

REPORT TO: East Lothian Council

BY: Depute Chief Executive (Partnership & Community Services)

MEETING DATE: 28 March 2017

SUBJECT: Proposed Local Development Plan: Schedule 4
Representation Responses for Submission to Scottish Ministers

1 PURPOSE

- 1.1 The purpose of this report is to:
 - 1.1.1 Update Council on the consideration of representations to the Proposed LDP and its associated documents;
 - 1.1.2 Seek Council approval of the prepared responses to submitted representations that form the Council's Statement of Case and will inform the Scottish Ministers' Examination of the plan (Schedule 4 documents).
- 1.2 The report also sets out the related documents for Examination as lodged in the Members' Library for Council to note.

2 RECOMMENDATIONS

- 2.1 That Council notes that no pre-examination modifications have been made to the proposed LDP in light of the representations received to the proposed LDP;
- 2.2 That Council approves the Schedule 4 forms appended to this report (Appendix 3) as the Council's responses to the unresolved representations to the proposed LDP;
- 2.3 That Council notes the Participation Statement and Statement of Conformity with the Participation Statement;
- 2.4 That Council notes the position statements / responses to the Strategic Environmental Assessment Environmental Report consultation responses and the Proposed LDP Action Programme;

- 2.5 That Council notes Scottish Natural Heritage's correspondence (0280) expressing that in its view the Proposed LDP satisfies the Habitats Regulations Appraisal Regulations in the format proposed (Members Library Ref: 35/17, March 2017 Bulletin); and
- 2.6 That Council delegates authority to the Head of Development to make editorial and presentational changes to these documents for submission provided they do not alter the Council's Statement of Case.

3 BACKGROUND

- 3.1 The Proposed LDP was approved by Council on 6 September 2016 for a period of representation. The decision confirmed the Council's settled view of the strategy, sites and policies of the Proposed LDP such that if no pre-examination modifications needed to be made, as a result of representations received then it should be submitted as proposed, with its associated documents, to the Scottish Ministers for Examination in Public.
- 3.2 For context, the legislation provides that any proposed modifications which are a significant modification of the strategy, sites or policies of the plan would be notifiable, i.e. this would require the plan to be revised and re-published for representation. Minor modifications may be non-notifiable and still allow the plan to be progressed to examination.
- 3.3 If modifications are not made, all unresolved representations will be considered by the Reporter; there is an opportunity for the cases made to be considered at that stage, i.e. through examination. These will be considered on the basis of written representations as submitted, hearing sessions and inquiry sessions as deemed appropriate and by the Reporter(s). It will be for the Reporter(s) to consider how issues are examined and who should participate in the examination, e.g. statutory consultees, community groups, amenity bodies, members of the public and other stakeholders.
- 3.4 Approval of the Schedule 4 documents, subject to final editorial refinement, will allow the submission of the plan for examination to the Scottish Ministers, intended to be before the end of April. The duration of the examination period will be dependent on the Reporter(s) consideration of the issues arising from the unresolved representations and the resources the Directorate for Planning and Environmental Appeals (DPEA) allocates to the process but is expected to be between 3-6 months. Once complete, the Reporter(s)' findings will be largely binding on the Council. From this it will be for the Council to make formal arrangement to adopt the plan.
- 3.5 Some 443 representations were received, of which some 150 were to the proposed housing allocations in Gullane. Overall over 1,100 issues were raised across all of the representations and these are set out in the Schedule 4 documents together with responses to them. Responses are

made through the Schedule 4 documents and no separate responses are made to those making representations.

- 3.6 What is presented in this report and its appendices is the result of more than three years of research, technical assessment, public and consultee engagement, direction from and reporting to elected members through the stages of Main Issues Report, draft Proposed LDP and Proposed LDP. It is in the context of this and in specifically reflecting the Council decision of 6 September 2016 that no modifications to the plan are proposed.
- 3.7 The reasoning behind this and the main recommendations of the report are given in the 'summary of responses by planning authority' of each of the Schedule 4 documents. This report does not seek to elaborate on that reasoning. Appendix 1 gives a breakdown of representations by cluster area and type. A list of the Schedule 4 documents and their subjects is given in Appendix 2 and serves as a guide to the subject groupings which reflect the structure of the Proposed LDP itself and which therefore allows for cross-referencing between the plan and each Schedule 4 document (Appendix 3).
- 3.8 Key agency responses including the Scottish Government, Transport Scotland, Scottish Natural Heritage, Scottish Environment Protection Agency, Historic Environment Scotland and Transport Scotland are largely positive in response to the plan, though Transport Scotland do raise concerns in respect of the safeguard for Blindwells and also at the level of involvement expected of them in addressing trunk road issues.
- 3.9 Comments on the overall Compact Strategy approach of the plan are made by the public, consultees, developers and other stakeholders. There is objection to the strategy in relation to concerns over infrastructure provision, traffic impacts including on Musselburgh High Street, loss of green belt and loss of character, identity and the separation of settlements. There is also support for the strategy and whilst developers do not particularly object to or support the strategy they raise that housing need and demand should be better catered for in the east of East Lothian as well as in the west.
- 3.10 In the Musselburgh cluster significant levels of response came from the public and community groups with only limited comment from developers. Comments are made on a range of issues with a key concern being the level of development proposed in the area, though largely expressed in terms of reducing the number of houses rather than opposition to particular proposed sites. Related to this are concerns over provision of infrastructure, particularly in respect of transport, education, open space and healthcare provision.
- 3.11 For the Prestonpans cluster there is relatively little comment in which the main issues raised were over the future of the former Cockenzie Power Station site and its associated land and the scale of development at Longniddry.

- 3.12 With regards to Blindwells a small number of comments were received. These were from a mix of the public, consultees and developers with the main considerations around how the wider site would be designed and accessed and the deliverability of the existing allocation. Most significantly, Transport Scotland raised concerns over the potential impact of the proposals, particularly in relation to Proposal BW2 for a wider Blindwells development.
- 3.13 The Tranent cluster attracted significant comment from both public and from landowners of proposed sites and suggested additional sites. Public concerns are raised in particular in respect of the proposed sites in Tranent, Macmerry, Pencaitland, Humbie and East Saltoun with emphasis on the number of houses and impacts on infrastructure particularly roads, education and health provision. For Humbie and East Saltoun there are specific concerns over the scale of proposed development in relation to the existing villages and the level of consultation on the relevant proposed sites.
- 3.14 A small number of developers, the public and amenity groups commented on the Haddington cluster with some concerns over traffic impacts, the scale and nature of development and comments both in favour and against whether there should be further development in the Letham, Dovecot and Amisfield Park areas of the town.
- 3.15 Comments from developers and the public on the Dunbar cluster are mainly in respect of the impact of additional sites in Dunbar but particularly in respect of proposed allocations at East Linton, Spott and Innerwick. Concerns are raised at the impact of proposed development on roads, education and healthcare provision. Developers propose additional sites for Dunbar and East Linton.
- 3.16 The North Berwick cluster attracted the greatest number of comments, the vast majority of which are in respect of the proposed sites at Gullane. For the area as a whole comments were mostly from the public with consultees, amenity groups and developers also commenting. For Gullane, comments are largely from members of the public.

For the area as a whole there are comments opposing proposed sites (including at Dirleton and Aberlady) and related commuting and transport impacts, particularly in respect of North Berwick town centre, and that more should be done to provide for employment within the area. Concerns are raised at the prospect of development at Drem. The need for better walking and cycling links in the area is another issue of particular concern.

For Gullane there are concerns about the proposed sites, the number of houses they would provide for, and their potential individual and cumulative impacts on the village and its traffic levels, education capacity and healthcare provision in particular. Other issues of use of greenfield land, wildlife and visual impacts are amongst the others raised. Most of the comments object to the site at Saltcoats, many to the sites at

Fentoun Gait and fewer to the redevelopment of the former Fire College site.

3.17 Proposed new housing sites include most significantly at Goshen Farm and Galt Terrace, Musselburgh; at the eastern side of Tranent; Letham, Amisfield and Gateside South, Haddington; Newtonlees and Eweford, Dunbar; Phantassie, Preston Mains and Drylawhill, East Linton; and at Drem and Fenton Barns in the North Berwick Cluster. North Berwick Community Council advocate additional employment land in North Berwick.

3.18 Many of the comments made in respect of the clusters are reflected in comments made on matters of infrastructure provision generally, particularly for roads but also in terms of provision and capacity of education, health care, open space and sports facilities and other community facilities. Developers raise concerns at and objection to some of the requirements for contributions set out in the plan.

3.19 In respect of the policies of the plan there are a range of comments from all types of contributors.

Requirements for affordable housing provision are broadly supported, though developers contend these should be more flexible to give greater consideration for individual site circumstances.

There are industry and public concerns over the Council's policy in respect of the Cockenzie site, which mainly centre around the interpretation of National Planning Framework 3 and its implications.

There are mixed views on policy on wind turbines and wind farms reflecting developers interests and the views of some sections of the general public.

In respect of minerals and 'fracking' there is comment from various parties, both for and against, on the Council's criteria based policy for all forms of mineral/gas extraction.

Most notably there is a body of comment from developers on the introduction of a new protection of Countryside Around Towns for areas particularly important to the setting of settlements not in the green belt. There is also a view from landowners and developers that the Council should go further in relaxing control over development in the countryside, particularly in respect of housing and employment opportunities.

3.20 The reasons for not modifying the strategy, sites or policies of the plan are set out in the Schedule 4 documents themselves.

3.21 The responses to comments received from consultation on the Strategic Environmental Assessment Environmental Report are given in the report submitted to the Members' Library (Ref: 32/17, March 2017 Bulletin). The comments have been carefully considered and no modifications are proposed.

- 3.22 The responses to comments on the Proposed LDP Action Programme are given in the report submitted to Members' Library (Ref: 33/17, March 2017 Bulletin). The comments have been carefully considered and no modifications are proposed.
- 3.23 The Participation Statement (Members' Library Ref: 34/17 (March 2017 Bulletin)) sets out how the Proposed LDP and previous stages of the plan process were to be subject to engagement, consultation and representation to allow all parties to participate in the plan process. The Statement of Conformity with the Participation Statement (Members' Library Ref: 34/17, March 2017 Bulletin) details how the Council worked through the plan process to ensure participation was maximised as set out in the Participation Statement.

4 POLICY IMPLICATIONS

- 4.1 The examination of the Proposed LDP will result in a Report of Examination, the findings of which will be largely binding on the Council, Once adopted, the LDP will provide the policy and developer contribution basis for the determination of planning applications within East Lothian.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been assessed in terms of an Equalities Impact Assessment process and no significant negative impacts have been identified (see Members' Library Ref: 159/16, August 2016 Bulletin).

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The growth resulting from the implementation of the adopted Local Development Plan will have significant implications for the Council and its wider Community Planning partners in respect of financial and other strategic plans. These implications are reflected within the approved 3 year revenue budget and capital programmes and within longer term financial planning arrangements. The Proposed LDP and the draft Developer Contributions Framework Supplementary Guidance identify where the provision of additional capacity or new facilities/infrastructure is required so as to ensure that developers contribute towards these where appropriate. The cumulative impacts, mitigation interventions and high level costs and contribution requirements are set out across the Proposed LDP and Action Programme as well as the draft Developer Contributions Framework Supplementary Guidance. This will allow the Council to maximise recovery of required developer contributions, government grants and other contributions to help accommodate its own commitments within both capital and revenue forward planning. The Financial Strategy

approved by the Council in February 2017 signalled the future significance of the LDP although it was accepted that the vast majority of this would lie outwith the existing 3-year strategy period. Upon approval and ultimate adoption of the LDP, there will be a clear imperative that the Council continues to refresh and extend the financial planning horizon, particularly in respect of the Council's Capital Programme but also in anticipation of the associated revenue implications that will flow from any such investment.

The Planning Service budget includes for potential examination costs.

- 6.2 Personnel - staff of the Planning Service and other services of the Council will be required to complete further information requests from the Reporter(s) examining the plan and to attend hearing and inquiry sessions to defend the Council's position on the unresolved representations.
- 6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 Representations to the Proposed LDP (Members' Library Ref: 31/17, March 2017 Bulletin)
- 7.2 Strategic Environmental Assessment Environmental Report on consultation responses (Members' Library Ref: 32/17, March 2017 Bulletin)
- 7.3 Proposed LDP Action Programme report on consultation responses (Members' Library Ref: 33/17, March 2017 Bulletin)
- 7.4 Participation Statement and Statement of Conformity with the Participation Statement (Members Library Ref: 34/17, March 2017 Bulletin)
- 7.5 Proposed Local Development Plan and supporting documents September 2016 [Proposed LDP](#)
- 7.6 Housing Land Supply: Interim Planning Guidance February 2016
- 7.7 Consultation Feedback – summaries and key messages April 2015 [CF](#)
- 7.8 Consultation Feedback – summaries and key messages April 2015 [CF](#)
- 7.9 Draft Proposed Local Development Plan and supporting documents November 2015 [draft LDP](#)
- 7.10 Interim Environmental Report October 2014 (with appendices – Site Assessments) October 2014 [IER](#)
- 7.11 East Lothian Local Development Plan Main Issues Report October 2014 [MIR](#)

- 7.12 Monitoring Statement October 2014 [MR](#)
- 7.13 Transport Appraisal October 2014 [TA](#)
- 7.14 SESplan Supplementary Guidance on Housing Land October 2014
- 7.15 National Planning Framework 3 [NPF3](#)
- 7.16 Scottish Planning Policy: June 2014 [SPP](#)
- 7.17 SESplan Strategic Development Plan, June 2013 [SDP](#)

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APPENDIX 1 – Number or representations by cluster area and type

Musselburgh

Members of the public: 30
Landowners: 5
Community Groups: 5
Developers: 6
Other organisations: 9
Political parties: 1

Prestonpans

Members of the public: 2
Landowners: 1
Community Groups: 1
Developers: 1
Other organisations: 5
Political parties: 0

Blindwells

Members of the public: 4
Landowners: 4
Community Groups: 1
Developers: 0
Other organisations: 6
Political parties: 0

Tranent

Members of the public: 42
Landowners: 5
Community Groups: 3
Developers: 8
Other organisations: 1
Political parties: 0

Haddington

Members of the public: 4
Landowners: 4
Community Groups: 1
Developers: 4
Other organisations: 1
Political parties: 0

Dunbar

Members of the public: 10

Landowners: 0

Community Groups: 5

Developers: 6

Other organisations: 3

Political parties: 1

North Berwick

Members of the public: 185

Landowners: 3

Community Groups: 5

Developers: 3

Other organisations: 3

Political parties: 1

APPENDIX 2 – List of Schedule 4 titles

| Schedule 4 No. | Schedule 4 Name | Reps |
|----------------|-----------------------------|------|
| 1. | Introduction | 21 |
| 2. | Spatial Strategy | 39 |
| 3. | Musselburgh | 106 |
| 4. | Prestonpans | 16 |
| 5. | Blindwells | 19 |
| 6. | Tranent | 96 |
| 7. | Haddington | 21 |
| 8. | Dunbar | 43 |
| 9. | North Berwick | 242 |
| 10. | GUDP | 10 |
| 11. | Employment | 16 |
| | Tourism | 1 |
| 12. | Housing Land | 33 |
| | Position Statement | 13 |
| 13. | New Sites | 31 |
| 14. | Affordable Hsg | 16 |
| | Specialist Hsg | 8 |
| 15. | Education | 1 |
| | Musselburgh | 3 |
| | Other Clusters | 10 |
| 16. | Community & Health | 17 |
| 17. | Open Space | 23 |
| 18. | Transport General | 31 |
| | Active travel | 10 |
| | Public Transport | 25 |
| | Trunk Road | 4 |
| | Local Road | 3 |
| | Transport Delivery Fund | 2 |
| 19. | Digital Communication | 3 |
| 20. | Sustainable Energy / Heat | 10 |
| 21. | Wind | 18 |
| 22. | Energy Gen and Transmission | 30 |
| | EGT other | 8 |
| | Position Statement | |
| 23. | Waste | 8 |

| | | |
|-----|--------------------------|----|
| 24. | Minerals | 10 |
| 25. | Countryside and Coast | 24 |
| 26. | Special Rural Landscapes | 29 |
| 27. | Natural Heritage | 18 |
| 28. | Water and Air Quality | 15 |
| 29. | Cultural Heritage | 15 |
| 30. | Design | 27 |
| 31. | Delivery | 19 |
| 32. | Maps | 26 |
| 33. | Appendix | 2 |
| 34. | Miscellaneous | 13 |

APPENDIX 3 – Schedule 4 documents