



MINUTES OF THE MEETING OF THE CABINET

TUESDAY 10 DECEMBER 2013
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

Committee Members Present:

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

Other Councillors Present:

Councillor D Berry
Councillor S Brown
Councillor J Caldwell
Councillor S Currie
Councillor J Gillies
Councillor P MacKenzie
Councillor F McAllister
Councillor P McLennan
Councillor K McLeod
Councillor J McNeil
Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms M Patterson, Depute Chief Executive – Partnerships and Community Services
Mr A McCrorie, Depute Chief Executive – Resources and People Services
Mr J Lamond, Head of Council Resources
Mr T Shearer, Head of Communities and Partnerships
Mrs M Ferguson, Service Manager – Legal Services
Mr D Russell, Communications Manager
Mr I Glen, Policy and Project Manager
Mr P Zochowski, Principal Planner

Clerk:

Ms A Smith

Apologies:

None

Declarations of Interest:

None

Prior to commencement of business the Convener paid tribute to Nelson Mandela, a remarkable man and an inspirational figure. He invited people to sign the book of condolence, located at the John Gray Centre.

He also expressed sympathy over the recent tragedy involving 3 young people, pupils of Dunbar Grammar School.

1. MINUTES OF THE MEETING OF THE CABINET OF 12 NOVEMBER 2013

The minutes of the meeting of the Cabinet of 12 November 2013 were approved.

2. HOUSING LAND SUPPLY: INTERIM PLANNING GUIDANCE

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) regarding East Lothian's shortfall in its effective housing land supply and requesting that early action should be taken to address this by approving interim guidance that would allow the Council to consider approving, in appropriate circumstances, housing development on land not allocated for that purpose.

The Policy and Projects Manager, Ian Glen, presented the report, outlining the background and highlighting key issues and proposed actions. He drew attention to the terms of SESplan Policy 7 (section 3.10). He advised that the effective housing land supply would be monitored against the housing requirement specified in the draft SESplan Supplementary Guidance (section 3.18). The criteria against which planning applications for housing on land not so allocated would be assessed were outlined in the appendix. He stated that, irrespective of this guidance, the Council would undoubtedly receive further planning applications for housing on unallocated land in light of previous appeal decisions. This interim guidance would allow a considered view of the merits of any such application to be taken. He stressed that approval would not be recommended on sites that were considered not appropriate for a housing use, where the scale of development was inappropriate for the location and where there was no prospect of early house completions.

In response to questions from Members, Mr Glen clarified issues in relation to duration of planning permission, land banking, discussions with the construction industry and land in public ownership. He gave details on the viability of larger sites and related infrastructure issues. He also clarified the position regarding sites outwith the Strategic Development Area.

Councillor Hampshire welcomed the report. He emphasised that the shortfall in housing land supply was due to the private sector being unable to deliver infrastructure to sites previously allocated for housing. He stressed that now, before the next Development Plan, the Council had to find 1,600 housing sites across East Lothian or these would be allocated by Scottish Ministers. This would be a difficult process but was essential in order that the Council could allocate the best possible sites for development.

Councillor Currie also welcomed the report and asked that his appreciation of the work involved be recorded. He made comment on several issues, including affordable housing, infrastructure and developer contributions.

Councillor Veitch drew attention to section 3.3 of the report, which made reference to the recent, successful appeal regarding Beveridge Row, Belhaven. The decision to uphold the appeal had been extremely unpopular locally, as this was a site which many people, himself included, thought wholly inappropriate for a housing development. The development had been vigorously opposed by the Council and local people; in allowing this development local opinion had been disregarded entirely. He hoped this interim guidance would enable the

Council to increase local control over housing decisions and thereby help lessen the likelihood of further centrally imposed planning decisions such as Beveridge Row.

Councillor Akhtar welcomed the report; the interim guidance would help solve problems unique to East Lothian and was a progressive approach.

Councillor Berry voiced concern, stressing that consideration of how new developments integrated into the existing infrastructure was needed. A more strategic plan was required; the infrastructure had to be made more viable.

Responding to comments from Councillor McLennan regarding settlement strategies, Councillor Innes stressed that this was interim guidance, prepared to assist the Council in addressing the situation with planning applications at appeal.

Decision

The Cabinet agreed:

- i. to note that the approval of SESplan's Strategic Development Plan had removed the previous context whereby the principle of the use of unallocated greenfield land for housing could be resisted;
- ii. to note that SESplan policy provided for the principle of granting planning permission in appropriate circumstances for greenfield housing development, either within or outwith a Strategic Development Area, to maintain a five years' effective housing land supply; and
- iii. that the guidance detailed in Appendix One was approved as a material consideration in the assessment of planning applications for housing on land not allocated for this purpose in the development plan.

3. MUSSELBURGH TOWN CENTRE STRATEGY

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing Cabinet of the results of the public consultation on the draft Musselburgh Town Centre Strategy.

Paul Zochowski, Principal Planner, presented the report. He gave details of the consultation period, consultation events and number of responses. He outlined the results of the consultation, detailing the 3 preferred priorities for improving the town centre and the 3 areas for action that respondents felt would be of most benefit to the town centre economy. He drew attention to the Strategy, distributed with this report and gave details on a number of the proposed improvements. He referred to the issue of air quality, informing Members that the Strategy had taken account of this aspect. Following on from the Strategy, he explained what was proposed to be implemented in the way of High Street improvements outlining the details of a landscape and parking scheme that would represent a significant investment into Musselburgh town centre.

Mr Zochowski responded to questions from Members clarifying issues relating to implementation/timescales, phasing, the civic space, parking, traffic management and air quality. In response to questions regarding the financial implications, Mr Zochowski advised that the cost of these improvements would be £635,000; the cost of full implementation as per the vision for the High Street contained in the Strategy would be £900,000; and in relation to the finance available he advised that the Capital Plan contained an element of finance for this work.

Councillor Caldwell voiced concern and urged caution. He referred to section 3.11 of the report, which detailed the most frequent comments from questionnaire respondents and made observations in relation to all of these. He stressed that a vibrant High Street needed a mix of all these different elements.

Councillor Williamson paid tribute to the contribution to the consultation from external organisations. He hoped that this Strategy was approved and that the finance was used for this purpose; he would however prefer implementation to be done in one stage even if it cost more.

Councillor Hampshire stated that the planned improvements was a good scheme for Musselburgh and would make a positive impact on the town centre. With regards to phasing, this was needed to ensure the minimum amount of disruption for the people of Musselburgh.

Councillor Currie remarked that implementation in one phase was the right way forward. He emphasised that it was clear from the responses that local people wanted a civic space. In relation to air quality he stressed that this was crucial and needed addressed without delay.

Councillor Veitch stated that this was a good news report, which accorded with the Administration's aim to regenerate town centres in East Lothian – this Strategy should be welcomed by everyone in this Chamber.

In relation to taking this Strategy forward Councillor McMillan referred to the need to ensure partnerships with local partners and other organisations. It was important to proceed in a planned way for the benefit of locals and visitors, and to add value to the town centre.

Councillor Berry stated that the proximity to Edinburgh was an issue. Better marketing of Musselburgh was needed. The town was effectively 2 centres, divided by the river Esk – this river should be made more of, it was an attraction in its own right.

Councillor McAllister praised the consultation carried out but stressed the need to take cognisance of the original conclusion, local people wanted the work carried out in one phase; he drew attention to section 3.9 of the report.

Councillor McNeil commented that this had been planned in conjunction with the local community; this Strategy needed to go forward to give Musselburgh a better, thriving, town centre.

Councillor Innes stated that Musselburgh town centre was an important part of the East Lothian economy. He was disappointed that some Members were not supportive of the recommendations. The Strategy would address a number of issues, including air quality.

Decision

The Cabinet agreed to note the results of the consultation on the Musselburgh Town Centre Strategy, approved the Town Centre Strategy as amended and agreed to go ahead with the proposed environmental improvements to the High Street as outlined at the meeting.

4. PLANNING GUIDANCE FOR WIND FARMS OF, OR OVER, 12MW

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) advising Cabinet of the consultation response to the draft *Guidance for Wind Farms of, or over, 12MW* approved for consultation in March 2013, and recommending approval of the Guidance, with amendments.

Mr Glen presented the report. He outlined responses to the consultation, drawing particular attention to the response by Scottish Government Planners in relation to the modifications proposed. He advised that Scottish Natural Heritage (SNH) was broadly supportive of the Guidance but had not agreed with all the conclusions. Officers had considered the consultation response and did not feel it was unduly restrictive; it was a reasonable balance between the needs of the renewable industry and the protection of the qualities of East Lothian's landscape. However, in view of SNH's comments, and also to reflect comments by the Scottish Government, the contents of the Guidance had been re-arranged. SNH's comments to this revised draft had been taken on board and they had no issue with the Guidance now presented. He informed Members that having support from SNH for the terms of this Guidance would help its robustness, particularly in an appeal situation.

In response to a question from Councillor Grant, Mr Glen gave further details in relation to the Scottish Government's comments.

Councillor Hampshire indicated support but felt the Guidance was tighter than perhaps required. In relation to renewables, he stressed that considerably more wind turbines would be required to meet targets. He referred to the Crystal Rig site stating that more turbines could be located at this point as it had the crucial connection to the national grid.

Councillor Currie welcomed the report; the Guidance would establish the best position for East Lothian and was the right course of action.

Councillor Veitch indicated that the draft Guidance approved in March had been the correct approach and he regretted that this paper slightly diluted that. As indicated, this had been triggered by SNH; he quoted from section 3.10 of the report. He was disappointed that SNH's recommendations had been accommodated but appreciated the importance of making the Guidance as robust as possible. He hoped that the Scottish Government would respect this Guidance, would recognise that following representation from SNH the Council had made adjustments, and would seek to abide by it when considering future applications.

Councillor Berry expressed support. He gave credit to the Planners stating that wind turbines were largely located in areas that did not cause undue concern; there tended to be more objections to the smaller wind turbines on the flat lands than the larger wind farms.

Decision

The Cabinet agreed to approve the *Guidance for Wind Farms of, or over, 12MW*, as a material consideration in the determination of planning applications, or in Section 36 consultation responses, for wind farms of 12MW or more.

5. PUBLIC MINUTE OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON 14 NOVEMBER 2013

The public minute of the meeting of the Licensing Sub-Committee held on 14 November 2013 was approved.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

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

Sub-Committee Minutes

The private minute of the meeting of the Licensing Sub-Committee held on 14 November 2013 was approved.

The private minutes of the meetings of the Homelessness Appeals Sub-Committee held on 17 October 2013 and 21 November 2013 were approved.