

REPORT TO: East Lothian Council

MEETING DATE: 16 December 2014

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Housing Land Supply: Interim Planning Guidance

1 PURPOSE

- 1.1 That Council recognises that East Lothian continues to have a shortfall in its effective housing land supply and that further action should be taken to address this by approving revised interim guidance on how the Council considers approving, in appropriate circumstances, housing development on land not allocated for that purpose.
- 1.2 To review the original Housing Land Supply: Interim Planning Guidance (approved by Cabinet on the 10 December 2013) to take into account approval of SESplan Supplementary Guidance on Housing Land (June 2014), the publication of new Scottish Planning Policy (June 2014) (SPP) and the approval of the Council's Main Issues Report for consultation (October 2014) and emerging Proposed LDP as it is developed.
- 1.3 To notify Council of the intention to update, on an annual basis where possible, on the latest housing land supply position in East Lothian by placement of a report in the Members' Library.

2 RECOMMENDATIONS

- 2.1 It is recommended that:
 - (i) Council notes that the Scottish Ministers' approval of SESplan's Strategic Development Plan (27 June 2013) and associated Supplementary Guidance on Housing Land (18 June 2014) has now confirmed the distribution of housing requirements for the SESplan area and for East Lothian;
 - (ii) Council notes that the new SPP reaffirms the primacy of the Development Plan in decision making, but that in circumstances where the plan is out-of-date, or where there is a shortfall in the 5 year effective housing land supply, plan policies on the supply of

housing land will not be considered up-to-date. On both counts this is relevant to the East Lothian Local Plan 2008. In these circumstances SPP further advises that a significant material consideration in the assessment of planning applications should be the SPP and its presumption in favour of development that contributes to sustainable development. SPP qualifies this by stating this does not mean development should be allowed at any cost, but that the aim is to achieve the right development in the right place;

- (iii) Council notes that SPP states that where a plan is under review decisions should not prejudice an emerging plan by predetermining the scale, location or phasing of development central to the emerging plan. This is likely to apply where the development is so substantial, or its cumulative effect (e.g. with other existing and/or emerging proposals) would be so significant that to grant permission would undermine the plan making process. Such considerations relating to prematurity will become more relevant closer to plan adoption, e.g. at Proposed LDP stage;
- (iv) Council notes that Scottish Ministers have made other important and significant changes to SPP that amend the period over which housing land requirements should be set by future SDPs and planned for by associated LDPs. Although there is no nationally prescribed method for how the adequacy of the five year effective housing land supply should be calculated, this change in national policy should influence how the calculation to measure and monitor the adequacy of that supply is carried out under the current SDP in East Lothian;
- (v) Council notes that SDP Policies 1A and 1B, and Policies 5, 6 and 7 together with SESplan's Supplementary Guidance on Housing Land are the up-to-date policies on housing supply for East Lothian. SDP Policy 7 in particular is the up-to-date policy on maintaining an effective 5 year housing land supply where there is a shortfall in that supply. It provides for the principle of granting planning permission in appropriate circumstances for housing development, either within or outwith a Strategic Development Area, on greenfield land, in order to maintain a five years' effective housing land supply;
- (vi) The guidance detailed in Appendix 1 of this report takes in to account the up-to-date SDP policy context and is approved as a material consideration to be taken into account alongside others in the assessment of planning applications for housing against SDP Policy 7 where such proposals are made for land not allocated for this purpose in the Development Plan.

3 BACKGROUND

Housing Land Supply Issues

- 3.1 Scottish Planning Policy requires that a supply of effective housing land for at least five years should be maintained at all times to ensure a continuing generous supply of land for housebuilding. Recent planning appeal decisions, together with the modifications made by Scottish Ministers in their approval of SESplan's Strategic Development Plan, indicate a requirement to increase the amount of effective housing land available within the SESplan area.
- 3.2 Given these Reporters' decisions, East Lothian accepts that it does not currently have an effective five year housing land supply, even where a significant part of the shortfall that has arisen is as a consequence of wider economic and housing market conditions.
- 3.3 SESplan Policies 1A and 1B, Policy 5, Policy 6 and Policy 7 are now the relevant strategic planning policy context for housing. SESplan Policy 7 gives Councils discretion to grant planning permission, in appropriate circumstances, to housing development on greenfield land not allocated for this, where a five year effective housing land supply does not exist.
- 3.4 SESplan Policy 7 states:

“Maintaining a Five Year Housing land Supply

*Sites for greenfield housing development proposals either within or outwith the identified strategic development areas **may be allocated in local development plans or granted planning permission** [our emphasis] to maintain a five years' effective housing land supply, subject to satisfying each of the following criteria:*

a) The development will be in keeping with the character of the settlement and local area:

b) The development will not undermine green belt objectives; and

c) Any additional infrastructure required as a result of the development is either committed or to be funded by the developer.”

- 3.5 The new East Lothian Local Development Plan is unlikely to be approved much before late 2016/early 2017: waiting to address the issue through its preparation and adoption would mean (a) a further two year period during which the Council is at risk of planning by appeal (and potential awards of costs against it) and (b) a housing land requirement that will simply increase to an amount that is undeliverable during the Local Development Plan period (with consequent plan failure).

- 3.6 The approach again recommended is to embrace SESplan Policy 7 by supporting the principle of planning applications for housing on greenfield land in situations where, other than for the land's non-allocation in the Development Plan:
- (i) the proposed development would not otherwise be a significant departure from the provisions of the Development Plan (including SESplan's Policy 7);
 - (ii) the land is demonstrably able to deliver early house completions and can therefore increase the effective housing land supply in the short term;
 - (iii) the proposal would not prejudice existing Development Plan allocations (which the SDP requires to be carried forward and not undermined) or the strategy and proposals of the emerging LDP as it is developed. Whilst consideration of strategy or site options set out in the Council's Main Issues Report is also a material consideration to be taken in to account, only limited weight can be given to these in decision making at this stage;
- 3.7 This approach should be supported by further criteria against which the principle of such planning applications would be assessed, to ensure that the Council supports only those proposals that are, in the first instance, consistent with these overarching principles, and to ensure that the Council is consistent in its assessment of such proposals.
- 3.8 In adopting this approach, it should be emphasised that this does not mean that any location or scale of greenfield housing land proposal is acceptable in principle. While SESplan Policy 7 provides planning authorities with discretion to grant planning permission to maintain a five years' effective housing land supply this does not override other relevant Development Plan policy. The housing land supply issue is, however, a significant material consideration.
- 3.9 Nonetheless, the discretionary use of SDP Policy 7 in determining an unallocated, greenfield land housing application should depend on (a) the extent to which the proposal satisfies other relevant provisions of the Development Plan and (b) the extent to which it satisfies the Council's criteria for assessing housing applications on unallocated, greenfield land, including the proposal's scale in relation to the size of the existing settlement.
- 3.10 Importantly, the particular issue currently facing East Lothian is in the delivery of housing in the short term to 2019. Slippage in the programming of existing large housing allocations (such as Wallyford and Letham Mains) is pushing more of their anticipated completions into the period 2019-2024 at the expense of completions up to 2019. Appropriate smaller and deliverable sites that can start and complete quickly, preferably well before 2019, could support the housing land supply in this period.

SESplan Supplementary Guidance on Housing Land/the 5 year Supply

3.11 In approving the current SDP, Scottish Ministers required the preparation of Supplementary Guidance on Housing Land to confirm the distribution of the assessed SDP housing requirement across Local Development Plan areas for the period 2009-2024, with an interim requirement also to be set for the period up to 2019.

3.12 That Supplementary Guidance was approved by Scottish Ministers on the 18 of June 2014. However, this was on the proviso that a modification was made to the guidance to remove a sentence which read:

'Member authorities will base their calculation of the five year land supply on the period 2009-2024, taking into consideration housing completions.'

3.13 This would have required planning authorities to base their calculation of the adequacy of the effective 5 year housing land supply over the period to 2024, taking in to account completions since 2009. Scottish Ministers took no issue with this method and offered no alternative. However, their approval letter continued to state in relation to that sentence:

'While it may be considered to provide useful further information or detail, the inclusion of this also gives rise to a potential inconsistency between SESplan itself and the supplementary guidance.'

3.14 The type of potential inconsistency referred to is the dual expectation of the old SPP (February 2010) under which the current SDP was prepared that 1) the SDP include an interim housing requirement (up to 2019) while at the same time 2) requiring planning authorities to maintain an effective 5 year housing land supply, which were not mutually compatible policies – e.g. in the SESplan area it is not clear how a 5 year effective housing land supply calculation could be done at 2017 (2 years before the backstop for 2019 interim requirement); it is also likely that the amount of effective land needed to maintain an adequate effective supply based on the requirement to 2024 would be less than that needed to meet the SDPs interim requirement to 2019.

3.15 The letter goes on to say that the Development Planning Scotland Regulations require that:

'for a matter to be included in supplementary guidance that will form part of the development plan it must be expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance. It is not considered that the inclusion of the 2nd sentence of paragraph 3.13 complies with this requirement'.

Scottish Ministers directed that the method for calculating the adequacy of the five year effective housing land supply be removed from the Supplementary Guidance on Housing Land to ensure consistency with the SDP which reflects the expectations of the old SPP on which it is based.

3.16 On this basis, the East Lothian Local Development Plan would require to plan for the delivery of 10,050 homes in the period 2009–2024, with an interim requirement for 6,250 new homes up to 2019 and the balance of 3,800 homes in the period 2019-2024. House completions achieved and anticipated from the current housing land supply over these periods would contribute to meeting this requirement. The following table considers the implications of the interim requirement up to 2019 on East Lothian’s current five year effective housing land supply calculation:

Table 1: ELC Five Year Housing Requirement 2014/15 to 2018/19 (The SDP Method)

| | | 2009-2019 | steps |
|----------|--|------------------|--------------|
| 1 | SESplan Supplementary Guidance housing requirement | 6,250 | |
| 2 | House completions 2009 to 31/3/2014 ¹ | 1,689 | |
| 3 | Balance to deliver between 2014/15-2018/19 | 4561 | 1-2 |
| 4 | Completions expected between 2014/15 and 2018/19 ² | 2,934 | |
| | Additional effective housing land needed to 2018/19 (in addition to Draft 2014 Audit programming) | 1,627 | 3-4 |

3.17 However, five days after Scottish Ministers approved the SESplan Supplementary Guidance on Housing Land, they also published the new SPP (23rd June 2014). In so doing Scottish Ministers made important and significant changes to the old SPP (February 2010). Among these is an amendment to the period over which housing land requirements should be set by future SDPs and thus planned for by associated LDPs.

3.18 As mentioned above, the current SDP was prepared under the old SPP, which expected the SDP to clarify how much housing land should be capable of development up to 2019. However, the new and up-to-date SPP removes the need for SDPs to do this. Instead, the new SPP expects housing requirements to be planned for over the entire SDP period. There are three points to note here:

- Scottish Ministers have moved away from the expectation that Development Plans plan for interim housing requirements, and instead should focus on meeting plan requirements overall;
- The imposition of interim housing requirements is incompatible with how an effective 5 year housing land supply calculation is normally done;
- Recent changes to SPP have sought to resolve the above inconsistencies in the national policy approach – e.g. the timescale for meeting the SDPs

¹ Source – Based on the Draft 2013/14 Housing Land Audit

² Source – Based on the Draft 2013/14 Housing Land Audit

housing requirement is now mutually compatible with the method for calculating the adequacy of the effective 5 year housing land supply.

- 3.19 Although an interim housing requirement up to 2019 was introduced by Scottish Ministers in their approval of the SDP (27 June 2013) and in their approval of its associated Supplementary Guidance on Housing Land (18 June 2014), this more recent change to SPP (23 June 2014) is a significant material consideration. It represents a substantial shift in the national policy approach to planning for housing. It should therefore influence how the calculation to measure the adequacy of the five year effective housing land supply is done in East Lothian.
- 3.20 As yet there is no nationally prescribed method for how the adequacy of the five year effective housing land supply is to be calculated. Importantly, because of this the SESplan local authorities are working on agreeing among them a consistent approach to carrying out this calculation. The expectation is that this approach will be decided in the near future. Notwithstanding this, the intention of SPP seems to be that the ‘maintenance’ of a five year housing land supply should be a measure of how the plan is performing towards meeting its **overall** housing requirement³, taking in to account dwelling completions since the base date of the plan.
- 3.21 As such, in the context of the current SDP housing requirements, the recent changes to SPP would mean that 10,050 homes would need to be planned for in East Lothian over the entire SDP period up to 2024. Importantly, under the new SPP there would be no need to set an interim requirement of 6,250 homes up to 2019. This change in national policy should be reflected in and influence the calculation used to measure the adequacy of the effective 5 year housing land supply. The following table considers the implications of the new SPP on the current five year effective housing land supply calculation in East Lothian⁴.

Table 2: ELC Five Year Housing Requirement 2013/14 to 2018/19 (SPP Method)

| | | 2009-2024 | steps |
|----------|---|------------------|-----------------------|
| 1 | SESplan Supplementary Guidance housing requirement | 10,050 | |
| 2 | House completions 2009 to 31/3/2014 | 1,689 | |
| 3 | Balance to deliver between 2014/15-2023/24 | 8,361 | 1-2 |
| 4 | Required annual average completion rate over this 10 year period | 836 | 3/10 years |
| 5 | Balance to find in 5 year period 2014/15 to 2018/19 (the most recent five year effective housing land period) | 4,181 | 4 * 5 years |

³ Scottish Government: Scottish Planning Policy paragraph 119

⁴ Source – Based on the Draft 2013/14 Housing Land Audit

| | | | |
|---|--|--------------|------------|
| 6 | Completions expected between 2014/15 and 2018/19 ⁵ | 2,934 | |
| | Additional housing requirement to 2018/19 (in addition to 2014 Audit programming) | 1,247 | 5-6 |

3.22 Taking all of the above into account it is recommended at this stage that the approach set out in Table 2 is followed when calculating the adequacy of the 5 year effective housing land supply in East Lothian. It indicates that East Lothian's consequential 2014/15 to 2018/19 five year housing land supply requirement (4,181 homes) would be short by 1,247 homes on the basis of the programming of house completions in Draft Housing Land Audit 2014.

3.23 However, since there is no national position on how the adequacy of the 5 year housing land supply should be calculated and in view of the move among SESplan authorities to agree among them a consistent approach to this, Members are advised that the method for this calculation may change in future. If this is the case, Members will be advised of any such change through a report placed in the Members Library.

3.24 Importantly, some additional sites have obtained planning permission since the 31st March 2014 – i.e after the period covered by the Draft 2014 Housing Land Audit. At this stage, these sites should be taken in to account and added to the effective land supply to provide an up-to-date position. These sites are at Beveridge Row, Belhaven, Limeylands Road, Ormiston and at Bridge Street, Tranent. The programming anticipated from these sites at this stage is set out in Table 3 below.

Table 3: Programming of sites that obtained planning permission after 31/03/14

| Site | Total Dwellings | Remaining as at 04/14 | 14 / 15 | 15 / 16 | 16 / 17 | 17 / 18 | 18 / 19 | Total 14-19 | Remaining post 18/19 | 19 / 20 | 20 / 21 | Total 19/ 21 |
|-----------------------------|-----------------|-----------------------|---------|---------|---------|---------|---------|-------------|----------------------|---------|---------|--------------|
| Beveridge Row | 90 | 90 | 0 | 0 | 15 | 25 | 25 | 65 | 25 | 25 | 0 | 25 |
| Limeylands Road | 19 | 19 | 0 | 0 | 0 | 19 | 0 | 19 | 0 | 0 | 0 | 0 |
| 22-24 Bridge Street Tranent | 7 | 7 | 0 | 0 | 0 | 0 | 7 | 7 | 0 | 0 | 0 | 0 |
| | 116 | 116 | 0 | 0 | 15 | 44 | 32 | 91 | 25 | 25 | 0 | 25 |

3.25 The additional contribution from these sites to the five year effective land supply would amount to land for a further 91 dwellings in the period up to 2019. Based on the calculation set out at Table 2 above, the inclusion of these sites would reduce the **shortfall in the five year effective housing land supply to 1,156 homes in the period to 2019**. Further land capable of delivering this amount of additional completions during that period would be needed if a five year effective housing land supply is to be secured.

⁵ Source – Based on the Draft 2013/14 Housing Land Audit

- 3.26 It is likely to be 2017 before any house completions can be anticipated from sites allocated in an approved East Lothian Local Development Plan. Consequently only a limited contribution of house completions from new Local Development Plan allocations could realistically be set against this figure. In addition, only once the Council has published its Proposed Local Development Plan should it include any potential new sites in a housing land audit. It is for these reasons that the Council should be prepared in the short term by supporting planning applications for housing that meet the criteria detailed in Appendix One to this report.
- 3.27 The Council's estimate of its effective land supply will be reviewed periodically, including once the Draft 2014 Housing Land Audit is finalised, and the contribution of land released under this interim policy monitored to ensure that there is a control over the amount of land released. This will minimise the risk of over-provision and, together with the criteria listed at Appendix One, any consequent constraint on the Council's flexibility to make housing land allocations through its Local Development Plan to meet specific objectives, for example, directing growth to the most sustainable locations or optimising community regeneration.
- 3.28 The Council should nevertheless adopt a cautious approach to the release of non-allocated sites, particularly where the scale and impact on the character of an existing settlement or the local area is an issue. The ability to provide infrastructure capacity to non-allocated sites will also be a key consideration, including in terms of undermining existing allocations as well as those of the emerging LDP as it is developed.

Proposed Site Assessment Criteria

- 3.29 The recommended criteria against which planning applications for housing on land not allocated for this purpose should be assessed are detailed in Appendix One to this report. This guidance would be applied with immediate effect to new applications for planning permission and to those that have been registered and are presently undetermined.

4 POLICY IMPLICATIONS

- 4.1 In appropriate circumstances this guidance would allow the Council to support planning applications for housing that are not consistent with site-specific development plan policy.

5 EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and an Equalities Impact Assessment is not required.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - none
- 6.2 Personnel - none
- 6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 DPEA Planning appeal decisions
 - PPA-210-2037, Dovecot Farm, Haddington
 - PPA-210-2036, Ferrygate Farm, North Berwick
 - PPA-210-2031, Beveridge Row, Belhaven
 - PPA-210-2018, Barbachlaw, Wallyford
- 7.2 SESplan Strategic Development Plan, June 2013
- 7.3 Letter of approval of SESplan Strategic Development Plan, Scottish Government, June 2013
- 7.4 SESplan Supplementary Guidance on Housing land, May 2014
- 7.5 Letter of approval of SESplan Supplementary Guidance on Housing Land, Scottish Government, June 2014
- 7.6 Report by Depute Chief Executive (Partnerships and Services for Communities) to 28 October 2014 meeting of East Lothian Council, *SESplan Supplementary Guidance on Housing Land*
- 7.7 Draft Housing land Audit 2014

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| DATE | 16 th December 2014 |

Appendix One

East Lothian Council Interim Planning Guidance pending adoption of East Lothian Local Development Plan

Criteria against which planning applications for housing on land not allocated for this purpose will be assessed

In assessing planning applications for housing the Council will have regard in the first instance to the Development Plan status of any site. This is the SESplan Strategic Development Plan and the East Lothian Local Plan 2008 (ELLP).

In the case of a planning application for housing on a site where the principle of such a use is not specifically supported by the Development Plan, the Council accepts that the availability of an effective supply of housing land is a significant material consideration. In the case of a greenfield site, SESplan Policy 7 would be applicable. The weight the Council affords its terms, and the terms of other Development Plan policies, to individual planning applications will depend on the extent to which the proposed development is able to satisfy the following criteria:

1 Effectiveness

The Council will require convincing evidence that, were planning permission to be granted, then the site would be immediately effective or capable of being substantially complete within five years

2 Scale

This guidance does not apply to planning applications for single or small groups of houses in the open countryside since SESplan Policy 7 refers to the 'character of the settlement and local area', requiring proposals to adjoin existing settlements.

The upper size limit of the proposed development must be such that, were the Council to grant planning permission, it would not be of a scale that would prejudice the Council's subsequent flexibility to consider and determine the amount and location of housing land release through the Local Development Plan process.

Consequently, as a general rule (but subject to the scale of the existing settlement), the Council will only consider a site that, in its totality, does not exceed 200 houses. Planning applications that are a consequence of the subdivision of a larger site into smaller applications in order to meet this maximum will be resisted. The actual number of houses permissible on any one site or within any one settlement will be assessed against the

scale and character of the specific settlement. Other than in the main towns, the maximum permissible will therefore be significantly less than this maximum capacity.

This consideration also reflects that a site should contribute to short term needs, that is, the site must be capable of being substantially built out within any five year period starting from its anticipated determination date so that it can contribute to the five year housing land supply. At the same time, it must not be so large that it would prejudice future decisions on development plan requirements and how these would be best dealt with in the short term and beyond.

3 Timing

If the proposal is otherwise acceptable, the Planning Authority may direct that the duration of planning permission is for a period of less than 3 years. This is intended to reinforce the Council's requirement that sites must be developed in the short term and not land banked.

Applicants must also be aware that renewal of such a planning permission might not be permitted.

In this regard the Council will require convincing evidence that a housebuilder has an interest in the site such that it can reasonably be followed through within the duration of any planning permission, so that early completions may be anticipated.

4 Development Plan Strategy

In situations where infrastructure capacity is available and the site is/can be made effective, any grant of planning permission must not prejudice the delivery of the existing Development Plan strategy, or that of the emerging LDP as it is developed. For example:

- (i) It must not take infrastructure capacity from, or compromise the ability to provide infrastructure to, existing housing land allocations that do not yet have planning permission or are committed but have not yet started, and
- (ii) it must not be dependent on the prior provision of infrastructure required by existing housing land allocations that do not yet have planning permission or are committed but have not yet started and delivered the necessary infrastructure; and
- (iii) it must not prejudice the ability to provide infrastructure capacity for proposals emerging through the LDP as it is developed, or be dependent on the potential provision of infrastructure capacity associated with any emerging LDP strategy or site.

5 Locational Considerations

As a general principle, this guidance only applies to housing applications that form an appropriate extension to an existing settlement defined in ELLP2008. The guidance does not apply to otherwise isolated development in the countryside, to which the terms of ELLP2008 Policy DC1 (Development in the Countryside and Undeveloped Coast) will continue to apply.

Sites identified to contribute to the short-term housing land supply will also contribute to SESplan's strategic housing requirements, as set out in its Supplementary Guidance on Housing Land⁶. Consequently:

- 5(i) Sites within the East Lothian Strategic Development Area as defined in SESplan's Strategic Development Plan, June 2013⁷, **may** be acceptable, subject to criteria 1-4 (above) being met, and provided that:
- a. the site is not within the Edinburgh Green Belt, and
 - b. the site is a consolidation of or an appropriate extension to an existing settlement identified in the East Lothian Local Plan 2008, and its scale and nature is in keeping with the scale and character of that settlement and the local area, and
 - c. infrastructure is available or can be made available (see also criterion 4) within a timescale that allows for early house completions, and
 - d. the site's development for housing is consistent with all other relevant Development Plan policies.
- 5(ii) Sites outwith the East Lothian Strategic Development Area **may** be acceptable, subject to criteria 1-4 (above), the provisos noted in 5(i) above and the following additional provisos:
- a. the settlement is well-served by public transport, and
 - b. existing facilities and services are both available and accessible within the settlement such that the need to travel is minimised;
 - c. the extent to which the additional housing would help make a demonstrable and necessary contribution to sustaining or improving educational, social or community facility provision within the local area may also be a material consideration
- 5(iii) The proposed development must not use land that is allocated for another specific use unless: there is no reasonable prospect of that use being realised on all or part of the site; a housing use on a part of the site would help deliver the allocated use on a significant

⁶ SESplan Supplementary Guidance on Housing Land May 2014 (ratified by East Lothian Council October 2014).

⁷ Broadly defined as area 5 in Figures 1 and 4, and as described in paragraph 48, of SESplan's Strategic Development Plan, June 2013,

remainder of the site; or the desirability of securing housing outweighs the retention of the allocated use.

Mixed use proposals, including residential development, for undeveloped land allocated for business or industrial use under Classes 4, 5 or 6 of the Town and Country Planning (Use Classes)(Scotland) Order 1997, will be expected to:

- a. provide appropriate services to unserviced business/industrial land, thereby facilitating the take-up of employment land, and
- b. not prejudice the continued use of the remainder of the allocated area for the business/industrial use, and
- c. not prejudice, in the Council's view, the supply of employment land in East Lothian, and
- d. demonstrate that the location is in all other respects a suitable one for housing.

Where necessary, the Council will require the landowner and/or developer to enter into legal agreements to ensure these objectives are met. Unilateral obligations may also be considered.

For the avoidance of doubt, this guidance does not override the provisions of ELLP2008 Policy ENV2 (Town and Village Centres, Other Retail or Mixed Use Areas).

- 5(iv) The proposed housing use must be compatible with adjoining or nearby existing uses and the amenity to be enjoyed by the residents of the proposed new housing must not be harmed by such existing uses. The introduction of new homes should not be compromised by or compromise the consideration of potential new land allocations, including potential employment allocations, set out in the emerging LDP as it is developed.
- 5(v) The proposed housing use must be contained within robust, defensible boundaries and must not set a precedent for subsequent future expansion, the principle of which would be more appropriately considered through a Development Plan review. For example, there should be clear existing natural/physical boundaries which can be strengthened by the proposal where appropriate.

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East Lothian Council**

16th December 2014