculptors to comply with appropriate, current codes of practice for erection of memorials.

- 9.7 Where appropriate to the site, the Council will install pre-formed strip foundations for erection of memorials in all newly developed burial grounds. A charge for erection of a headstone will be applied in all cases, to reflect the cost of the foundation.

- 9.8 In all cases, a management fee will be charged for each headstone, to reflect the long-term maintenance burden the Council will carry with regard to stability, inspection and general safety obligations. The council will not accept responsibility for cosmetic or inscription repairs and reserve the sole right to determine if a particular headstone is beyond economic repair, is incapable of being stabilised and requires to be completely removed from site, without providing a replacement.
- 9.9 In the case of historic memorials, the Council has no legal obligation to undertake renovation or consolidation work to such stones, only a duty of care to ensure no danger is presented to staff or public as a result of dilapidation of the memorial. However, the Council will support and assist the efforts of any community group, body or individual seeking to undertake a programme of restoration or consolidation in accordance with current guidance from Historic Scotland. Where required, the Council will undertake works to memorial stones to remove any danger to the public or its employees generally by taking down and digging in stones to a third of their depth. Generally the Council will only undertake full repair of a memorial stone by way of a replacement foundation and pinning of the stone in cases where the full cost of such works can be recovered from the lair holder or their successor.
- 9.10 Parking and vehicle management are governed by existing site conditions for established sites and there exists, little or no opportunity to improve such facilities. However, where such opportunity presents itself, or in the case of new sites, the Council will take the opportunity to build in appropriate facilities to cope with need, adequate safeguards to protect sites from damage by vehicle access and disturbance to visitors yet provide adequate access for the elderly and infirm.
- 9.11 With regard to security of burial grounds, it is deemed impractical to restrict public access by time to existing burial grounds because of the often remote location and limited boundary security. Likewise, in order to maintain free access for legitimate purposes, it isn't deemed appropriate to build such security into new developments and this would be detrimental to the visual amenity and general ambience of burial sites. Incidences of anti-social behaviour within cemeteries, while recognised as being particularly distressful to those affected by acts of vandalism, are at a low level and the impact of such acts is best minimised through careful maintenance regimes and targeting of community policing initiatives.
- 9.12 The Council recognises the right to freedom of expression with regard to the way relatives of the deceased mark the lairs of their respective loved ones. However, cemeteries are both a working environment and a place of diverse view and opinion on the way they should be managed. Experience has shown that manageability and sustainability are often in conflict with individual expressions of grieving. Equally though, many members of the community object to the levels of decoration applied to their respective neighbouring plots and are left feeling frustrated and annoyed at being upstaged and overshadowed by certain expressions of commemoration. Accordingly, the Council is obliged to manage such matters in accordance with standards of common decency and giving priority to long-term safety and sustainable maintenance. The Regulations for the Management of Burials Grounds, which have been revised in 2011 and are attached as Appendix 3 take account of the foregoing.

- 9.13 Community Service for Offenders Orders and Community Payback Orders are now considered a valuable means of enhancing the levels of maintenance given to cemeteries and burial grounds, while ensuring those responsible for acts of criminal and antisocial behaviour gain a greater appreciation of the feelings of vulnerable sections of the community. Community Payback Orders, served within a burial ground environment, also demonstrate the benefits and outcomes of such a system in a high profile, face to face environment. The Council is committed to developing this system by investing in the specialist training and equipment required to facilitate a programme of headstone consolidation and stability work to the benefit of absent relatives, preservation of the heritage and history associated with burial grounds and the enhanced safety and security of the wider community.
- 9.14 Increasingly, the wider community wish to take a hands-on role in maintaining and preserving cemeteries. Accordingly, the Council will work to develop Friend's Groups, possibly with charitable status, who will, among other matters, contribute towards;
- Conserving the heritage of burial grounds
 - Managing and developing the ecology and biodiversity of burial grounds
 - Restoring historic memorials and attracting external funding for such projects
 - Recording and mapping memorials and inscriptions
 - Assisting with security
 - Developing and publishing guidebooks and on-site interpretation

10.0 Administration and Burial Management

- 10.1 Consultation with stakeholders identified that procedures, timings and general approach towards burial administration varied from cluster to cluster and that such, albeit minor, variations led to confusion and difficulty in managing their respective areas of service delivery. Communication across the 6 operational districts often leads to delays in agreeing funeral times and co-ordinate between families, clergy and caterers. Accordingly, the management and administration of burials needs to be delivered in such a way as to ensure consistency across the county.
- 10.2 Absolute accuracy and consistent standards of professionalism are required in the management and administration of burials. In order to ensure these demands are met, the Council has established a centrally based administration operation. This unit deals with record keeping, administration and booking of burials and headstone management. Also in conjunction with the business unit responsible for front line service delivery, rules and regulation reviews, production of customer information leaflets, development of a digitized record system, stakeholder consultation forums and annual reporting vehicles are all undertaken or will be delivered in due course.
- 10.3 The range of records maintained by the Council has been reviewed and is considered as being generally fit for purpose. However, taking account of the fact that burial rights are often held by persons who subsequently decease, the Register of Lairs will be expanded to contain information on a proposed intended successor to the right of burial and also a list of names of those intended to be buried in the lair.

- 10.4 Burial records will also be amended to include information that allows the recording of the religious or ethnic group to which the deceased belonged. This will assist the Council in determining the demand for burial services from different religious groups and will inform any future provision of burial sites across the county.
- 10.5 The service currently relies on paper based records. Many of the Lair Registers and Registers of Interment date back to the 1800's and have significant historical value. While most have undergone a recent restoration and consolidation programme, it is recognised that these records now require to be treated with conservation in mind.
- 10.6 It will therefore be an aim of the Council to have all such records digitized and to use the digital version as the future management tool, however, paper based records will also be maintained as back up. Over a period of time, the older records will be placed in suitable storage that will allow access by appointment for appropriate research purposes.
- 10.7 Digital records will be considered for public viewing on line, with appropriate limits to allow for Data Protection and access by way of a scale of charges to cover the cost of developing and maintaining the digital archive.

11.0 Increased Use of Existing Burial Space

- 11.1 Many burial authorities are considering sympathetic and practical ways of reusing old lair space for new burials. There are obviously a number of practical and legal hurdles that need to be overcome to deliver such practices but the Council is committed to exploring such options.
- 11.2 Burial authorities, under Section 17 of the 1855 Act have the power to manage, regulate and control burial grounds and can, under that act, propose justifiable means to meet their obligation to provide lair space for burial
- 11.3 The Dig & Deepen approach, whereby existing skeletal remains are exposed and reburied at a depth in excess of 2.3m has, during the course of community consultation, met with reserved support. A restricted application of the method, whereby people with a direct family/blood connection to the interred person, met with wider support. Accordingly the Council will consider application of this approach to increasing the burial space, on a lair by lair basis, within its existing burial grounds where;
- Only skeletal remains exist and there are no solid coffin remains
 - The required legal documentation and processes can be put in place that would facilitate such action and establish the blood line right of the applicant to be interred in a particular lair
 - The bloodline claim to reuse a lair can be established beyond reasonable doubt and not be subject to competing claims of right from other relatives
 - A satisfactory Risk Assessment can be provided on each occasion

- An agreeable trigger point can be established based on a generational category from the date of last interment
- A fee that reflects the outputs from the Council can be recovered from the client

12.0 Financial Management

- 12.1 In reviewing the administration arrangements for burial ground management, the decision to centralise this activity affords the opportunity to consolidate budgets for cemetery maintenance and management. At present, budgets are spread between the Registration, Property Maintenance and Amenity Services business units. In order to manage the overall service, ensure development costs are at least kept in line with income and to accurately demonstrate cost of service, the Council will consider drawing all burial grounds related costs into one budget heading.
- 12.2 At time of publication, an accurate assessment of the revenue cost of addressing headstone stability is not available. However, a detailed survey of the implications of addressing headstone stability is being undertaken and will be available in the near future. It is though known that, of the 34 burial grounds managed by the Council, all have a percentage of headstones that require some remedial work to stabilise the structures and some of those require urgent attention.
- 12.3 A recent exercise to establish the costs of restoring the stability of headstone in St Andrews Churchyard, Gullane a site of fairly sparse headstone population and generally small sized stones, 54 stones (42%) from 127, required stabilisation works at a cost of £9,000 This does though reflect the age of that particular cemetery and other active sites could be reasonably expected to have closer to a 30% stabilisation requirement
- 12.4 As stated elsewhere in the strategy, it is the intention of the council to minimise these costs through development of fund raising friends groups and use of Community Payback Orders.
- 12.5 The detailed cost analysis, when completed, will be attached to this strategy within Appendix 5 but initial assessments put the cost of the work in the region of £1.3m to completely restore and consolidate unstable memorial stones and this is clearly beyond the ability of the Council in the current financial climate so the emphasis will be placed on digging in memorial stones to remove the risk to the public and avoid further damage and loss of historic information
- 12.6 The costs to develop an IT based management system are estimated to be £20k, including the initial digitisation of existing records and purchase of appropriate software. A separate business model to deliver this will be developed and digitisation only introduced if the financial model can be shown to be self funding in terms of administration costs and reduction of risk to the Council

13.0 Community / Stakeholder Liaison

- 13.1 The Council recognises that relatives of the deceased, the wider community, Funeral Directors and Monumental Sculptors will all have an interest in and valuable contribution to make towards the development and management of burial grounds. The general public are increasingly aware of the environmental issues arising from burial provision and the costs associated with providing such services. Likewise, funeral and commemoration service providers are developing increasingly higher levels of professionalism, building and adopting best practice and offering wider choice.
- 13.2 East Lothian is also building an increasing diversity of culture and religion and the Council must, while adopting the ‘live together, die together’ culture, strive to accommodate the needs of the whole community wherever practically possible.
- 13.3 Accordingly, the Council will establish and facilitate a stakeholder forum whereby all parties with an interest in the development and management of burial services can contribute to that development and ensure that the services provided, best meet the needs of the community within the resources available.
- 13.4 The Council, through consultation with those stakeholders, will also develop Service Level Agreements that will clearly define the inputs and outputs required by all parties involved in the provision of burial services

14.0 **Environmental Management**

- 14.1 Many processes and practices utilised in burial of the dead have a detrimental impact on the environment. Materials used in coffin construction and embalment will leach out into the soil, visitors will make often daily car trips to visits lairs of the deceased relatives, maintenance regimes are, by tradition, intensive involving fuel, chemicals and green waste generation, floral tributes generate a high carbon footprint in production and are often housed on non-degradable materials.
- 14.2 In designing cemetery provision for the future, the Council is committed to reducing the impact of its operations on the environment and enhancing the biodiversity of the county within a regime of meeting the needs of the community, providing extended choice for burial and working within the available land resource.
- 14.3 Where possible, future cemetery provision will;
- Be located in such a way as to minimise the need for private car transport and encourage pedestrian and public transport travel
 - Incorporate space for woodland and meadowland burial where nature takes precedence over high amenity maintenance
 - Comply with or exceed the stipulations of all relevant legislation regarding the Groundwater Protection Policy for Scotland
 - Incorporate enhanced waste reduction as a principal of the design
 - Provide and encourage the take up of cremated remains plots
 - Maintain on-site turf farms to replace turf lost during warm weather.
 - Incorporate recycling facilities for floral tributes and related waste

- 14.4 The Council is also keen to explore alternative means of disposal to cremation and burial and will work with any interested partners to develop means of disposal using alternative technologies such as Promession or Resomation
- 14.5 The Council will also encourage and promote the use of burial materials from sustainable sources, using materials that compost naturally in the soil such as untreated timber from sustainable sources and present no long-term threat to the environment. While some materials may be seen as inappropriate for staff to handle, such as basic shrouds, the Council will work towards developing systems that allow families wishing to use such materials to do so on a self-help basis.

15.0 Fees and Charges

- 15.1 Traditionally, the Council has heavily subsidised the cost of burial within East Lothian, to the extent that right of burial costs and interment charges have been significantly lower than the national average. In 2010 those charges were increased to more closely reflect the cost of burial and long-term maintenance but still fall below the national average. Charges applied as at 2014 more accurately reflect the cost of service and also recover an annual sum to offset some of the development costs of new provision. Taking account of the significant capital investment and subsequent revenue implications, the Council must recover these costs from service users.
- 15.2 Charges are compared on an annual basis between all Scottish local authorities and show East Lothian to be recovering less by way of fees than that of neighbouring authorities, even allowing for surcharges already in place. This creates a potential increasing pressure on burial space in East Lothian through clients from neighbouring areas opting for burial in East Lothian.
- 15.3 Customers have an increasing element of choice, both through the private sector and emerging alternative means of cremation and green burial and this choice will be further extended as the aims of this strategy are delivered. Accordingly, because of this greater element of choice, it is appropriate for the Council to reduce or remove adult subsidies for residents, continue to implement outwith area surcharges for non-residents and secure sufficient income to manage the long-term burden of grounds and memorial maintenance.
- 15.4 Bereaved families can often gain financial support through one-off benefit grant claims and such benefits significantly reduce any financial hardship that families may experience while arranging a funeral.
- 15.5 Accordingly, the Council will adopt a policy full recovery of cost of service and will reflect this in the range of charges levied and the level at which those charges are set following annual review.
The list of fees to be applied in 2015/16 will be finalised following the Council budget settlement and reviewed on an annual basis.

16.0 Staff / Stakeholder Development and Training

16.1 In order to ensure the efficient and effective delivery of burial services, the Council recognises the need to develop and train, management and front-line staff in all aspects of service delivery. Where appropriate, such training will be extended to stakeholders to ensure a consistency of approach and mutual understanding of the respective parties' role in delivering an effective and respected service. Such training will include, but not be limited to;

- Religious and ethnic diversity awareness
- Customer care
- Health and Safety as related to burial services
- Memorial and Headstone maintenance
- Compliance with procedures and practices

17.0 Policy Summary

The following represents a summary of the key strategic policies and prescriptions;

Section	Summary
5.2	The Council will develop new burial ground provision on a combined cluster and individual community basis, according to the discrete restrictions and opportunities presented in each area
5.2 e	The Council will seek land or financial contributions from housing developers to reflect the additional burial space requirements that such developments will generate
5.4	The Council will commence a programme of capital investment aimed at providing additional burial space that reflects the needs of the area for the next 50 – 75 years
6.6	The Council will allow advance selling of lair space subject to their being sufficient capacity in each discrete community to meet immediate need for a minimum of five years of operation
7.4	The Council has reviewed the Regulations for the Management of Burial Grounds and will enforce those regulations, applying retrospective corrective actions where appropriate
7.5	The Council will endeavour to reflect the diversity of religion, belief and secular lifestyles that exist within the population with regard to provision of its burial services
7.8	Where possible, the Council will design in, specific areas for the exclusive burial of infants and young children that will allow for greater choice in terms of decoration and commemoration
7.9	The Council will develop and facilitate development of alternatives to traditional burial such as woodland or meadowland burial sites
8.0	The Council cannot present a solid business case to justify the capital expenditure required to provide a dedicated Crematorium for East Lothian. However, the Council will work with potential partners who may wish to provide a privately funded facility to the benefit of added choice for the community
9.5	The council will commence a programme of assessments and related stabilisation works for headstones
9.6	The Council will install individual or strip foundations as appropriate for all new memorials
9.8	The Council will introduce a management fee for erection of headstones which will offset the long-term maintenance obligations the Council will have to bear
9.10	Vehicle access to cemeteries will continue to be permitted for elderly or infirm visitors
9.11	Burial grounds will not be the subject of restricted access times
9.13	Community Service Orders and Community Payback Orders will be utilised to enhance levels of cemetery maintenance and repair unstable memorials
9.14	The Council will seek to establish Stakeholder and Friends groups to assist in developing burial provision in the future and in preserving the existing facilities
10.6	The Council will digitise all existing burial related records
10.7	Appropriate levels of public access will be allowed to burial records for the purposes of research, charged at appropriate levels to maintain the costs of providing that service
11.3	The Council will adopt the Dig and Deepen method of increasing burial space for re-use of lairs where a direct family link can be established
13.3	The Council will establish and maintain a stakeholder forum to allow greater community and partner involvement in the regulation, running and development of burial services
14.0	The Council will develop and promote a more sustainable and environmentally friendly approach towards burial services
15.3	The Council will remove any subsidisation given for adult burial and aim to recover the full cost of service from customers electing to be buried within East Lothian including continuing to apply surcharges to residents from

	outwith East Lothian.
16.1	The Council will implement a range of stakeholder training to ensure consistent and accurate delivery of services.

STRATEGY REVIEW AND PERFORMANCE MONITORING

The Council will undertake a minimum 3 year cycle of review of this strategy with particular regard to changes in population numbers, burial culture and practices and legislative change and national best practice. Such reviews will be undertaken in conjunction with stakeholders, will consider performance of the service against agreed standards and report to the Council on all such matters.

ACTION PLAN

A timed and costed action plan will be developed that will set out agreed actions to be taken to deliver the Burial Ground Strategy, who will be responsible for the various actions and when those actions are to be delivered based around the key priorities of the strategy and discrete cluster needs.

CFA Archaeology Ltd

archaeological consultants

Advice on Archaeology & Planning

Environmental Impact Assessment

Interpretation, Design & Display

Finds/ Environmental Analysis

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Historic Building Recording


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Geophysical Survey

Newtonlees, Dunbar: Cultural Heritage Assessment

Report No. 3417

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**Newtonlees, Dunbar:
Cultural Heritage
Assessment**

Report No. 3417

1. INTRODUCTION

This report considers the likely effects on cultural heritage (archaeology and built heritage) interests from the Proposed Development at Newtonlees, Dunbar (Figure 1). The land lies within an area identified in the Inventory of Scottish Battlefields as being the location of the Second Battle of Dunbar, fought on 3 September 1650.

The specific objectives of the cultural heritage study were to:

- Identify the cultural heritage baseline within the Proposed Development Area;
- Assess the Proposed Development Area in terms of its archaeological and historic environment potential;
- Consider the potential impacts of the construction of the Proposed Development on the cultural heritage resource; and
- Propose measures, where appropriate, to mitigate any predicted adverse impacts.

Planning and Legislative Framework

The primary planning policy, legislation and guidance at the national level comprises:

- National Planning Framework for Scotland 3 (NPF3) (2014);
- Scottish Planning Policy (SPP) (2014);
- Scottish Historic Environment Policy (SHEP) (2011);
- Our Place In Time – The Historic Environment Strategy for Scotland (2014);
- Ancient Monuments and Archaeological Areas Act 1979 (1979 Act);
- Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (1997 Act);
- Planning Advice Note 2/2011 (PAN 2) (2011); and
- Planning Advice Note PAN71: Conservation Area Management (2004).

The Proposed Development Area is covered by the *Strategic Development Plan for South East Scotland June 2013* (SESplan) and the *East Lothian Local Plan October 2008*.

National Legislation, Planning Policy and Guidance

National Planning Framework for Scotland 3 (NPF3) (2014)

NPF3 sets out the Scottish Minister's key aims of the strategy for Scotland's spatial development for the next 20 to 30 years. Through NPF3, the Scottish Government recognises that the historic environment is an integral part of our well-being and cultural identity, and that Scotland has a rich variety of buildings, townscapes and archaeological sites which reflect Scotland's long history of human settlement. Through NPF3, the Scottish Government states that cultural assets should be respected, and that they represent a sustainable economic, environmental and social resource for the nation. The Scottish Government recognises that the environment is a dynamic resource rather than a fixed asset and should be protected in a proactive and innovative way, that safeguards assets which are irreplaceable, and facilitates change in a sustainable way.

Scottish Historic Environment Policy (2011)

The Scottish Historic Environment Policy (SHEP) sets out Scottish Ministers' policies for the historic environment, and provides policy direction for Historic Scotland and a framework that informs the day-to-day work of a range of organisations that have a role and interest in managing Scotland's historic environment. Through the implementation of the SHEP, Scottish Ministers wish to achieve three outcomes for Scotland's historic environment:

- That the historic environment is cared for, protected and enhanced for the benefit of our own and future generations;
- To secure greater economic benefits from the historic environment; and
- That the people of Scotland and visitors to our country value, understand and enjoy the historic environment.

The Historic Environment Strategy for Scotland (2014)

The Strategy sets out the Scottish Government's 10 year vision for the historic environment, and states that Scotland's historic environment is important and that people value their historic environment and the economic and social benefits it brings. The vision and aims of the Historic Environment Strategy for Scotland are:

- That Scotland's historic environment is understood and valued, cared for and protected, enjoyed and enhanced. It is at the heart of a flourishing and sustainable Scotland and will be passed on with pride to benefit future generations;
- Scotland's historic environment should be preserved and maintained to secure the many associated benefits; and
- The cultural, social, environmental and economic value of Scotland's heritage makes a strong contribution to the wellbeing of the nation and its people.

The Strategy outlines how these aims and vision should be achieved:

- Through understanding – by investigating and recording our historic environment to continually develop our knowledge, understanding and interpretation of our past and how best to conserve, sustain and present it;
- Through protecting – by caring for and protecting the historic environment, ensuring that we can both enjoy and benefit from it and conserve and enhance it for the enjoyment and benefit of future generations; and
- Through valuing – by sharing and celebrating the richness and significance of our historic environment, enabling us to enjoy the fascinating and inspirational diversity of our heritage.

The Strategy states that there should be an assumption to conserve the historic environment, that we should improve standards and base practice upon best available understanding, and that we should conserve the wider setting and context of our historic assets.

Scottish Planning Policy (2014)

SPP is the statement of the Scottish Government's policy on nationally important land-use planning matters and contains concise subject planning policies, including implications for development planning and development management. Historic environment resources (hereafter, heritage assets) include sites with statutory and non-statutory designations as set out in SPP.

SPP is the statement of the Scottish Government's policy on nationally important land-use planning matters and contains concise subject planning policies, including implications for development planning and development management. SPP states that the planning policy system should:

- Promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; 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. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

Historic environment resources (hereafter, heritage assets) include sites with statutory and non-statutory designations as set out in SPP.

Assets with statutory designations include:

- Scheduled Monuments;
- Listed Buildings;
- Conservation Areas; and
- Designated Shipwrecks.

Assets with non-statutory designations include:

- World Heritage Sites;
- Gardens and Designed Landscapes;
- Historic Battlefields; and
- Other Historic Environment Interests and Archaeology.

Those heritage assets that are relevant to the proposed development are: Listed Buildings, Historic Battlefields, Gardens and Designed Landscapes, and other Historic Environment Interests, and Archaeology.

Assets with Statutory Designations

Listed Buildings

Under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (1997 Act), the Scottish Ministers are required to compile a list of buildings of special architectural or historic interest. Such buildings are classified into Categories A, B and C, in decreasing order of importance. Planning authorities and the Scottish Ministers are required to have special regard for the desirability of preserving Listed Buildings and their settings, and any features of special architectural or historic importance they possess.

Assets with Non-Statutory Designations

Historic Battlefields

Under the provisions set out in Section 32B(1) of the Ancient Monuments and Archaeological Areas Act 1979 Historic Scotland has compiled an *Inventory of*

Historic Battlefields which it considers to be of national importance. The Inventory provides information on those battlefields which are provided with statutory protection, to enable their sustainable management through the planning system. The impact of a development on a Historic Battlefield listed in The Inventory is a material consideration in the determination of a planning application. SHEP recommends that 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.

The adopted East Lothian Local Plan has no policies on the protection or management of Inventory Historic Battlefields.

Inventory Gardens and Designed Landscapes

The impact of a development on a designated Garden or Designed Landscape in ‘An Inventory of Gardens and Designed Landscapes in Scotland or its Supplements’ (Inventory published by Historic Scotland) is a material consideration in the determination of a planning application. Under the provisions of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008, planning authorities must consult Historic Scotland on any development that may affect a site contained in the Inventory.

Other Historic Environment Interests

There is a range of other non-designated archaeological sites, monuments and areas of historic interest, including non-inventory battlefields, historic landscapes, other non-inventory gardens and designed landscapes, woodlands and routes such as drove roads that do not have statutory protection. Sites without statutory protection are curated by the local planning authority, and SPP and PAN 2/2011 provide national planning policy guidance and advice on the treatment of such resources.

SPP requires that planning authorities ensure that development plans provide a framework for the protection, conservation and enhancement of the historic environment to allow the assessment of the impact of a development on the historic environment and its setting (para 112).

Archaeological Sites and Monuments

Archaeological sites and monuments are an important, finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when allocating sites in the development plan and when making decisions on planning applications. Where preservation in-situ is not possible planning authorities should, through the use of conditions or a legal agreement, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them (SPP para 123).

Planning Advice Note 2/2011; Planning and Archaeology

Planning Advice Note 2/2011 (PAN 2) advises that, in determining planning applications, planning authorities should take into account the relative importance of archaeological sites (para 5). It also notes that in determining planning applications

that may impact on archaeological features or their setting, planning authorities may on occasion have to balance the benefits of development against the importance of archaeological features (para 6). The desirability of preserving a monument (whether scheduled or not) is a material consideration and the objective should be to assure the protection and enhancement of monuments by preservation in situ, in an appropriate setting. When preservation in situ is not possible, recording and/or excavation followed by analysis and publication of the results may be an acceptable alternative (para 14).

Development Plan

Strategic Development Plan for South East Scotland June 2013

One of the main aims of the Strategic Development Plan is to conserve and enhance the natural and built environment.

Policy 1B The Spatial Strategy: Development Principles states that Local Development Plans will 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 Ancient Monuments, Listed Buildings, Royal Parks and Sites listed in the Inventory of Gardens and Designed Landscapes.

Local Plan

East Lothian Local Plan 2008

Local plan policy ENV7: Scheduled Monuments and archaeological sites, states that:

- (1) Where a proposed development might affect any site or area included in the East Lothian Sites and Monuments Record (of known or suspected archaeological interest), the developer must first undertake and make available to the Planning Authority a professional archaeological assessment and, if necessary, a field evaluation.
- (2) Development that would harm a site of archaeological interest or its setting, particularly a Scheduled Monument, will not be permitted. The only exception to this will be situations where archaeological advice concludes that the significance of the remains is not sufficient to justify their physical preservation in situ when weighed against other material considerations, including the benefits of the proposed development. In such situations, the developer must make proper provision for the excavation, recording, and analysis of the archaeological remains in advance of the commencement of development, any subsequent post-excavation work and the publication of the results. Appropriate conditions may be applied to any planning permission to achieve this.
- (3) Where it is feasible within a proposed development to accommodate, preserve and enhance archaeological features or their setting, public access to and interpretation of these features will be expected.

Local Plan policy ENV3: Listed Buildings, states that new development that harms the setting of a Listed Building will not be permitted.

2. ASSESSMENT METHODOLOGY

The assessment was conducted in accordance with the Chartered Institute for Archaeologists' Code of Conduct (CIfA 2014a), and Standard and Guidance for Archaeological Desk-based Assessment (CIfA 2014b).

A list of all sources consulted during the assessment is provided at the end of this Chapter.

Details of the locations and extents of Scheduled Monuments, Listed Buildings, Inventory Gardens and Designed Landscapes, Historic Battlefields and Conservation Areas were downloaded, in GIS from the Historic Environment Scotland (HES) Spatial Data Warehouse (HES, 2016a). Details of other sites were obtained from the HES Database (Canmore) (HES, 2016b) and from the East Lothian Council Historic Environment Record (HER).

Ordnance Survey maps and other historical maps held by the Map Library of the National Library of Scotland were examined, to provide information on sites of potential archaeological significance and land use development.

Bibliographic references were consulted to provide background and historical information, particularly in relation to the Second Battle of Dunbar, including Reid & Turner 2004) and Reese, 2006..

A field visit was undertaken, in order to assess the presence/absence, character and condition of the sites, monuments and landscape features identified by the desk-based assessment; to assess the topography and geomorphology of the Proposed Development Area; and to identify any further features of cultural heritage interest not detected through the desk-based study.

3. CULTURAL HERITAGE BASELINE

The sole site of potential archaeological interest recorded within the Proposed Development Area is the possible site of a dovecot (NT67NE 57; NGR NT 6888 7753). However, the farmer at Newtonlees, when consulted in 1962, was not aware of the existence or former existence of a dovecot on his farm.

Listed Buildings in the vicinity of the Proposed Development Area include the Category B Listed Thistle Inn (LB1469, Figure 1) and the Category B Listed Buildings that lie within the Broxmouth Park Garden and Designed Landscape, including Broxmouth House (LB1470, Figure 1), the Stables (LB1473), the Observatory (or Sloe Bigging Tower) (LB1472), The Vaults (LB1503) and South Lodge (LB1474). The Inventory entry for Broxmouth Park notes that:

'The designed landscape is built around a series of axial views, shown on a 1734 estate map radiating out from The Wilderness: north-west to the Bass Rock and Dunbar Church, westwards to North Berwick Law and south-west to Traprain Law (Dunpinder Law). Along the Brox Burn there are views out northwards to the Isle of May and views from Sloe Bigging

Tower over to the Bass Rock. From the South Lodge there are wide views over Doon Hill, the site of the Battle of Dunbar.'

Development at Newtonlees would not interrupt any of the key views and would, therefore, have no effect on Broxmouth Park or the Listed Buildings therein. The setting of the Category B Listed Thistle Inn (LB1469, Figure 1) is considered to be localised and would not be affected by the Proposed Development.

The Proposed Development Area lies within the boundary of the Second Battle of Dunbar 1650, as defined in the *Inventory of Historic Battlefields*. The Inventory boundary is researched and defined by HES to encompass the landscape within which the main events of the battle took place and where associated physical remains and archaeological evidence occur, or may be expected to occur.

The Second Battle of Dunbar took place on 3 September 1650. The following summary account is based upon the Inventory entry; Reid & Turner (2004) and Reese (2006); there are no major interpretative differences between these three separate accounts. Key moments in the Battle are shown on Figures 2a-2e, based upon the maps in Reese (2006).

The battle is one of the largest and bloodiest ever fought in Scotland. Oliver Cromwell and his English Parliamentary army defeated a much larger Scots Royalist army and a large number of Scots were killed or captured.

The English baggage train was secured within the walled churchyard beyond the eastern end of Dunbar on 1 September, but was moved to the grounds of Broxmouth House on 2 September, a move that would normally have been considered too close to the jumping off point for an assault for a 17th century army; the fact that Cromwell brought the baggage train so far forward indicates the attack at dawn on 3 September was not a bold resolution as was subsequently claimed, but was rather a desperate attempt to force a route down the Berwick road (the road shown on the Ordnance Survey First edition map; Fig. 3) and escape the Scots southwards.

The Scots were camped on the slopes and summit of Doon Hill, which effectively blocked the route for the English to retreat to England. However, the right flank of the Scots army had descended to the lower slopes of Doon Hill and was within reach of the English if they could cross the Brox Burn. There were only three places where it was possible to cross the Brox Burn: a narrow pass at Brand's Mill; the main crossing point for the Berwick road; and further north on the fairly flat area between Broxmouth House and the sea. Although Cromwell made efforts to secure all three crossing points, most of the Parliamentary army was to cross at this latter point (it is the manoeuvring to achieve this that probably took the Parliamentary army across the land at Newtonlees, as shown on Figure 2a) and just before dawn, the Parliamentary army crossed the burn and defeated a largely unprepared Scottish detachment that had been sent forward, possibly to attack Broxmouth House, the location of the English camp. This action and the remainder of the battle took place on the far side of the Broxburn (Figs 2b to 2e).

Having crossed the burn, Cromwell marshalled his forces and attacked the Scottish right wing with his cavalry. Cromwell's assaults against the rest of the Scottish line

were not intended to break through. His main assault was against the Scottish right, which enabled the Parliamentary army to break through the Scottish lines and reach the top of the lower slopes of Doon Hill. From this location they were able to prevent the Scottish forces from reforming and defeat for the Scots army followed shortly thereafter. Many of the defeated troops surrendered, while others fled with the English cavalry in pursuit.

The Inventory places the key events of the battle in their landscape context as follows:

‘The general location of the battlefield is well established by a series of primary sources, including eyewitness accounts and a contemporary map drawn by Fitz-Payne Fisher. However, the exact location of the main deployment across the Brox Burn and the lower slopes of the Doon Hill will only be resolved through archaeological fieldwork.

On the night of 1 September the English camped in the fields to the south of Dunbar, with the baggage train and artillery located in a churchyard south of the town. The site of the English camp may have been lost under the southern expansion of Dunbar but the churchyard is likely to be the burial ground of the 16th century Town Kirk, now subsumed within grounds of the 19th century Queen’s Road Parish Church.

Broxmouth House, where Cromwell was moved to on the 2 September, has been redeveloped but the grounds are largely intact. The point where the English crossed the burn and prepared to assault the Scottish right flank lies out-with the grounds of Broxmouth House but has remained relatively unchanged, while Doon Hill, where the Scots camped and initially deployed, survives as open farmland.

The battle was fought on open land on the outskirts of Dunbar. The main action took place on the lower slopes of Doon Hill and beside the narrow steep gorge created by the Brox Burn. This landscape has been significantly altered since the time of the battle through the enclosure of the land. Extensive mineral extraction and the construction of major transport links within the battlefield have divided the area into separate zones, making it difficult to read the land as a single entity. However, significant landscape features identified on Fisher’s map including the Brox Burn, Doon Hill and the grounds of Broxmouth House survive intact and are well preserved.

The spatial and topographic relationships between these features played key roles in the battle and their preservation allows the landscape of the battlefield to continue to be read and understood. Important views such as those looking from the summit of Doon Hill towards Broxmouth House and Dunbar in the north are intact and provide the same outlook as it would have done in the 17th century.

The southern half of the defined area is mainly farmland with Broxmouth Park Garden and designed landscape, Dunbar Cement Works and part of Dunbar town located in the north. The mainline railway and A1 road

running east west through the site and the former limestone quarry located on the east side of the defined area may have impacted on surviving battlefield evidence.'

The Proposed Development Area is improved farmland and there are no features within it that could be considered essential to an understanding of the events of the battle.

The Proposed Development Area is peripheral to the main events of the battle, which was fought on the south side of the Brox Burn, but lies within the views from Doon Hill northwards towards Dunbar that are cited as important by the Inventory and by Reid & Turner (2004) and Reese (2006). However, as Reese (2006) notes in his visitors guide to the present battlefield, the main understanding that can be gained from the summit of Doon Hill is to do with the battlefield itself:

'You should also be able to make out the small settlement of Little Pinkerton close to the base of the hill, where some of the Scottish commanders possibly spent the night immediately prior to the battle. gazing down Doon Hill's steep forward facing flank you will also realize why the Scottish army chose to descend from its end flanks, before lining up along the burn with the bulk of their cavalry occupying the relatively flat ground before Broxmouth House' (Reese, 2006).

The Proposed Development Area at Newtonlees is peripheral to the main events of the Second Battle of Dunbar 1650, although the English troops are likely to have manoeuvred across the area on their way to the main battlefield. In the Inventory it is stated that archaeological work may provide further information about the Battle of Dunbar and it is probable that East Lothian Council (ELC) may require a programme of works (metal-detecting, trial trenching) in advance of development and that at least some of that work (metal-detecting) may be required predetermination.

Whilst the Proposed Development Area lies within the views northwards from Doon Hill that are considered important for the Second Battle of Dunbar, in the Inventory, it lies to the north of the location of the main events of the battle and, thus development at Newtonlees would not have an effect on the ability for a visitor to understand the main events of the battle in its modern landscape context. Nevertheless, it may be prudent to prepare photomontages of the view northwards from Doon Hill towards Dunbar and Broxmouth House; indeed it is possible that ELC may request them.

It is considered, therefore, that the proposed development would not be unacceptable in the context of retaining an ability to understand the landscape context of the Battle of Dunbar.

4. SUMMARY AND CONCLUSIONS

There are no known cultural heritage sites or features within the Proposed Development Area. The area has been in use as cultivated land since at least the mid 18th century. Overall, the potential for previously unrecorded archaeological remains to survive within the Proposed Development Area is considered to be low.

The Proposed Development Area lies within the area of the Battle of Dunbar as defined in the Inventory, although it is peripheral to the main events of the battle. It is possible that the English troops crossed the Proposed Development Area on their way to the main battlefield, and that artefacts lost by the English troops may, therefore, be present within the topsoil. This possibility could be tested by metal-detecting.

The Proposed Development would not have a significant effect on the setting of sites with statutory or non-statutory designations in the vicinity of the Proposed Development Area.

Further work that may be required to provide evidence that the land at Newtonlees is suitable for development, particularly in the context of potential impacts on the Battle of Dunbar:

1. Photomontages of the view from Doon Hill northwards.
2. Metal-detector survey.
3. Trial trenching evaluation.

5. REFERENCES

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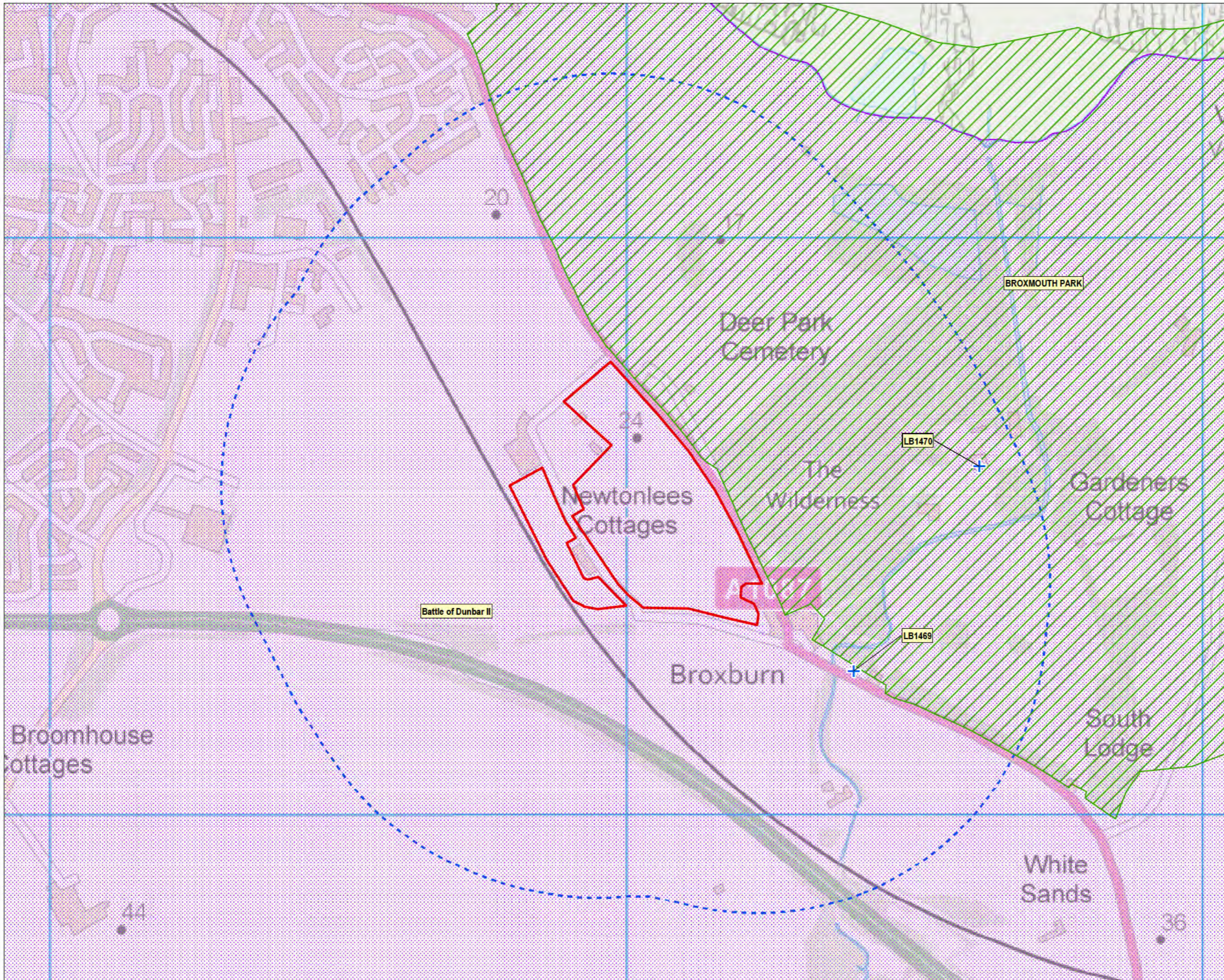
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Key:

- Proposed development boundary
- 500m buffer
- + Listed Building Grade B
- Garden and Designed Landscape
- Historic Battlefield



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Title:
Cultural Heritage Assets within 500m of the Proposed Development Boundary

Project:
Newtonlees, Dunbar

Client:
Gladman Scotland

Scale at A3:
1:6,000

Drawn by: GC	Checked by: SW	Date: 23/03/2016
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Report No: 3417	Fig. No: 1
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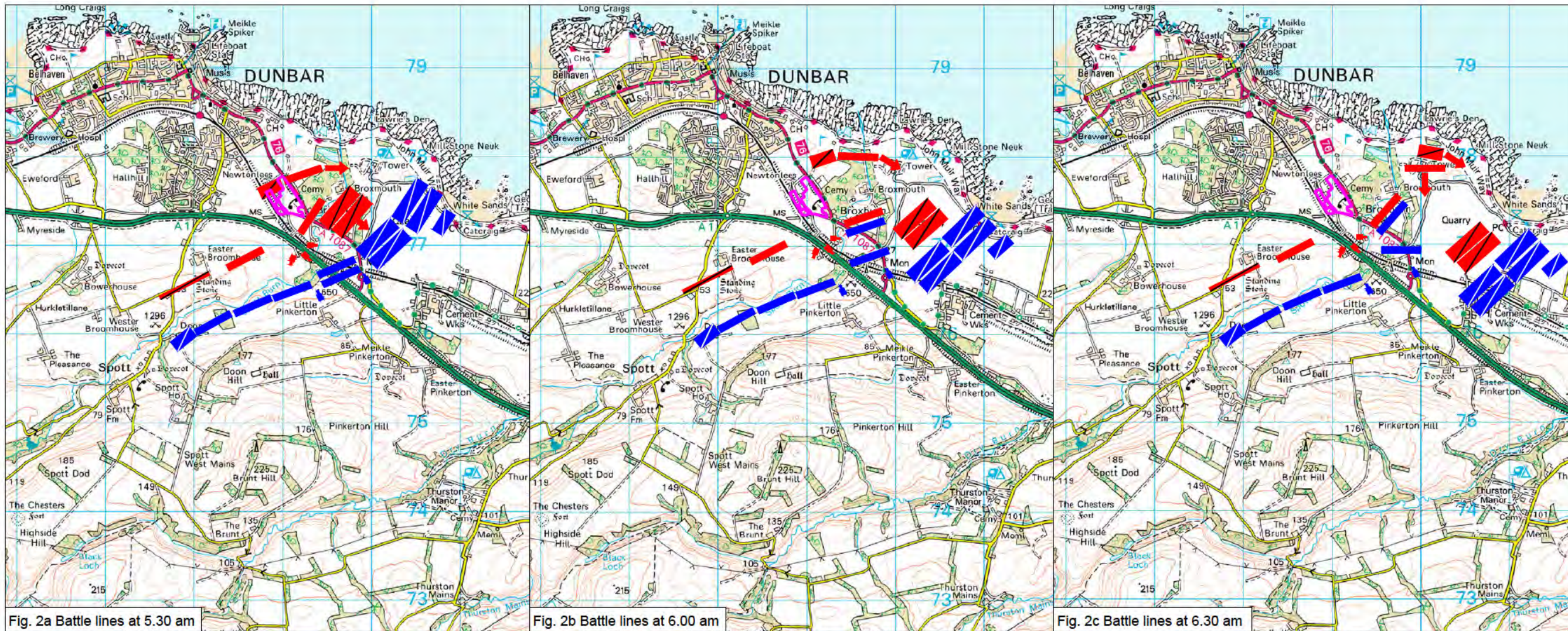


Fig. 2a Battle lines at 5.30 am

Fig. 2b Battle lines at 6.00 am

Fig. 2c Battle lines at 6.30 am

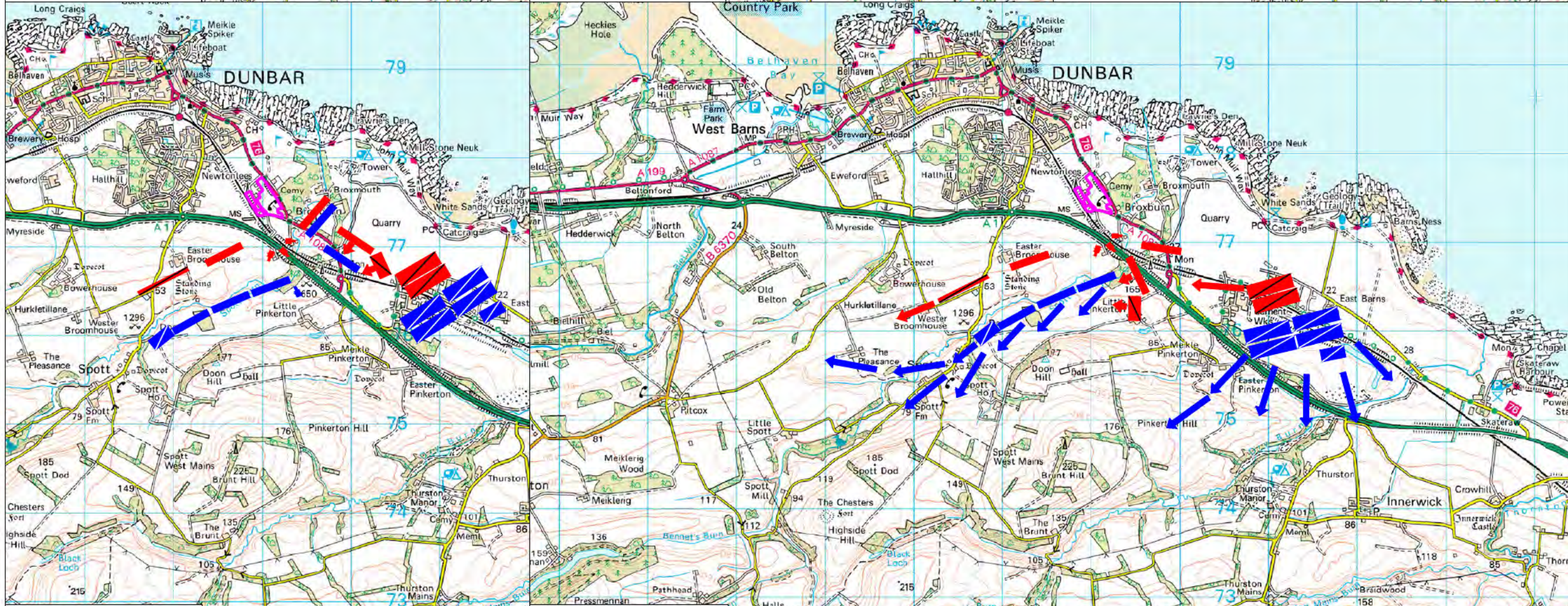


Fig. 2d Battle lines at 7.00 am

Fig. 2e Battle lines at 7.30 am

Key:

- Proposed development boundary
- English Infantry
- English Cavalry and Dragons
- English Artillery
- Scottish Infantry
- Scottish Cavalry and Dragons
- Scottish Artillery

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Title:
The setting of the Second Battle of Dunbar, 1650 (based on HES Inventory of Historic Battlefields)

Project:
Newtownlees, Dunbar

Client:
Gladman Scotland

Scale at A3:
1:50 000

Drawn by: GC	Checked: SW	Date: 09/03/2016
Report No: 3417	Fig. No: 2a - e	

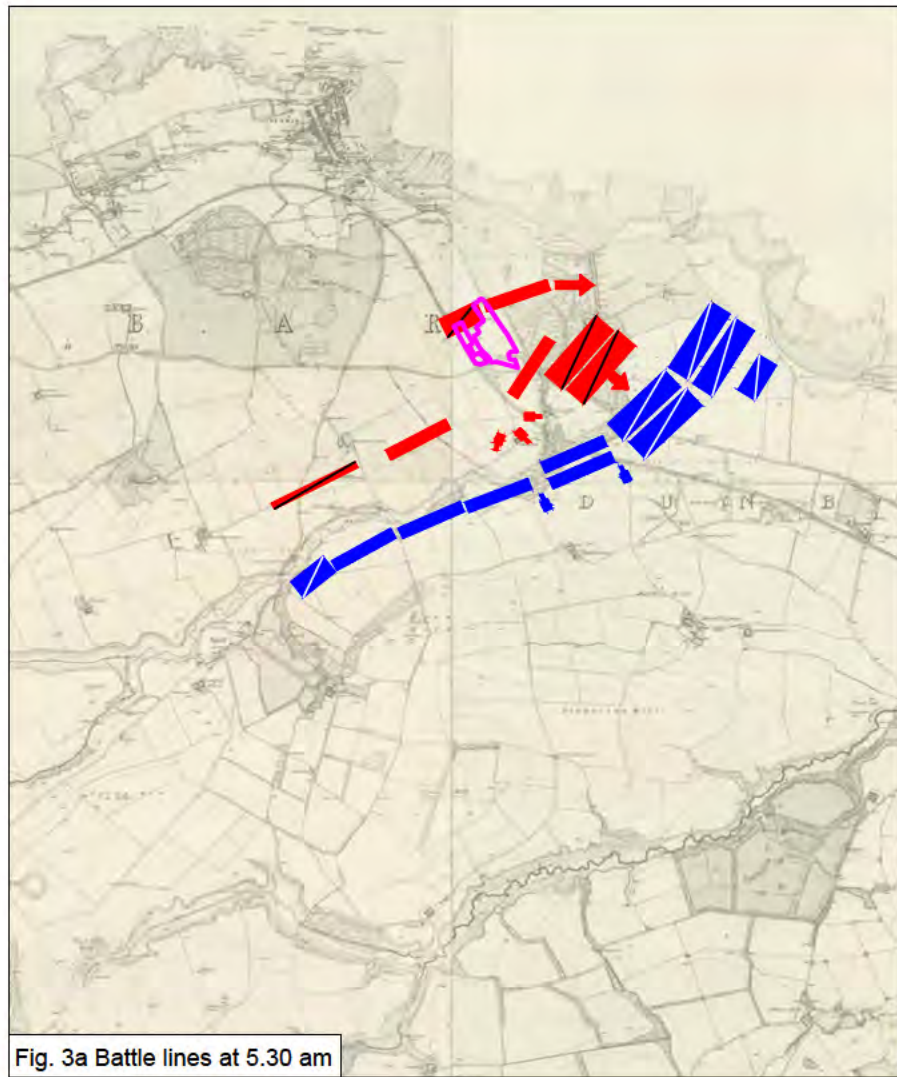


Fig. 3a Battle lines at 5.30 am

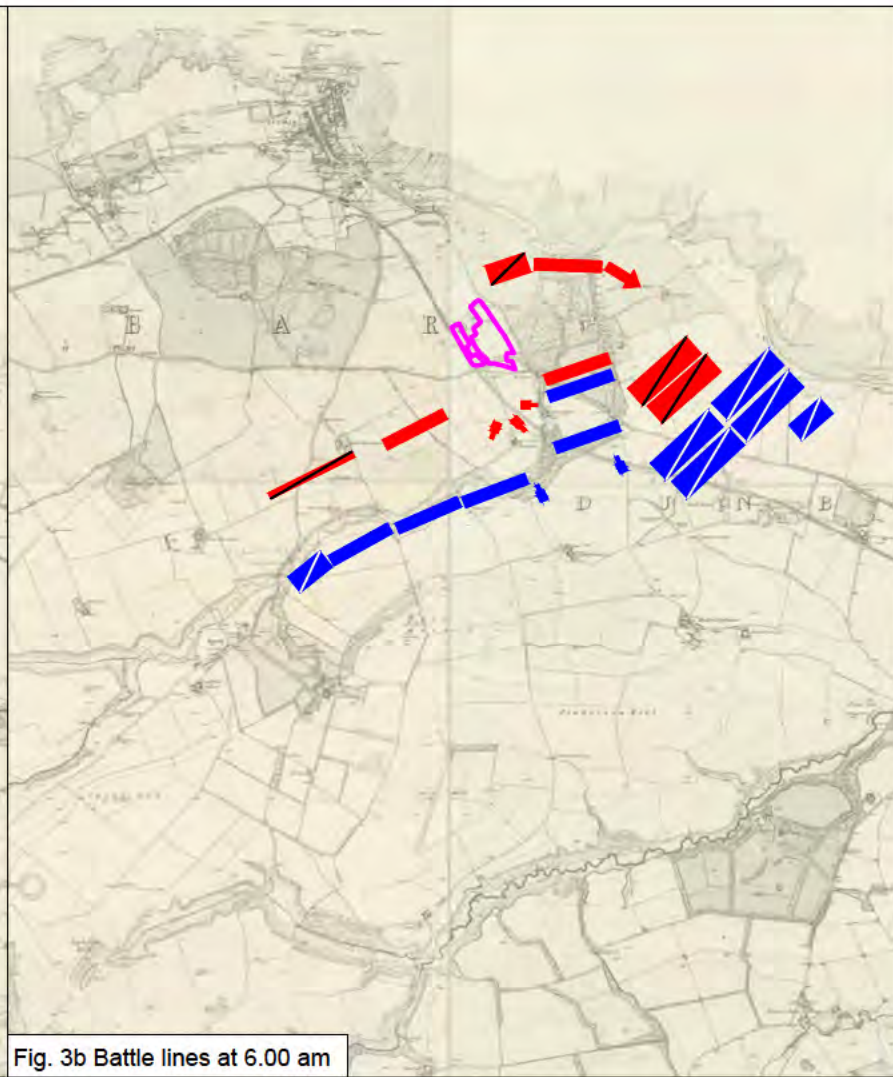


Fig. 3b Battle lines at 6.00 am

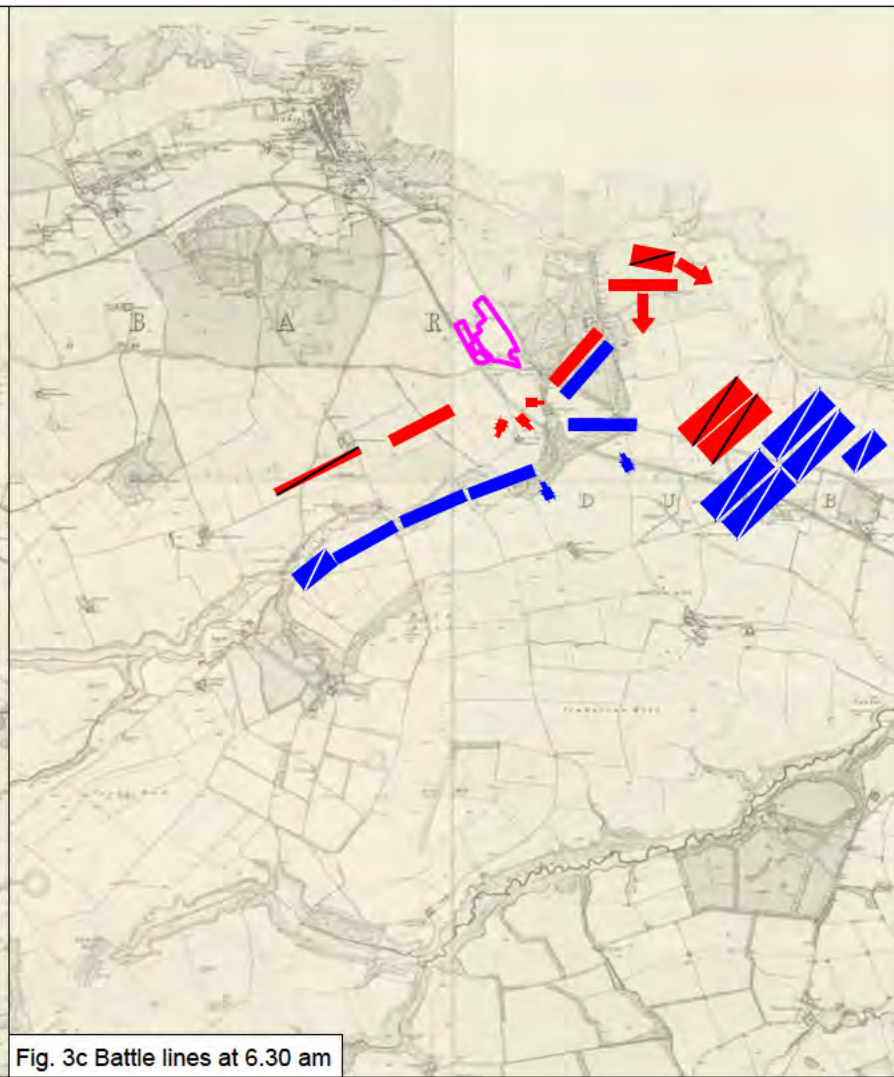


Fig. 3c Battle lines at 6.30 am

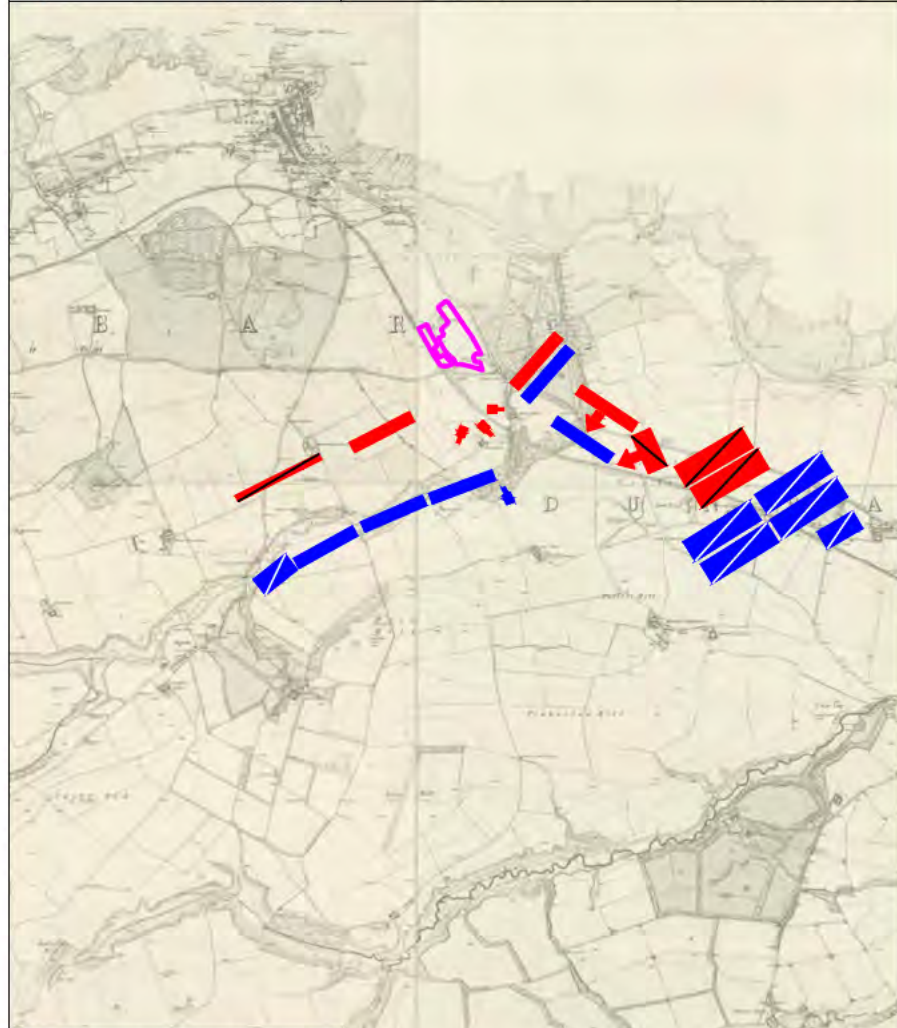


Fig. 3d Battle lines at 7.00 am

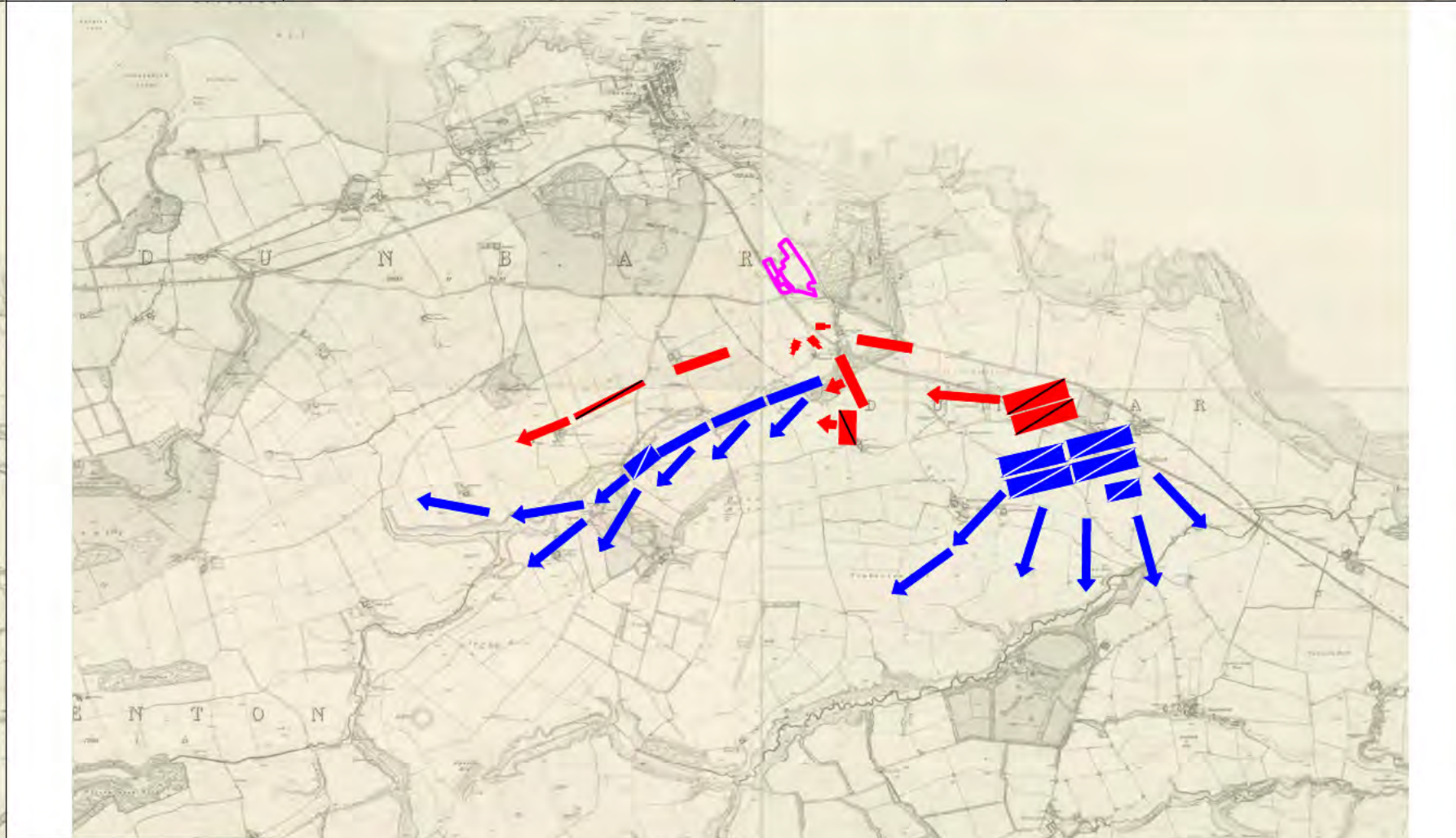


Fig. 3e Battle lines at 7.30 am

Key:

- Proposed development boundary
- English Infantry
- English Cavalry and Dragoons
- English Artillery
- Scottish Infantry
- Scottish Cavalry and Dragoons
- Scottish Artillery



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Title:
The setting of the Second Battle of Dunbar, 1650, overlain the Ordnance Survey 1st Edition, 1865

Project:
Newtownlees, Dunbar

Client:
Gladman Scotland

Scale at A3:
1:50 000

Drawn by: GC	Checked: SW	Date: 09/03/2016
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