

**REPORT TO:** East Lothian Council

**MEETING DATE:** 26 February 2019

**BY:** Depute Chief Executive (Partnerships and Communities)

**SUBJECT:** East Lothian Local Development Plan 2018 –  
Supplementary Guidance: Town Centre Strategies,  
Report on Consultation; and Supplementary Planning  
Guidance: Green Networks; Design Standards for New  
Housing Areas, Report on Consultation

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## **1 PURPOSE**

- 1.1 To inform Members of the results of the public consultation on Draft Town Centre Strategies (Supplementary Guidance (SG) to the East Lothian Local Development Plan 2018). To consider the proposed changes resulting from the public consultation and consider the final document for approval for submission to Scottish Ministers.
- 1.2 To consider the responses received to the public consultation on the Draft Green Networks (Supplementary Planning Guidance (SPG) to the East Lothian Local Development Plan 2018) and to agree the resulting proposed changes and consider the final document for adoption.
- 1.3 To seek Members' approval for further work to be carried out on the preparation of draft non-statutory Supplementary Planning Guidance (SPG) titled Design Standards for New Housing Areas, associated with the adopted East Lothian Local Development Plan 2018. The revised Design Standards for New Housing Areas SPG will, once finalised, be reported to a future meeting of East Lothian Council for decision.

## **2 RECOMMENDATIONS**

- 2.1 That the Council notes the results of the public consultation on the draft Supplementary Guidance: Town Centre Strategies, approves the officer responses, recommended changes and the updated guidance in the form appended to this report and agrees to forward it, along with a report on its publicity and consultation, to Scottish Ministers for approval. This report recommends that the Council adopt the Town Centre Strategies as statutory SG if the Scottish Ministers give clearance to the Council that it

may adopt them. As such, as soon as the Scottish Ministers give clearance to the Council that their review of the Town Centre Strategies is complete, or if no response is received within 28 of submission to Scottish Ministers, then the Council may adopt the Town Centre Strategies without any further modification. The Town Centre Strategies would become constituted as adopted SG. This is intended to provide the Council with up-to-date development plan coverage as quickly as possible.

- 2.2 That Council notes the results of the recent public consultation, considers the Officer responses and recommended changes and adopts the final Green Networks Supplementary Planning Guidance to the East Lothian Local Development Plan.
- 2.3 That Council agrees to defer consideration of draft Design Standards for New Housing Areas SPG to allow additional work to be carried out on the document, and for this guidance to be brought to a future meeting of East Lothian Council where approval will be sought to re-consult on the revised version.

### **3 BACKGROUND**

#### ***Purpose and processes for preparing statutory Supplementary Guidance (SG) and non-statutory Supplementary Planning Guidance (SPG)***

- 3.1 Now that the ELLDP 2018 is adopted, the Council's intention is that it will be supported by both statutory Supplementary Guidance and non-statutory Supplementary Planning Guidance. The Council has previously approved Supplementary Planning Guidance on the following: Cultural Heritage and the Built Environment, Development Briefs, Farm Steading Design Guidance, and Special Landscape Areas. These documents provide support to the policies within the adopted Local Development Plan 2018 and are a material consideration in decision-making.
- 3.2 The Town and Country Planning (Scotland) Act 1997, as revised, sets out the process to be followed in preparing Supplementary Guidance. The Town and Country Planning (Development Planning) (Scotland) Regulations 2008 make provisions for consultation and adoption of SG. A copy of the proposed Supplementary Guidance must be submitted to the Scottish Ministers and a period of at least 28 days must then elapse before the Supplementary Guidance can be adopted.
- 3.3 There are no statutory provisions setting out the scope or process for preparing non-statutory Supplementary Planning Guidance; however, if it is to carry enhanced weight as a material consideration in planning decisions, it must be consulted on and adopted by the Council. For this type of guidance, there is no requirement for the Scottish Ministers to review it before the Council adopt it.
- 3.4 The intention is that matters to be addressed within both statutory Supplementary Guidance and non-statutory Supplementary Planning Guidance are those that would be too detailed for inclusion within the main

plan, but nonetheless merit more detailed policy guidance to assist with the operation of policies or proposals and the delivery of the plan. Supplementary Guidance may only deal with the provision of information or detail in respect of the policies or proposals set out in the Local Development Plan and then only provided that those are matters which are expressly identified in the plan as matters which are to be dealt with in Supplementary Guidance. In contrast there is no pre-requisite for a policy 'hook' in the main plan in order to enable the preparation of non-statutory guidance. The preparation and adoption processes for non-statutory guidance can provide for more rapid policy responses to changes in operational practice than statutory Supplementary Guidance. However, non-statutory guidance carries less weight than statutory guidance in planning decisions.

- 3.5 Once approved, Supplementary Guidance forms part of the Local Development Plan and the same weight can be applied to the SG as the Local Development Plan in the determination of planning applications. Once adopted, non-statutory Supplementary Planning Guidance may be taken into account as a material consideration in planning decisions.

### **Town Centre Strategies - SG Report on Public Consultation**

- 3.6 Following approval of the draft Town Centre Strategies SG, draft Design Standards for New Housing Areas SPG and draft Green Networks SPG for public consultation at the meeting of East Lothian Council on 30 October 2018, a six-week period of consultation was held from Friday 9 November to Friday 21 December 2018. Prior to the start of the consultation period, letters were sent to each Community Council, Area Partnership and Business Association in East Lothian alerting them to the consultation.
- 3.7 'Drop-in' events were arranged at suitable venues in each town centre covering the afternoon and early evening. An exhibition and documentation was available and Planning staff were on hand to discuss the consultation and answer any queries. An advert was placed in the East Lothian Courier to advertise these events and a poster went to each of the Council's libraries, along with reference copies of the consultation documents. The events were publicised as a news item on the Council web page and via Council social media. The consultation hub was used and a questionnaire which allowed the public to comment on one or more town centre strategy and then to submit any other comments was used. All of the Town Centre Strategies received responses in this way but it is noted that in some cases the respondents declared themselves to be users of a town centre rather than resident in that town.
- 3.8 The report on publicity and drop-in sessions (lodged in the Members' Library, Ref: 21/19, February 2019 Bulletin) highlights the number of attendees at each town centre drop in event and a broad summary of the range of issues raised by visitors. The 'drop in' events covered all three SG/SPG documents on consultation. As these were intended for giving information to support people in making their responses, comments made at the events were not formally recorded though a brief note was kept that has informed the summary. Written submissions to the consultations were

received via the consultation hub or via email. Comments were received from SEPA and Historic Environment Scotland, Dunbar and Pencaitland Community Councils, Musselburgh Area Partnership and 34 other responses. Most were submitted via the consultation hub.

- 3.9 A detailed 127-page report on all of the comments made by those who responded, the officer's response to these and any recommended changes to the SG (lodged in the Members' Library, Ref: 22/19, February 2019 Bulletin) has been placed in the Members Library. Many of the comments from the public related to issues such as parking and traffic within town centres. Others suggested detailed actions that could be taken to improve town centres.
- 3.10 A final version of the Town Centre Strategies, with the proposed changes tracked (lodged in the Members' Library, Ref: 23/19, February 2019 Bulletin), has been placed in the Members Library. A final version of the Strategies (with all new amendments) has been lodged in the Members' Library (Ref: 20/19, February 2019 Bulletin).
- 3.11 In summary, the hub questionnaire asked for comments on the Strengths, Weaknesses, Opportunities and Threats (SWOT) section within the healthcheck of the town centre strategy; there was general agreement for the SWOT analyses included in the Health Check for each Town Centre. Those suggested changes that are recommended to it are included in the report on Combined Responses to the draft SG (MLS Ref: 22/19).
- 3.12 Overall, the majority of respondents agreed with the aims set out for each town centre in the draft SG. There was no significant support for a particular aim, nor was there clear disagreement on any one aim. Overall the aims were supported fairly equally. The same level of support applied to each Town Centre. There were, however, additional comments which sought amendment to the aims or the addition of a new aim. Those suggested changes that are recommended to it are included in the report on Combined Responses to the draft SG (MLS Ref: 22/19). Given the overall support for the aims in the draft strategies, the changes are minimal.
- 3.13 In Musselburgh, Tranent, Prestonpans and Dunbar there was overwhelming support for regeneration. The reasons vary but include "looking old and tired", "need a greater variety of shops" and "to give visitors a better experience". The results for Haddington and North Berwick are not as clear cut with only 56% in Haddington and 55% in North Berwick in favour of regeneration.
- 3.14 Respondents were asked which actions (as proposed in the draft Town Centre Strategies) would make a positive difference to each Town Centre. In Musselburgh there was most support for *visual improvements to shopfronts and advertisements; statutory action to require external repair of privately owned buildings in multiple ownership and encouraging the re-use of vacant and underused buildings in the Town Centre*. In Tranent there was most support for *visual improvements to shopfronts and advertisements; improving open space and finding new uses for older buildings, such as the former Co-Op building and the Fraser Centre*. There

was overall support for most of the proposed actions, although there was a split on the proposed one-way system and civic square with some respondents choosing the 'strongly disagree' option or the 'don't know' option. In Prestonpans there was most support for *visual improvements to shopfronts and advertisements and making the most of the heritage*. There was also a lot of support for *finding a new use for Harlaw Hill House*. In Dunbar there was most support for *encouraging buildings at risk to be brought back into positive use and sourcing funding for repairs to buildings*. There was also support for *statutory action to require external repairs of privately owned buildings in multiple ownership as well as encouraging the repair of stone walls within the Town centre*. In Haddington there was most support for *external repair of privately owned buildings in multiple ownership and improved access to the town centre*. The majority agreed with *encouraging the redevelopment of sites at the east end of Market Street and improving small spaces within the town centre*. In North Berwick there was most support for *external repair of privately owned buildings in multiple ownership*.

- 3.15 For each Town Centre there was overall support for all the proposed actions, with the exception of the introduction of public Wi-Fi in each town centre except Haddington, which already has public Wi-Fi. Most respondents did not favour the provision of public Wi-Fi. However, the provision of public Wi-Fi in town centres remains a part of the Council's approved Digital Strategy for East Lothian and the Council's Economic Development and Strategic Investment Manager and the Area Partnerships are in favour of retaining it as part of the town centre strategy. SEPA and HES were supportive of the SG.
- 3.16 The questionnaire also asked whether respondents felt the town centre strategy should contain a vision for the town centre and if so what that vision might should contain. Again, in all town centres the clear majority was in favour of each strategy having a vision. Accordingly, a vision statement, based on the comments received, is recommended to be inserted into each vision, along with a shorter summary vision statement for each strategy front cover. The vision statements to be included are detailed in the report on Combined Responses to the draft SG and highlighted in purple in the revised Town Centre Strategies.

### **Green Networks SPG – Report on Public Consultation**

- 3.17 Responses were received on the consultation via the consultation hub and directly by email. The issues raised, and how they are proposed to be addressed are summarised in the Consultation Report – Green Network Strategy SPG (lodged in the Members' Library. Ref: 25/19, February 2019 Bulletin). Some of the comments have resulted in changes to the document. A final version of the Green Network Supplementary Planning Guidance is available in the Members' Library (Ref: 24/19, February 2019 Bulletin). Support for the creation of the document was received from SEPA and HES. SNH gave detailed comments on how the document could be improved. Other organisations that commented were the John Muir Birthplace Trust, and the Scottish Geodiversity Forum, and 3 members of the public. The John Muir Birthplace Trust sought a higher profile for John Muir as the leading naturalist from the area. The Scottish Geodiversity

forum sought additional recognition of geodiversity issues including signature of the Scottish Geodiversity Charter.

3.18 Comments were also made at the 'drop-in' events. As these were intended for giving information to support people in making their responses, comments made at the events were not formally recorded; however, a brief note was kept. Some comments were made on specific green assets (for example Polson Park, Musselburgh Lagoons), as well as potential improvements, such as better paths through Tranent or facilities for teenagers, as well as comments on process. Members of the public sought changes including a greater consideration for eastern areas of East Lothian; maintenance issues; protection of the coastline from erosion; involvement of community groups; need for circular walking routes; recognition of the importance of use of seeds of local origin; retention of hedgerows; sufficient parking provision at recreational destinations; increased green areas in towns; removal of 'jargon'; shortening of the developer checklist; need to assert rights of way; importance of cross-boundary historic routes; lack of permeability between developments which affects social equality. There was agreement that the SPG will have a positive impact on equality groups, and those vulnerable to or in poverty.

3.19 The main changes to the Green Network SPG are:

- Re-ordering sections so it is clearly divided into Strategy, Delivery and Guidance for Developers; this should make it clearer and easier to use
- Removing the section on information provision, for which there was little enthusiasm through consultation.
- Improving the mapping including separating out the Nature Network map to improve clarity.
- Re-ordering of some aims to make sure those that apply throughout are in Themes, while those that are spatially specific are in the Tasks.
- SNH request that the wording of the Habitat Regulation Appraisal caveat accords with the LDP; this has been done.
- Additional material on John Muir has been added

### **Design Standards for New Housing Areas SPG – Report on Public Consultation**

3.20 The consultation responses raised a number of common issues with the content of the Design Standards for New Housing Areas SPG (the responses to the consultation have been lodged in the Members' Library, Ref: 29/19, February 2019 Bulletin). These include (but are not limited to) the following:

- **Accessibility / Walkability / Open Space**
  - The SPG should more fully recognise that path networks must be accessible to all user groups, including children and those with

disabilities, and provide more detail guidance on how development layouts help improve walkability and memorability.

- The SPG should provide more references and guidance on inclusive play spaces.
- The SPG should provide more guidance on accessibility to bus stops and public transport.

- **Best Practice**

- The SPG requires more references to best practice and case studies published by other professional and advisory bodies.
- Better choice of images should be included in the SPG. These examples should illustrate how good quality and inspiring design can be achieved.

- **Layout / Streets & Movement**

- A requirement for 'Primary streets' within new developments is unnecessary and hinders the Designing for Streets principles
- Section on home zones should be revised to focus more on children, elderly and disabled.
- Examples needed to clarify the requirements of the setting out of spaces (such as a mews street, residential street, courtyard setting) relative to the built form.
- The SPG should clarify how ELC's internal requirements e.g. on roads adoption may influence the completed projects/developments

- **Car Parking**

- The SPG should include some guidance/consideration on electric vehicles charging points.
- The SPG should clarify its position on the principle of car parking provision to the rear of the buildings and its approach to internal garages.
- The SPG should more fully consider different parking requirements for different housing tenures.

- **Heritage**

- The SPG requires more references to LDP policies covering heritage and landscape issues.
- The SPG should acknowledge that historic stone walls are an important feature in East Lothian and their setting should be respected.

- **House Design**

- Design policies require use of appropriate materials, but the SPG should have a detailed section on this with good visual examples.
- The SPG should set out approaches to dealing with or improving the impacts of standardised house types, which are preferred by volume house builders, on the overall design of new developments.

- The SPG should include more guidance on the provision of green infrastructure
  - The SPG should include more detail on sustainable design
  - The SPG should include more guidance on the provision of small-scale infrastructure (street furniture) such as litter bins or post boxes
- 3.21 As a result of some of the issues raised within these consultation responses, including issues raised during the collaborative process with other ELC Services, the need to make further changes to the content of the SPG has emerged. This is to ensure that the guidance achieves the Council's primary desired outcome – to improve the quality of built development in East Lothian by providing supplementary information to the design policies within the Local Development Plan 2018. The guidance must also be enforceable at project level through the application of the design principles and detailed design techniques. These will once finalised, help to inform the design and/or masterplanning stages and other documents submitted as part of planning applications, and decision making on proposals.
- 3.22 This additional work will involve editing and restructuring of the content of the Design Standards for New Housing Areas SPG to the extent that it will be necessary to carry out further public consultation.
- 3.23 It is proposed that the re-consultation period for this non-statutory Supplementary Planning Guidance would be for a further 6 weeks. The dates of this consultation will be confirmed before the Design Standards for New Housing Areas SPG is brought back to East Lothian Council seeking approval of the revised draft for consultation.

#### **4 POLICY IMPLICATIONS**

- 4.1 The supplementary guidance on Town Centre Strategies and the supplementary planning guidance on Green Networks will both be used to support the ELLDP 2018 providing further detail in support of its policies and will be a material consideration in the determination of planning applications.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subject of this report has been through the Integrated Impact Assessment process through the ELLDP 2018 and no negative impacts have been identified.

#### **6 RESOURCE IMPLICATIONS**

- 6.1 Financial – none
- 6.2 Personnel – none



6.3 Other – none

## 7 BACKGROUND PAPERS

- 7.1 East Lothian Local Development Plan 2018 draft Supplementary Guidance on Town Centre Strategies 30 October 2018 (Members' Library Ref: 20/19)
- 7.2 Combined Responses to public consultation on draft Town Centre Strategies Supplementary Guidance (9th November - 21st December 2018) Copy in Members Library (Members' Library Ref: 22/19)
- 7.3 Town Centre Strategies – Tracked Changes Report on Town Centre Strategies, Copy in Members Library (Members' Library Ref: 23/19)
- 7.4 East Lothian Local Development Plan 2018 draft Supplementary Planning Guidance on Green Networks (Members' Library Ref: 24/19)
- 7.5 Summaries of responses to public consultation on draft Green Networks Supplementary Planning Guidance (Members' Library Ref: 25/19)
- 7.6 East Lothian Local Development Plan 2018 draft Supplementary Planning Guidance on Design Standards for New Housing Areas (Members' Library Ref: 26/19)
- 7.7 Summaries of responses to public consultation on draft Design Standards for New Housing Areas Supplementary Planning Guidance (9th November - 21st December 2018) (Members' Library Ref: 27/19)

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