

<b>Issue 14</b>	<b>Affordable Housing &amp; Specialist Housing</b>	
<b>Development plan reference:</b>	Growing Our Economy & Communities (pages 70 – 73)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Andrew Plenderleith (0012)  Sir Peter Burt Viking (0035)  Longniddry Community Council (0161)  Messrs R and A Kennedy (0188)  McCarthy &amp; Stone (0273)  Musselburgh Area Partnership (0291)  East Lothian Liberal Democrat Party (0300)  North Berwick Community Council (0326)  Hargreaves Service Ltd (0349)  Homes for Scotland (0353)  East Lammermuir Community Council (0414)  Loreen Pardoe (0422)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy HOU3: Affordable Housing  Policy HOU4: Affordable Housing Tenure Mix	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy HOU3: Affordable Housing Quota</b></p> <p><u>Andrew Plenderleith (0012/2)</u></p> <p>Would like a breakdown of affordable housing for PROP TT1 as he is of the opinion that developers CALA and Walker Group can build out sites at Gullane and North Berwick without providing affordable housing.</p> <p><u>Messrs R and A Kennedy (0188/2)</u></p> <p>Policy HOU3 "Affordable Housing Quota" should be altered to remove the obligation for specialist or special needs housing development, including specifically designed to meet the needs of the over 55 age group, to provide for 25% affordable housing.</p> <p><u>McCarthy &amp; Stone (0273/2)</u></p> <p>Given the existing difficulties with the viability of development the Council is encouraged to explore the possibility of removing the requirement for affordable housing contributions from specialist accommodation to encourage development of this nature to come forward.</p> <p><u>East Lothian Liberal Democrat Party (0300/9)</u></p>		

Concerned that government funding is inadequate to deliver the 25% affordable housing quota sought by the LDP. Commuted sums for affordable housing should be used to cross-subsidise the provision of infrastructure. Concerned that social housing is not fully integrated within a wider development. Provision should be made for self-build homes within areas identified for affordable housing.

Hargreaves Service Ltd (0349)

Hargreaves supports the approach to affordable housing, 25% is a fair and consistent approach across the whole of East Lothian. In circumstances where there is no required demand, there should be cognisance of this within the policy. It is requested that the figure of 25% is applied to the Greater Blindwells Area.

Homes for Scotland (0353/4)

Homes for Scotland would support a greater degree of flexibility within the Affordable Housing policy (Policy HOU3). While we do not argue the 25% affordable housing percentage, we are aware of other planning authorities who operate an affordable housing 'credit system' whereby over provision on one site within the local authority area may provide 'credit' to allow for under provision on a another site in the area under specific circumstances. Perth & Kinross Council currently operates this practice with homebuilders, adding flexibility and supporting delivery of homes faster or in locations where there is more need. Homes for Scotland would be happy to discuss this further with East Lothian Council to provide case studies of this in other areas across Scotland. The policy should also clearly state that the obligation on the developer is to provide land for affordable housing units only, not the units themselves – clarity is needed here as this has not been explicitly stated.

Loreen Pardoe (0422/2)

Affordable housing should be more aligned with first time buyer's needs and those on lower salary income, and be focused in larger settlements.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/5)

Paragraph 3.52 refers to affordable housing and in particular states that for Letham Mains the quota of affordable housing is to be 17%. This should be applied to the Letham Mains Expansion as well and acknowledged within para 3.52. Support HOU3 subject to the modification specified.

**Policy HOU4: Affordable Housing Tenure Mix**

Sir Peter Burt Viking (0035/4)

Commutation payments for affordable housing need to be substantially increased to recognise the cost to the community.

Longniddry Community Council (0161/4)

The Community Council is concerned about the high need for affordable housing in the area, and that lower than market value can be treated as affordable housing. There is a need for social rented accommodate given that there are few council houses left as most

have been bought at discount; there is also a need for a wider mix of homes including bungalows. Opposed to commuted sum payments for providing affordable housing. Affordable housing should be integrated with the development, not in one area.

#### McCarthy & Stone (0273/3)

It is noted that HOU4 stipulates that amenity/sheltered/retirement housing which falls under Use Class 9 will fall under Council's affordable housing policy and the 25% affordable housing quota. This is based on Scottish Ministers 'Empowering Planning to Deliver Great Places' report. McCarthy and Stone have provided Affordable Housing contributions for some of their sites, notably at Tantallon Road, North Berwick. It is unlikely that a similar development in different settlements within the Authority would be able to support a level of contribution of this scale (£430,000).

#### East Lammermuir Community Council (0414/4)

Are any other places within settlements (villages or smaller hamlets) where housing could be made available for self-build including cooperatives? Is there any way land could be made available for co-housing groups?

#### East Lammermuir Community Council (0414/7)

How can we ensure that new housing meets local people's needs and preserves and encourages the diversity of the villages? What does the Council understand about housing need in East Lammermuir?

#### Loreen Pardoe (0422/3)

Affordable housing should be more aligned with first time buyers needs and those on lower salary income, and be focused in larger settlements.

### **Specialist Housing Provision**

#### McCarthy & Stone (0273/1)

The provision of adequate support and accommodation for the increasingly ageing demographic profile of East Lothian is a significant challenge and, unless properly planned for over the next 20 years, there is likely to be a serious shortfall in specialist accommodation for the older population, which will have a knock on effect in meeting the housing needs of the whole area and wider policy objectives.

### **Affordable and Specialist Housing Miscellaneous**

#### Musselburgh Area Partnership (0291/4)

The Area Partnership understands the housing requirement for East Lothian but too many houses are proposed for the Musselburgh area, which is unfair and does not equate to the impact on other communities in East Lothian, and is without an equivalent increase in infrastructure to cope in an already congested community. No specific consideration to providing homes (e.g. 1-2 bed bungalows with gardens) for downsizing households especially older people which would free up larger houses. New flats should have lifts installed to encourage more movement among elderly persons. The 5,700 houses

proposed will increase the population by approximately 50% which is a massive increase and will negatively impact on our community. New communities should be considered instead as indicated in para 3.13 of Proposed SESplan 2 (Core Doc). There is no provision for self build sites which would help maintain local ownership, identity and opportunity.

East Lothian Liberal Democrat Party (0300/10)

Objector suggests there is a need for a variety of housing styles, including bungalows for those seeking to downsize and for those with special needs such as mobility impairment. There is a need for single occupancy housing for all age groups and sometimes that need is overlooked; this does not seem to be given any prominence within the plan.

North Berwick Community Council (0326/4)

LDP needs to make provision for the aging population in North Berwick, for example to allow downsizing or to adapt housing.

North Berwick Community Council (0326/5)

There is a pressing need for affordable housing in North Berwick and the plan does not address this. Second homes and holiday homes should be taxed to a greater extent to prevent this accommodation being taken from available housing stock at North Berwick for local residents.

East Lammermuir Community Council (0414/8)

Is there any housing/or a means of offering support with renovations - for people who become elderly and infirm?

**Affordable and Specialist Housing Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel (0426/6); Taylor Wimpey UK Ltd and Mactaggart & Mickel (0438/4)

Support Policy HOU4 as it recognises that a wide range of affordable housing tenure models are supported.

**Modifications sought by those submitting representations:**

**Policy HOU3: Affordable Housing Quota**

Andrew Plenderleith (0012/2); Loreen Pardoe (0422/2)

No Modification sought

Messrs R and A Kennedy (0188/2)

Policy HOU3 should be altered to state (Text to be added to the First Paragraph): "Housing development specifically designed to meet specialist or special needs, including housing specifically designed to meet the needs of the over 55 age group, will be excluded from this requirement where the continued age related occupation of such development is

controlled".

McCathy & Stone (0273/2)

Removal of the 25% affordable housing requirement for specialist housing.

East Lothian Liberal Democrat Party (0300/9)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

Hargreaves Service Ltd (0349)

Modify the requirement for 30% affordable housing at Blindwells to reduce this to 25%.

Homes for Scotland (0353/4)

Amend Policy HOU3 to be clear that the obligation on the homebuilder is to provide the land for affordable units, not necessarily the units themselves. Also consider a more flexible approach to delivery of affordable housing on sites, with the potential to deliver more than the 25% required on one site and perhaps less on another site, on a case by case basis to support the delivery of new homes.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/5)

Paragraph 3.52 should be updated to state that the affordable housing quota at Letham Mains Expansion be 17%.

**Policy HOU4: Affordable Housing Tenure Mix**

Sir Peter Burt Viking (0035/4); Longniddry Community Council (0161/4); East Lammermuir Community Council (0414/4)(0414/7); Loreen Pardoe (0422/3);

No Modification sought

McCathy & Stone (0273/3)

Reconsider the inclusion of 25% affordable housing quota for amenity/sheltered/retirement housing falling under Use Class 9.

**Affordable and Specialist Housing Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel (0426/6); Taylor Wimpey UK Ltd and Mactaggart & Mickel (0438/4)

No Modification sought

**Specialist Housing Provision**

McCathy & Stone (0273/1)

A more generic 'catch all' policy should state: ' The Council will encourage the provision of

specialist housing for older people across all tenures in sustainable locations. The council aims to ensure that older people are able to secure and sustain independence in a home appropriate to their circumstances and to actively encourage developers to build new homes to the 'lifetime homes' standard so that they can be readily adapted to meet the needs of those with disabilities and the elderly as well as assisting independent living at home. The Council will, through the identification of sites, allowing for windfall developments and/or granting of planning consents in sustainable locations provide for the development of retirement accommodation, residential care homes, close care, extra care and assisted care housing and Continuing Care Retirement Communities'

### **Affordable and Specialist Housing Miscellaneous**

#### Musselburgh Area Partnership (0291/4) East Lammermuir Community Council (0414/8)

No Modification sought

#### East Lothian Liberal Democrat Party (0300/10)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

#### North Berwick Community Council (0326/4)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

#### North Berwick Community Council (0326/5)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

### **Summary of responses (including reasons) by planning authority:**

#### **Policy HOU3: Affordable Housing Quota**

##### Andrew Plenderleith (0012/2)

Affordable housing is broadly defined as housing of reasonable quality that is affordable to people on modest incomes. The need for affordable housing should be as close as possible to where it arises. The LDP seeks to address this in its spatial strategy, policies and proposals taking into account local characteristics and the need for affordable housing. The LDP sets out the planning policy approach for increasing the supply of affordable housing in the area. Policy HOU3 - "Affordable Housing Quota" of the LDP requires that development proposals that bring forward 5 or more dwellings must make provision for affordable housing as part of the proposal. Other than for Blindwells and for Letham Mains in Haddington, which had their quotas set by the East Lothian Local Plan 2008 (30% and 17% respectively) the required proportion of affordable housing to be provided will be 25% of the total number of dwellings proposed for the site. Planning permission will not be approved unless an agreed mechanism is in place to secure the delivery of affordable housing. Therefore regardless of whether a site is in Tranent, Gullane or North Berwick there is a requirement on developers to provide 25% affordable housing provision. A wide range of housing tenures can be affordable. These include

homes for social and mid-market rent including National Housing Trust and unsubsidised, subsidised shared ownership models and Scottish Government Shared equity models, and discounted sale unsubsidised low cost home ownership. The Council will approve more detailed supplementary planning guidance that will allow developers and landowners to assess at an early stage the options and implications of providing for the expected affordable housing tenures. Policy HOU4 of the LDP supports this provision of Affordable Housing Tenure Mix. **The Council submits that no modification is required.**

Messrs R and A Kennedy (0188/2)

Policy HOU3 'Affordable Housing Quota' includes all housing that is defined under use class 9, as defined by The Town And Country Planning (Use Classes) (Scotland) Order 1997, whether it be amenity, elderly or sheltered housing. There is a need to provide specialist affordable housing for a variety of client groups, especially the over 55 age group. This is consistent with paragraph 132 of SPP (2014) and SDP paragraph 117. The Council will assess every site on its own merits and where it is not possible to deliver affordable housing on site, it will consider an off-site contribution or in some cases a commuted sum to help deliver affordable housing elsewhere. The Council recently in lieu of an on-site contribution on a retirement development in North Berwick secured a commuted sum to help deliver affordable housing elsewhere. As outlined in response to McCathy & Stone (0273/2). **The Council submits that no modification is required.**

McCathy & Stone (0273/2)

Policy HOU3 'Affordable Housing Quota' includes all housing that is defined under use Class 9, as defined by The Town And Country Planning (Use Classes) (Scotland) Order 1997, whether it be amenity, elderly or sheltered housing. There is a need to provide specialist affordable housing for a variety of client groups, especially the over 55 age group. This is consistent with paragraph 132 of SPP (2014) and SDP paragraph 117. This contribution is included within the overall 25% Affordable Housing contribution and is not an additional contribution. For clarity, this is a different classification from use Class 8, as defined by The Town And Country Planning (Use Classes) (Scotland) Order 1997, which covers policies HOU5 and HOU6. Use Class 8 would not require a 25% affordable housing contribution. It is likely that a range of housing options will be required to meet the needs of older and disabled people i.e. sheltered, amenity and wheelchair designed housing. A variety of house types and sizes will be required, to promote mobility in the housing system and enable downsizing where appropriate. Accessible and adaptable smaller homes and developing specialist housing will be critical.

The Council will assess every site on its own merits and where it is not possible to deliver affordable housing on site, it will consider an off-site contribution or in some cases a commuted sum to help deliver affordable housing elsewhere. The Council recently in lieu of an on-site affordable housing contribution on a retirement development in North Berwick secured a commuted sum to help deliver affordable housing elsewhere.

The Council submits that its approach is in line with the National Strategy for Housing Older People launched in December 2011. It supports the Scottish Government policy of 'shifting the balance of care'. The Strategy identifies the main ways in which the housing sector supports a reshaping of health and social care services, 'shifting the balance of care' and independent living. <http://www.gov.scot/Publications/2011/12/16091323/0>. [Age, Home And Community: A Strategy For Housing For Scotland's Older People: 2012 - 2021](#)

Comparisons with neighbouring SESplan authorities (Table 2.1) show East Lothian has a much higher proportion of older people than in City of Edinburgh and West Lothian. East Lothian has a slightly higher proportion of older people compared with Midlothian and a slightly lower proportion than Fife. Scottish Borders has a significantly higher proportion of older people than in East Lothian.

<b>% of Older People by SESplan authority area, mid 2015</b>				
	<b>Aged 65+</b>	<b>Aged 75+</b>	<b>Aged 85+</b>	<b>Total Aged 65+</b>
<b>East Lothian</b>	11,023	6,517	2,395	19,935
	10.7	6.3	2.3	19.3
<b>City of Edinburgh</b>	7.9	5.0	2.1	15.0
<b>Fife</b>	11.2	6.2	2.3	19.7
<b>Midlothian</b>	10.7	5.7	1.9	18.3
<b>Scottish Borders</b>	13.2	7.5	2.7	23.4
<b>West Lothian</b>	9.3	4.9	1.4	15.6
<b>Scotland</b>	10.1	6.0	2.2	18.3

The integration of adult health and social care provides an opportunity to strengthen the connections between housing, health and social care. Housing Contribution Statements (HCS) were introduced in 2013, to articulate the links between housing planning and health and social care joint strategic commissioning. The Public Bodies (Joint Working) (Scotland) Act 2014 provides the legal framework for integrating health and social care services. In accordance with the Act, the HCS must set out the arrangement for carrying out the housing functions delegated to the Integration Authority as required by Section 29(2) (a) of the 2014 Act. HCSs intended to fill a perceived gap in ensuring that the housing contribution to improving health and social care outcomes was acknowledged and maximised, together with potential investment in housing related preventative expenditure. The initial East Lothian Statement had a specific focus on older people and strongly reflected the East Lothian Local Housing Strategy (LHS) 2012-17.

A summary of evidence and key issues identified in SESplan HNDA is set out in the table below:

<b>The Shared Evidence Base and Key Housing Issues Related to Health and Social Care</b>	
<b>Evidence Base</b>	<b>Key Housing Issues</b>
<b>Older People</b>	
<p>People aged 65-79 make up 13.3% of the EL population (12.5% nationally) and 4.9% of the EL population is aged 80+ (4.5% nationally).</p> <p>The EL population aged 80+ comprises 37% males and 63% females, reflecting the national picture.</p> <p>The EL population aged 65-79 increased by 12.4% from 2001-2011.</p> <p>The EL population aged 80+ increased by 20.2% from 2001-2011.</p> <p>The EL population age 65-79 is projected to increase by 65% from 2010-2035 (62% nationally).</p> <p>The EL population age 80+ is projected to increase by 111% from 2010-2035 (110% nationally).</p>	<p>A significant projected increase in the no. of older people, a high proportion of whom will be living alone and some with dementia and / or complex needs will have major implications for housing and health and social care services.</p> <p>People living longer will mean increased demand for services, combined with a generally accepted view that public expectations of services are rising. This will be challenging, given the financial climate and cuts to public services. Addressing the housing needs of increasing numbers of older people will require a major rethink and redesign of services both nationally and at a local level.</p> <p><b>Building new, affordable and sustainable housing is a priority. A variety of house types and sizes are needed, to promote mobility in the housing</b></p>



There are 13,930 single person households across EL. 54% are headed by a person age 60+ and 27% by a person age 75+.

system and enable downsizing where appropriate. Accessible and adaptable smaller homes will be critical and specialist housing will also be required.

Building new, affordable and sustainable housing is a priority, with a variety of house types and sizes to promote and encourage mobility in the housing system and enable downsizing where appropriate, reflecting the needs of the local community, with new homes easily accessible and adaptable

An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. For the purposes of this study, Specialist Housing Provision is defined as:

*‘specially designed housing, including wheelchair accessible housing, which comprises purpose built, remodelled or substantially adapted dwellings that include special design features suitable for a household that contains someone with mobility, sensory and/or cognitive impairment’.*

This includes retirement and amenity housing which plays an important part in helping to meet the needs of older people. Amenity housing is usually designated for people over the age of 55 years and is designed to assist with people with mobility issues and those requiring to downsize. There is no care support with this type of housing, although some may have access to emergency service through provision of community alarms.

This type of AH is needed as part of the overall AH to be delivered to help ensure that the housing system functions properly – e.g. to ensure there is supply in the right types and tenures of housing to allow movement up, down and across the housing system.

The Council submits that this approach is consistent with paragraph 132 of SPP (2014) and SDP paragraph 117. There is need for this type of housing to be secured from all housing proposals within Class 9 of The Town And Country Planning (Use Classes) (Scotland) Order 1997. Whilst the priority will be for on-site provision, the Council would consider off-site provision to commuted sums in appropriate circumstances. **The Council submits that no modification is required.**

#### East Lothian Liberal Democrat Party (0300/9)

Concerns about Scottish Government subsidy noted. The Council submits that the affordable housing policy of the LDP will provide for the affordable housing quota to be met through a wider range of affordable housing tenures than those for which government subsidy is needed; this will also help to address the wider range of needs that exist. Commuted sums for affordable housing provision cannot be used to cross subsidise infrastructure provision, since this would fail the tests of the relevant Circular 3/2012: Planning Obligations and Good Neighbour agreements that are set out and must be passed before developer contributions can be justified. East Lothian Council’s Draft Supplementary Planning Guidance: Affordable Housing Quota and Tenure Mix (Section 3 and 6) recognises that Self Build is an affordable housing tenure. **The Council submits that no modification is required.**

#### Hargreaves Service Ltd (0349)

The Council notes that Hargreaves accept that there is a need for affordable housing. The

Council submits that the 30% requirement for affordable housing at Blindwells (site BW1) originated from the East Lothian Local Plan 2008, and this reason for the continuation of the approach is explained at paragraph 3.52 of the proposed LDP. Blindwells new settlement, being the largest allocation of housing land within the area, is a unique opportunity to increase the delivery of affordable housing and this further justifies the merits of the current allocation. This quota for affordable housing has featured in all discussion on the site and is also reflected in the Council's Strategic Housing Investment Plan. The Council submits that the 30% quota was consulted on through the MIR, and that it was not expressly stated at that stage that such a quota would have effects on the viability of Proposal BW1. It is noted that elsewhere in the Hargreaves submission (see para 2.4 of 0349) that the site is effective and can be developed in accordance with Proposal BW1, which includes a requirement to conform to the adopted Development Framework for the site that requires the provision of 30% affordable housing. It should be noted that the Council has also sought to find a more cost effective education solution for proposal BW1 by allowing the expansion of Preston Lodge High School rather than require the provision of a new secondary school on site, as the East Lothian Local Plan 2008 would require. **The Council submits that no modification is required.**

#### Homes for Scotland (0353/4)

The Council submits that Policy HOU3 is clear that applicants need to 'make provision for' affordable housing. The Council submits that the mechanisms for delivery through which such provision must be made can vary, and this does not always only involve the transfer of serviced land to the Council. This is why Policy HOU3 refers to the 'required proportion' of affordable housing being 25% of the overall number of homes proposed on a site. The range of approaches / delivery mechanisms that could 'make provision for' affordable housing and that will be considered by the Council in the assessment of proposals is set out in the Draft Supplementary Planning Guidance: Affordable Housing Quota and Tenure Mix, in particular Page 13 of that document. Policy HOU3 requires a Section 75 agreement where necessary to secure the transfer of service land for affordable housing provision.

The Council will assess each application on its own merits and where onsite provision is not achievable, it will consider an off-site contribution. Where developers have more than one smaller site in a local area, the council may consider on a case by case basis whether it would be more desirable to deliver 25% of all the sites in one location e.g. where 3 sites would otherwise deliver 20 units; rather than delivering 5 affordable units on each site, it may be make more desirable to deliver all 15 affordable units on one site. Such cases will be assessed on their own merits. **The Council submits that no modification is required.**

#### Loreen Pardoe (0422/2)

Comments in respect of the locations for affordability of affordable housing noted. The Council submits that it will consider a range of affordable housing tenures in line with Policy HOU3 and HOU4 for all relevant sites. This will maximise the amount of affordable housing to be provided and ensure that it is provided within our growing communities wherever possible. **The Council submits that no modification is required.**

#### Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/5)

The affordable housing quota of 17% at Letham Mains was transitioned from the East

Lothian Local Plan 2008. In accordance with SPP, the Council's supplementary planning guidance on Affordable Housing Quota and Tenure Mix (and the Affordable Housing Technical Note) all other housing proposals submitted under this plan will be 25% of the total number of dwellings. The only other exception to this is the current Blindwells allocation where the affordable housing quota will be 30% of all homes.

The affordable housing quota of 25% is based on evidence from the first SESplan Housing Need and Demand Assessment (2011) (SESplan HNDA1) approved by the Scottish Government as robust and credible in June 2011. The robust and credible evidence base set out in the SESplan HNDA1 fully supports the 25% affordable housing quota and corresponding quotas of 30% for Blindwells and 17% for Letham Mains Haddington.

The SESplan HNDA1 provides an estimate of total housing need by calculating current housing need and future housing need. The estimated supply from existing stock turnover is then deducted to provide the net housing need.

The table below shows that over a ten year period, the average number of households anticipated to need affordable housing is 547 per annum. 314 affordable units are projected to become available each year from turnover, which leaves a deficit of 232 affordable dwellings annually.

**Table 1: East Lothian Total Household Need (Net of Turnover) – Average Applying Over 10 Years**

	East Lothian	Lothian	SESplan
<b>Housing Need</b>			
<b>Current Need</b>	138	1,306	1,908
<b>Future Need</b>	408	4,074	6,116
<b>Total Housing Need</b>	547	5,380	8,025
<b>Housing Supply</b>			
<b>Supply from Turnover</b>	314	3,009	5,265
<b>Net Housing Need</b>			
<b>Housing Need – Net of Turnover</b>	<b>232</b>	<b>2,383</b>	<b>2,807</b>

*Source: SESplan HNDA1: Final Report, 2011*

The table below evidences that between 2009 and 2032, in accordance with need and demand, 33% of the total housing supply in East Lothian should be for affordable housing. In the short term up to 2019, it demonstrates that affordable housing need will be more acute with a 41% annual requirement.

**Table 2: Demand for Houses Net of Turnover, East Lothian**

	Yrs 1-5 2009-14	Yrs 6-10 2015-19	Yrs 11-15 2020-24	Yrs 16-20 2025-29	Total Demand 2009-32
<b>Social rented</b>	101	145	95	81	2,367
<b>Other affordable housing</b>	95	88	47	42	1,478
<b>Private rented</b>	32	65	75	39	1,161

sector					
<b>Owner occupation</b>	250	266	330	321	6,765
<b>Affordable</b>	197 <b>(41%)</b>	232 <b>(41%)</b>	143 <b>(26%)</b>	122 <b>(25%)</b>	3,844 <b>(33%)</b>
<b>Market</b>	282 <b>(59%)</b>	331 <b>(59%)</b>	405 <b>(74%)</b>	360 <b>(75%)</b>	7,926 <b>(67%)</b>
<b>Total</b>	479	563	548	482	11,770
<i>Source: SESplan HND A1: Final Report, 2011 and SESplan Housing Technical Note 2011</i>					

Clearly the primary requirement in relation to affordable housing is for social rented housing, however it is recognised that other affordable housing models are required to meet need and demand.

It is evident that both 33% and 41% are significantly higher than the affordable housing quota of 25% set out in the proposed LDP and corresponding quotas for Blindwells (30%) and Letham Mains Haddington (17%). **The Council submits that no modification is required.**

#### **Policy HOU4: Affordable Housing Tenure Mix**

Sir Peter Burt Viking (0035/4)

The LDP requires 25% of all of the number of houses consented to be affordable housing, for developments of five or more houses. The Council will support a variety of tenures of affordable housing including, among others, social rented, mid-market rent, discounted sale and shared equity homes. For the market housing the Council expects a variety of house types and sizes to be provided. The approach to delivering affordable housing must be agreed with the Council. These discussions will be informed by current assessment of the type and location of affordable housing required. It is important to note that a commuted sum will rarely be acceptable, although the Council may accept that the payment of a commuted sum is the most appropriate form of affordable housing contribution, where neither on site or off site is practical.

A commuted sum for each ward within East Lothian has been assessed in accordance with the District Valuer as outlined in Appendix 5 of the Draft Supplementary Guidance for Affordable Housing and is the value equivalent to the cost of providing the percentage of serviced land required by the policy. These valuations vary between settlements and will be updated every two years or earlier if there has been a material change in the market.

**The Council submits that no modification is required.**

Longniddry Community Council (0161/4)

The Council notes Longniddry Community Council's concerns about the tenures of housing that can be classified as 'affordable'. However, the Council is following Scottish Planning Policy. A wider range of affordable housing tenures will be important to ensure that provision of affordable housing for different types of need, including social rented accommodation, can be maximised in the context of available Scottish Government funding to Registered Social Landlords for affordable housing. Right to buy ceased in August 2016, so from that date all Council housing stock can remain in Council ownership unless the Council chooses to dispose of it. The Council will seek to deliver a range of

affordable house types to meet need and agrees that affordable housing should be integrated with the development, not provided only in one area. Whilst the Council will not prioritise commuted sum payments as a means for applicants to provide for their affordable housing quota, on this matter the Council is following Scottish Government Planning Advice set out in PAN 2/2010: Affordable Housing and Housing Land Audits (see PAN 2/2010 para 21 – 22). **The Council submits that no modification is required.**

#### McCathy & Stone (0273/3)

Policy HOU3 'Affordable Housing Quota' includes all housing that is defined under use class 9, as defined by The Town And Country Planning (Use Classes) (Scotland) Order 1997, whether it be amenity, elderly or sheltered housing. There is a need to provide specialist affordable housing for a variety of client groups, especially the over 55 age group. This is consistent with paragraph 132 of SPP (2014) and SDP paragraph 117. The Council will assess every site on its own merits and where it is not possible to deliver on site, it will consider an off-site contribution or in some cases a commuted sum to help deliver affordable housing elsewhere.

A commuted sum for each ward within East Lothian has been assessed in accordance with the District Valuer as outlined in Appendix 5 of the Draft Supplementary Planning Guidance: Affordable Housing Quota and Tenure Mix and is the value equivalent to the cost of providing the percentage of serviced land required by the policy. These valuations vary between settlements and will be updated every two years or earlier if there has been a material change in the market. **The Council submits that no modification is required.**

#### East Lammermuir Community Council (0414/4)

Policy HOU4: Affordable Housing Tenure Mix supports a wide range of affordable housing tenure models including self build plots. The availability of any funds to support delivery will be set out in the Council's Housing Strategy and Strategic Housing Investment Plan. Self build plots will involve developers selling serviced plots for self build by the intended owner occupier at a discounted price. It will need to be clearly demonstrated that such housing meets the needs of and is affordable to categories of household identified through housing needs information for that area. More information can be found in the Draft Affordable Housing Quota and Tenure Mix Supplementary Planning Guidance. The Council will assess each proposal individually. **The Council submits that no modification is required.**

#### East Lammermuir Community Council (0414/7)

The LDP seeks to address affordability in its spatial strategy, policies and proposals, taking into account local characteristics and the overall need for affordable housing. The spatial strategy also considers where there is likely greatest demand for housing in the area, and seeks to address this through the 'compact' strategy including some additional dispersal to other areas where there is also a need and demand for new homes. This is done in line with SPP and the findings of the SESplan Housing Need and Demand Assessment (HNDA). The LDP sets out the planning policy approach for increasing the supply of affordable housing in the area. The SESplan HNDA provides the analysis of housing need and demand in East Lothian and it has been signed off by the Scottish Government as robust and credible. Developers will be expected to work in partnership with the Council, and where relevant RSLs, to ensure housing needs are met including in terms of tenure and house type and size. The Council has approved Draft Affordable

Housing Quota and Tenure Mix Supplementary Planning Guidance. **The Council submits that no modification is required.**

Loreen Pardoe (0422/3)

Comments in respect of the locations for affordability of affordable housing noted. The Council submits that it will consider a range of affordable housing tenures in line with policy HOU3 and HOU4 for all relevant sites. This will maximise the amount of affordable housing to be provided and ensure that it is provided within our growing communities wherever possible. **The Council submits that no modification is required.**

### **Specialist Housing Provision**

McCathy & Stone (0273/1)

An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. This is consistent with paragraph 132 of SPP (2014) and SDP paragraph 117.

Demographic trends indicate that the population of older people is increasing and will continue to increase in the future, as older people are living longer. A significant proportion of older people will live alone or in smaller households, increasing the need for smaller homes.

Specialist Housing Provision is defined as:

*'specially designed housing, including wheelchair accessible housing, which comprises purpose built, remodelled or substantially adapted dwellings that include special design features suitable for a household that contains someone with mobility, sensory and/or cognitive impairment'.*

This includes retirement and amenity housing which falls under use class 9, as defined by The Town And Country Planning (Use Classes) (Scotland) Order 1997, and policies HOU3 and HOU4. This plays an important part in helping to meet the needs of older people. Amenity housing is usually designated for people over the age of 55 years and is designed to assist with people with mobility issues and those requiring to downsize. There is no support with this type of housing, although some may have access to emergency service through provision of community alarms.

This contribution is included within the overall 25% Affordable Housing contribution and is not an additional contribution. For clarity, this is a different classification from use class 8, as defined by The Town And Country Planning (Use Classes) (Scotland) Order 1997, which covers policies HOU5 and HOU6. This use class would not require a 25% contribution.

The Council notes that an application for a care home on the land allocated for employment at HN4: Land at Gateside East is minded to grant subject to conclusion of a legal agreement. Policy HOU6: Residential Care and Nursing Homes - Location states that "Developers of residential care and nursing homes are encouraged to use sites within settlements. Proposals must have reasonable access to the normal range of community

services and be accessible in terms of impact on amenity and the environment". Should sites meet the terms of the policy and have an operator on board then Council will assess each case against the policy.

East Lothian Health and Social Care Partnership support the principle of specialist housing. An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. There is a need for supported accommodation for the under 65's be it with physical or mental health needs. An increasing population and within that a higher proportion of the over 65's would benefit from housing designed and built with residences of one or two bedrooms as well as adapted to lesser mobility. **The Council submits that no modification is required.**

### **Affordable and Specialist Housing Miscellaneous**

#### Musselburgh Area Partnership (0291/4)

The Musselburgh Area Partnership's concerns are noted. However, the Musselburgh area has an allocation of land for development which is in line with the Council's Compact Growth Strategy, and the reasons it has set out for selecting that approach. The infrastructure requirements for this level of new development has been assessed in the preparation of the LDP and proposals are made to address transport infrastructure, education infrastructure, sports provision and community facilities infrastructure and health infrastructure. An aging population is recognised as an increasingly important demographic issue and the LDP makes reference to meeting the needs of an aging population in its Specialist Housing Provision and Other Specific Needs section as well as in the Draft Supplementary Guidance on Affordable Housing Quota and Tenure Mix which will address the potential for specialist and special needs housing. Private market housing will deliver a range and mix of different housing across sites but it is acknowledged that there is no specific mention of encouragement to downsizing households through provision of lifts in market housing flats. It is acknowledged that there are no specific proposals or allocated sites for self build houses though a developer could include an area for such housing within the planning application for any housing development for consideration. This could also be provided for in the provision for affordable housing that would be made on development sites. This LDP addresses the needs of SDP1. It is noted that the Proposed SDP2 was published in October 2016; it assumes that growth required by SDP1 is already planned for and that LDP1 would be adopted with the level of housing currently proposed. Proposed SDP2 looks to the time period beyond 2030 in terms of there being a potential need for further additional development land. **The Council submits that no modification is required.**

#### East Lothian Liberal Democrat Party (0300/10)

In respect of the range of housing types, the plan promotes a range and choice of site types and sizes to cater for all sectors of the market, including affordable housing. The plan cannot specify a specific range of house types to be delivered on sites, although it does acknowledge that the household size in the area is anticipated to reduce (LDP para 1.20). It also contains a policy on housing density, one of the reasons for which is to ensure that a full range and choice of house types and sizes will be delivered, particularly on larger sites (see LDP 7.12 – 7.14); this is a plan wide policy in respect of housing proposals.

An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. It is likely that a range of housing options will be required to meet the needs of older and disabled people i.e. sheltered, amenity and wheelchair designed housing. A variety of house types and sizes will be required, to promote mobility in the housing system and enable downsizing where appropriate. Accessible and adaptable smaller homes and developing specialist housing will be critical. **The Council submits that no modification is required.**

#### North Berwick Community Council (0326/4)

The LDP acknowledges the East Lothian has an aging population (para 1.19), that there is a need for specialist housing provision (para 3.58 - 3.70) and to make provision for other specific housing needs (para 3.31). As explained in the Draft Affordable Housing Quota and Tenure Mix Supplementary Planning Guidance new affordable houses will be designed in accordance with Housing for Varying Needs criteria (see section 5). This includes accessible housing, adapted housing, wheelchair housing and supported accommodation. If more of such homes are to be provided through the planning process at North Berwick however, this will require further development land to be made available at the town. Any adaptations of existing housing stock will be assessed against the policies of the plan where relevant, should planning permission be required. **The Council submits that no modification is required.**

#### North Berwick Community Council (0326/5)

Affordable housing provision will be required (para 3.50 – 3.57) as part of market housing development. As explained in the Draft Affordable Housing Quota and Tenure Mix Supplementary Planning Guidance this will deliver new affordable houses in accordance with Housing for Varying needs criteria (see section 5). If more of such homes are to be provided through the planning process at North Berwick however, this will require further development land to be made available at the town. The Council submits that there is no need to modify the LDP. The Scottish Government reviewed how the income raised by reducing the discount on 2<sup>nd</sup> homes and empty homes was spent in 2013 and the council can now use the income raised by the reduction in this discount to help deliver affordable housing. However, this is not a matter for the Local Development Plan. **The Council submits that no modification is required.**

#### East Lammermuir Community Council (0414/8)

The LDP supports the principle of specialist housing provision and provision for other specific housing needs. The Council supports the principle of adaptations to dwellings to facilitate more independent living. An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. The Council has approved supplementary planning guidance to assist with the implementation of this policy.

East Lothian Council's housing service administers grants for major adaptations to private sector stock, with dedicated support provided to clients by Care and Repair East Lothian. Typically around 60-70 adaptations to private sector stock are carried out per annum, depending on assessed need.



East Lothian Council has a dedicated team to co-ordinate adaptations in Council properties. Around 100 adaptations are carried out in Council stock each year, depending on assessed needs. This is not a matter for the Local Development Plan. **The Council submits that no modification is required.**

**Affordable and Specialist Housing Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel (0426/6); Taylor Wimpey UK Ltd and Mactaggart & Mickel (0438/4)

Support Noted

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 15</b>	<b>Education</b>	
<b>Development plan reference:</b>	Growing Our Economy & Communities (Pages 74 – 81 / 82)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Walker Group (0138)  Longniddry Community Council (0161)  Musselburgh &amp; Inveresk Community Council (0245)  David Wilson Homes (0246)  Musselburgh Area Partnership (0291)  Wemyss and March Estate (0295)  Eddie Clarke (0305)  Magnus Thorne (0308)  Musselburgh Grammar School Parent Council (0317)  Hargreaves Services Ltd (0349)  Martin Hotchkiss (0354)  SportsScotland (0367)  Hallhill Developments (0395)  Wallyford Primary School Parent Council (0405)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Policy SEFC1: Safeguarding Education and Community Facilities (page 74)</p> <p>Proposal ED1 – ED7 (pages 74 – 80)</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy SEFC1: Safeguarding Education and Community Facilities</b></p> <p><u>SportsScotland (0367/2)</u></p> <p>Sportscotland generally supports this policy which would also apply to safeguard community sports facilities. We support the intent to make best use of existing facilities, as well as shared use, and that contributions/proposals should focus on increasing capacity of the most appropriately located sites. It is assumed that sites afforded protection by SECF1 are intended to be retained in that specific community use i.e. that one type of community facility could not be interchanged for another - such as a sports pitch built out for a school. We would highlight that the provisions of SPP would also continue to apply in such instances. Amend all references to “Sports Pitches and Changing Accommodation” to read “Sports Facilities, Pitches and Changing Accommodation</p> <p><b>Proposal ED1: Musselburgh Cluster</b></p> <p><u>Musselburgh &amp; Inveresk Community Council (0245/5)</u></p>		

Insufficient attention has been given to the implications of the proposed new development on the education infrastructure of the town.

Musselburgh Area Partnership (0291/13)

Lack of detail on transport to school especially in Proposed Whitecraig zone where PROP MH2 children would have to travel by car/bus to school. Disappointed at no mention in LDP of pre-school / nursery provision.

Musselburgh Grammar School Parent Council (0317/1)

MGSPC does not support a new secondary school at Wallyford, which it believes would disadvantage the existing Musselburgh Grammar School.

**Proposal ED2: Prestonpans Cluster**

Longniddry Community Council (0161/5)

Representation on Education: Longniddry Community Council is concerned that the figures in the relevant table in Technical Note 14 are wrong and the calculations cannot be carried out, and are therefore wrong. There is concern that the capacity of Preston Lodge High School will not be sufficient.

Wemyss and March Estate (0295/5)

Para 3.81 Should be amended to address the impact on capacity at Preston Lodge High School if Blindwells does not come forward within the forecast period. On this basis, the potential impact on the school's capacity will be significantly reduced. The submitter welcomes PROP ED2. They also welcome the Council's commitment to provide additional, phased, permanent extensions to Longniddry Primary School. It is acknowledged that additional space will be required at Preston Lodge however, there continues to be doubt over if and when Blindwells can deliver any new homes. It would be advisable for ELC to adopt a nuanced and flexible approach to education impacts in this cluster. A transparent assessment of what the impact would be on Preston Lodge if Longniddry South and other developments in the cluster came forward for development without Blindwells being delivered should be considered and included within the Plan. This flexible approach would also recognise the fact that Blindwells is not in the Preston Lodge catchment area.

**Proposal ED4: Tranent Cluster**

Walker Group (0138/8)

Policy ED4 does not reflect the requirement of the Council to contribute towards the cost of additional pre-school and primary school campus land at Windygoul Primary School.

1. add 1.24ha after "Windygoul Primary School" -
2. Replace "Developer Contributions will be sought from developers to relevant sites to fund the costs of providing the campus land which will also be the subject of legal agreements" with: "Developer contributions will be required from developers of relevant sites and East Lothian Council where there is a current shortfall in existing facilities to fund the costs of providing this campus land which will also be the subject of legal agreements including with the landowners of the relevant campus land".

3. Replace “The Council will provide additional phased permanent extension to pre-schools and primary schools as required to meet the need arising as a direct result of new housing development. Developer Contributions will be sought from the developers of housing land to fund the costs of this permanent provision which will be the subject of legal agreements” with “The Council will provide additional phased permanent extension to pre-schools and primary schools as required to meet the need arising as a direct result of new housing development. Developer Contributions will be sought from the developers of housing land and East Lothian Council where there is a current shortfall in existing facilities to fund this permanent provision which will be the subject of legal agreements.”

#### **Proposal ED5: Haddington Cluster Education Proposals**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/7)

Support the principle of the developer contributions assisting to fund new education provision in the Haddington Cluster. However, it should be noted that developer contributions should not be overly onerous so as to make development unviable.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/5)

Support the principle of the developer contributions assisting to fund new education provision in the Haddington Cluster. However, it should be noted that developer contributions should not be overly onerous so as to make development unviable.

#### **Proposal ED6: Dunbar Cluster Education Proposals**

David Wilson Homes (0246/8)

To accord with Circular 3/2012 - In terms of the Dunbar Cluster the provisions of the Proposed LDP for educational provision and community facilities are supported in principle, however, if additional educational facilities are required as a result of additional housing in East Linton, it should be confirmed within the LDP as this would provide certainty for the Council, developers and local community.

Magnus Thorne (0308/4)

Pg 79 sections 3.101 - 3.105 make no specific mention of East Linton Primary School, 3.103 states 'Generally, those housing land allocation in the catchment areas of the smaller schools will help to sustain their pupil rolls'.

Martin Hotchkiss (0354/4)

Para 3.101 implies that the sport pitch at the Grammar School would need to be 'reprovisioned'. Any development of the Grammar School should not be allowed to reduce the existing sports pitch.

Hallhill Developments (0395/5)

We can broadly understand the need for additional classrooms at these schools but unfortunately there is no detailed explanation given for the other construction items. Without a further explanation of the justification for the required contributions, HDL cannot support Policy DEL1 or the related Developer Contributions Supplementary Guidance

relating to education in Dunbar. Also, we note that the cost per square metre of construction is identified as £3,000. This exceeds the SFT metric and we do not consider this to be justified.

### **Proposal ED7: North Berwick Cluster Education Proposals**

Eddie Clarke (0305)

The representor acknowledges that the plan sets out safeguards and developer contributions for the expansion of North Berwick High School but suggests more land requires to be safeguarded against development, queries the PE halls size and the pupil to house ratio.

### **Education Support**

Hargreaves Services Ltd (0349/9)

Hargreaves supports the approach to the delivery of education as set out in proposal ED3: Blindwells Cluster Education Proposals.

Wallyford Primary School Parent Council (0405)

Supports the LDP. Supports the location of a new secondary school in Wallyford though traffic management around the new school must ensure adequate provision for drop off by car as well as safe access for pedestrians and cyclists.

### **Modifications sought by those submitting representations:**

### **Policy SEFC1: Safeguarding Education and Community Facilities**

SportsScotland (0367/2)

Amend all references to “Sports Pitches and Changing Accommodation” to read “Sports Facilities, Pitches and Changing Accommodation”.

### **Proposal ED1: Musselburgh Cluster**

Musselburgh & Inveresk Community Council (0245/5); Musselburgh Area Partnership (0291/13); Musselburgh Grammar School Parent Council (0317/1)

No Modification sought

### **Proposal ED2: Prestonpans Cluster**

Longniddry Community Council (0161/5)

No Modification sought

Wemyss and March Estate (0295/5)

Para 3.81 should be amended to address the impact on capacity at Preston Lodge High School if Blindwells does not come forward within the forecast period.

## **Proposal ED4: Tranent Cluster**

Walker Group (0138/8)

Seek modification to PROP ED4, Part B:

1. add 1.24ha after "Windygoul Primary School" -
2. Replace "Developer Contributions will be sought from developers to relevant sites to fund the costs of providing the campus land which will also be the subject of legal agreements" with: "Developer contributions will be required from developers of relevant sites and East Lothian Council where there is a current shortfall in existing facilities to fund the costs of providing this campus land which will also be the subject of legal agreements including with the landowners of the relevant campus land".
3. Replace "The Council will provide additional phased permanent extension to pre-schools and primary schools as required to meet the need arising as a direct result of new housing development. Developer Contributions will be sought from the developers of housing land to fund the costs of this permanent provision which will be the subject of legal agreements" with "The Council will provide additional phased permanent extension to pre-schools and primary schools as required to meet the need arising as a direct result of new housing development. Developer Contributions will be sought from the developers of housing land and East Lothian Council where there is a current shortfall in existing facilities to fund this permanent provision which will be the subject of legal agreements."

## **Proposal ED5: Haddington Cluster Education Proposals**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/7); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/5)

No Modification sought

## **Proposal ED6: Dunbar Cluster Education Proposals**

David Wilson Homes (0246/8)

Paragraphs 3.101 - 3.105 - In terms of the Dunbar Cluster the provisions of the Proposed LDP for educational provision are supported in principle, however, if additional educational facilities are required as a result of additional housing in East Linton, it should be confirmed within the LDP as this would provide certainty for the Council, developers and local community.

Magnus Thorne (0308/4); Martin Hotchkiss (0354/4); Hallhill Developments (0395/5)

No Modification sought

## **Proposal ED7: North Berwick Cluster Education Proposals**

Eddie Clarke (0305)

The entire strip of land west of the High School should be safeguarded. The PE hall's size should be pinned at maximum applicable capacity.

## **Education Support**

Hargreaves Services Ltd (0349/9); Wallyford Primary School Parent Council (0405)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Policy SEFC1: Safeguarding Education and Community Facilities**

SportsScotland (0367/2)

The Council notes the comments made by SportsScotland, and can confirm that its interpretation of Policy SECF1: Safeguarded Education and Community Facilities is correct. The Council submits that this policy may where relevant also need to be read together with Policy OS1: Protection of Open Space. However, the Council is of the view that, since the term 'Community Facilities' in Policy SECF1 is intended to relate to 'Sports Facilities, Pitches and Changing Accommodation' that no change to the LDP is necessary. The Council submits that these references exist under the Community Facilities heading and pre-ambule to Policy CF1: Provision of New Sport Pitches and Changing Accommodation because in terms of recreational facilities these are the ones for which developer contributions are being sought, not towards other facilities such as swimming pools or leisure centres. The Council therefore submits that the terminology it has used is accurate and that a modification of the LDP is not necessary. **The Council submits that no modification of the plan is necessary.**

**Proposal ED1: Musselburgh Cluster**

Musselburgh & Inveresk Community Council (0245/5)

Concerns noted. The Education Scotland Act (1980) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. Officers from the Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. Paragraphs 3.74 to 3.79 of the LDP explain new Education Provision in the Musselburgh cluster and identifies that significant additional education capacity at primary and secondary level is needed to support new housing development in the cluster. School catchment areas require to be redrawn and relevant statutory school consultation on these has begun with some already approved by Council. PROP ED1: Musselburgh Cluster Education Proposals identifies where the Council will provide new school infrastructure. The LDP has established development related impacts on education capacity based on a cumulative assessment of impact and the need for mitigation. These are set out in Supplementary Guidance: Developer Contributions Framework for the specified scales of residential development within the contribution zones identified in Appendix1 of the LDP. The Council therefore considers that it has given sufficient attention to the implications of the proposed new development on the education infrastructure of Musselburgh. **The Council submits that no modification of the plan is necessary.**

Musselburgh Area Partnership (0291/13)

The Council submits that details of school transport arrangements will be established in

due course following confirmation of school facilities and catchments in the Musselburgh area and the detailed planning of these. It is too early to confirm such details in the LDP. However, it is current Council policy to provide free transport to and from school for primary and secondary aged pupils who reside more than 2 miles from their catchment area school. There are a number of criteria used to determine whether free transport is provided to school, including: any pupils who live outwith the Council's distance criterion; those who live within the distance criterion, but for whom the walking route to school is assessed as unsafe; if a child has a medical condition which requires them to be transported to and from school; or if a child is at a critical stage of education and requires to be kept at their current school. The LDP uses the term pre-school rather than nursery. The need for pre-school/nursery provision has been fully considered in the preparation of the LDP and where required plans for new pre-school education capacity is set out in PROP ED1: Musselburgh Cluster Education Proposals and within Technical Note 14. Developer contributions will also be sought for additional pre-school capacity where justified, as set out within the Supplementary Guidance: Developer Contributions Framework. **The Council submits that no modification of the plan is necessary.**

#### Musselburgh Grammar School Parent Council (0317/1)

The Education Scotland Act (1980) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. Officers from the Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The Council submits that a new additional secondary school within the Musselburgh cluster area is necessary to provide additional secondary education provision to accommodate the cumulative impacts of development proposed by the LDP. This could not be satisfied at the existing Musselburgh Grammar School.

The Council's preferred location for the new additional secondary school was at Wallyford (following the decision of East Lothian Council to remove the Goshen site from the draft LDP on the 17<sup>th</sup> November 2015). The Council has carried out a statutory consultation on a proposal to establish a new additional secondary school in the area of Wallyford in line with the Council's proposed development strategy. A clear majority of respondents (60.5%) supported the proposal and on 20<sup>th</sup> December 2016, Council approved the recommendations to establish a new additional secondary school in the area of Wallyford to serve the Pinkie St Peter's Primary School and Wallyford Primary School catchment areas. In terms of disadvantaging the existing Musselburgh Grammar School, based on 2008 Local Development Plan, the school required to be extended from a capacity of 1,350 pupils to a capacity of 1,700 pupils to accommodate the additional pupils arising from the sites allocated within that local plan, including for the development of 1,450 dwellings at Wallyford. The new additional secondary school will remove this requirement and reduce the pressures on the capacity of the existing Musselburgh Grammar School. Musselburgh Grammar School is also subject to a Public Private Partnership contract which ensures that the building fabric is adequately maintained. In addition, the Council has also budgeted for an additional £25,000.00 of its own capital expenditure at Musselburgh Grammar School as part of the Council's Financial Strategy 2017/18 to 2019/20, approved on 21<sup>st</sup> February 2017. School staffing issues are not a material planning consideration. School revenue budgets and staffing complements are set in line with the pupil roll and calculated in accordance with the approved Scheme of Delegation for Schools and the Council's devolved school management policies. Any increases in pupil rolls due to an increase in children arising from committed and planned housing in



the area will be reflected within the school revenue budget and staffing complement. **The Council submits that no modification of the plan is necessary.**

### **Proposal ED2: Prestonpans Cluster**

#### Wemyss and March Estate (0295/5)

The Council submits that it has made provision for secondary education capacity to be provided at Preston Lodge High School for the cumulative impact of development within its catchment, including allocated sites at Blindwells and Longniddry. This is consistent with the principle applied to all developments within each cluster, and to remove a site from the assessment would be inappropriate. However, the Council can confirm that Preston Lodge High School would still require to be extended to provide the additional capacity required from the Longniddry allocation on its own. The Council further submits that it has carried out a statutory school consultation on the proposed change to the Preston Lodge High School catchment area to include Blindwells Primary School catchment area as defined by the Blindwells site (BW1) in line with its development strategy. The outcome of the consultation exercise was considered by the Council at its meeting on 28<sup>th</sup> March 2017. **The Council submits that no modification of the plan is necessary.**

#### Longniddry Community Council (0161/5)

Response on Education: In respect of Preston Lodge High School, an increase in the schools' capacity from 1050 to 1500 pupils is projected, and the nature of additional teaching spaces has been identified in the column 'accommodation required'. This will be sufficient to accommodate the cumulative impact of development in the area. In respect of pre-school and primary school provision at Longniddry Primary School, the presentation of figures in the table is an error. This has occurred because no 'area per pupil is provided', as this solution has been worked through from a designed extension. The columns have therefore slipped to the right – i.e. 8 should not be under the LDP roll projection, it should be under number of classrooms, etc. For the avoidance of doubt, the peak established roll of the school over time is projected to be 210 pupils, below the schools' capacity, which will require 8 classrooms if there were not to be any more housing in the catchment. The school already has 10 classrooms. The impact of Proposal PS1 is generating a need for 6 additional classrooms (a total need for 14 classrooms, or a net increase of 4 classrooms above the existing number), to accommodate a peak projected roll of 363 pupils as a result of Proposal PS1. To deliver this some internal reconfiguration and expansion of the facility will be required. The Council further submits that it has made provision for education capacity to be provided at Preston Lodge High School for the cumulative impact of development within its catchment, including allocated sites at Blindwells and Longniddry. This is consistent with the principle applied to all developments within each cluster, and to remove a site from the assessment would be inappropriate. However, the Council can confirm that Preston Lodge High School would still require to be extended to provide the additional capacity required from the Longniddry allocation on its own. The Council further submits that it has carried out a statutory school consultation on the proposed change to the Preston Lodge High School catchment area to include Blindwells Primary School catchment area as defined by the Blindwells site (BW1) in line with its development strategy. The outcome of the consultation exercise was considered by the Council at its meeting on 28<sup>th</sup> March 2017. **The Council submits that no modification of the plan is necessary.**

### **Proposal ED4: Tranent Cluster**

#### Walker Group (0138/8)

The Council submits that the LDP identifies a need for additional campus at Windygoul Primary School within Proposal ED4, and this is reflected in Proposal TT1. The Council further submits that the necessary area and configuration of campus land is identified on the Proposals Map (Inset Map 35). The Council can confirm that this area is the 1.24 hectares required. Appendix 1 of the LDP identifies the associated developer contribution zone. The Council further submits that the required campus area is identified in detail within the draft Supplementary Guidance: Developer Contributions Framework in total and in proportion for the Council and developer interests. The Council further submits that the Action Programme (page 81) identifies the LDP sites that generate a need for this additional land (developer proportion). The draft Supplementary Guidance: Developer Contributions Framework also specifies the proportion of costs for the respective developers on a pro-rata per dwelling basis, based on the capacity identified for each relevant housing allocation within the LDP. Technical Note 14 also sets out the Council's proportional liability. The Council therefore submits that the LDP and associated documents identify the necessary information in an appropriate level of detail. The Council submits that where a contribution from the Council is required, this will be provided consistent with Scottish Government circular 3/2012 and this does not need to be specified within the LDP where suggested by the representation, since this is already addressed within Policy DEL1 and the associated guidance. **The Council submits that no modification of the plan is necessary.**

#### **Proposal ED5: Haddington Cluster Education Proposals**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/7); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/5)

The Council submits that Circular 3/2012: Planning Obligations and Good Neighbour Agreements is clear as to when and where Developer Contributions should be sought. The Council's Developer Contributions Framework SG is in line with the Circular and sets out the contributions required for the successful delivery of an allocated site. The Council notes and welcomes the support, and suggests that phased payments may be a way of ensuring that a viable development project can be delivered. **The Council submits that no modification of the plan is necessary.**

#### **Proposal ED6: Dunbar Cluster Education Proposals**

David Wilson Homes (0246/8)

The Council submits that Proposal ED6 states that 'the Council will provide additional phased permanent extension to pre-school and primary schools as required to meet the need arising as a direct result of new housing development in their catchment areas'. The Council further submits that the draft Supplementary Guidance: Developer Contributions Framework identifies the necessary level of contribution for planned development (i.e. LDP allocations). The Council further submits that the Proposal ED6 (and all other education proposals) as drafted is appropriate and sufficiently flexible to be applied to windfall development as well as planned development. The Council therefore submits that the current drafting is appropriate and sufficient. **The Council submits that no modification of the plan is necessary.**

Magnus Thorne (0308/4)

The Council submits that Proposal ED6 states that 'the Council will provide additional phased permanent extension to pre-school and primary schools as required to meet the need arising as a direct result of new housing development in their catchment areas'. The Technical Note for Developer Contributions sets out the established supply projections and the proposed LDP projections for primary school rolls. It notes that by 2020 the school will be at capacity and therefore there is a requirement for 1 additional classroom and 1 new PE area. The developer of this site shall make contributions towards the expansion of pre-school and primary school education capacity at East Linton Primary School in line with East Lothian Council's Local Development Plan Draft Supplementary Guidance: Developer Contributions Framework. The draft Supplementary Guidance: Developer Contributions Framework identifies the necessary level of contribution for planned development (i.e. LDP allocations). The Council further submits that the Proposal ED6 (and all other education proposals) as drafted is appropriate and sufficiently flexible to be applied to windfall development as well as planned development. The Council therefore submits that the current drafting is appropriate and sufficient. **The Council submits that no modification of the plan is necessary.**

Martin Hotchkiss (0354/4)

The Council submits that Dunbar Grammar School will be extended and designed not to impact on the current playing field at the school. The increase in demand generated by new development means there will be a need for additional sports pitch capacity for the school. Pupils will continue to use the playing pitches, one of which will be upgraded to a 2G pitch to allow for more intensive use year round. However, this will not be enough to meet all full curricular needs. As such, the Council submits that the site for additional community sports pitches and changing rooms at the Hallhill Healthy living Centre should also be used on a shared basis for education curricular needs. The Council submits that Proposal DR3 is required to provide additional capacity to serve the community and Grammar School, as explained at paragraph 2.139 of the LDP. In accordance with Policy DEL1, the Council has adopted The Developer Contributions Framework Supplementary Guidance to specify how appropriate provision or planning interventions required in association with different types and scales of development planned for by the LDP in different identified areas will be secured from applicants or developers. **The Council submits that no modification of the plan is necessary.**

Hallhill Developments (0395/5)

The Council has assessed the accommodation required for the primary school in Dunbar. This is in line with Scottish Government Guidance, 'Determining Primary School Capacity 2014'. Technical Note 14 has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. The Council will not seek contributions for any existing deficiencies in either capacity or standard of accommodation, and has identified its own responsibilities for providing 10 of the 50 additional pre-school places required at the primary school. The Council submits in respect of its costs, it has extended many of its schools within recent years and has set a rate of £3,000 per square metre based on a range of school build contracts which it has competitively procured. It should also be noted that the Council is

absorbing an element of risk contained within this rate, such as asbestos, ground conditions, capacity of existing services. It is therefore a reasonable position to take at this stage. It should be further noted that The Scottish Futures Trust cost per square metre was established as a metric for new buildings, and not for extensions that by their nature are more complex and expensive. The Scottish Futures Trust metric for new primary schools was £2350 per square metre in Quarter 2 of 2012 which equates to £2963 in Quarter 2 of 2017 based on BCIS all in TPI (Tender Price Index). **The Council submits that no modification of the plan is necessary.**

### **Proposal ED7: North Berwick Cluster Education Proposals**

Eddie Clarke (0305)

The Council submits that the pupil roll forecasting methodology is set out in Technical Note 14. The average new build child per house ratio for secondary schools is only one of a number of factors that are included in the calculations for the projected school rolls. The average new build child per house ratio is only applied to the calculations during the specific years that the houses are projected to be built in. Its purpose is to provide a starting point for the number of S1 to S6 pupils who might initially move into the new houses during the first year that each new house is built and ready for occupation between one academic session and the next. It does not calculate the cumulative total number of pupils that we might expect to see arising from a new housing development over the entire development period and beyond. Any additional new pupils arising each year and pupil migration in and out of the area are calculated and modelled through the annual net stage migration rates, S4-S5 and S5-S6 stay-on rates and P7-S1 transfer rates. Evidence from recent new builds within North Berwick shows that it would not be appropriate for the Council to increase the new build child per house ratio at this moment in time. The Education Service will continue to use the monitoring checks it has in place to track the pupil outputs from new builds within each catchment area and review and make any necessary adjustments to the other contributing factors (i.e. stage migration rates, stay-on rates and P7-S1 transfer rates) to address any variances in outputs as part of the roll forecasting process. The Council submits that the LDP safeguards land to provide for further expansion of North Berwick High School to meet the requirements of the proposed housing allocations in the cluster, although only part of it is needed at this stage. The LDP will continue to safeguard the balance of the land adjacent to the Mains Farm site to the west of the high school campus but there is no funding identified for its purchase from the landowner at this stage, a position that may change in future. The proposed new PE hall will be a 4 court facility with changing and storage which is sufficient in size for the expansion of North Berwick High School so as to accommodate the development planned within its catchment area. **The Council submits that no modification of the plan is necessary.**

### **Education Support**

Hargreaves Services Ltd (0349/9); Wallyford Primary School Parent Council (0405)

Support Noted

### **Reporter's conclusions:**

### **Reporter's recommendations:**



<b>Issue 16</b>	<b>Community, Health and Social Care Facilities</b>	
<b>Development plan reference:</b>	Community Facilities, Health and Social Care Facilities (pgs 80 – 82)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Walker Group (0138)  Longniddry Community Council (0161)  Gullane Community Council (0166)  Musselburgh &amp; Inveresk Community Council (0245)  Barratt David Wilson Homes (0246)  Musselburgh Area Partnership (0291)  Musselburgh Grammar School Parent Council (0317)  North Berwick Community Council (0326)  SportScotland (0367)  Musselburgh Conservation Society (0368)  Inveresk Village Society (0385)  East Lammermuir Community Council (0414)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>PROP CF1: Provision of New Sports Pitches and Changing Accommodation</p> <p>Policy HSC1: Health Care Sites</p> <p>PROP HSC2: Health Care Facilities Proposals</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>PROP CF1: Provision of New Sports Pitches and Changing Accommodation</b></p> <p><u>Longniddry Community Council (0161/7)</u></p> <p>Longniddry Community Council seeks the provision of an all weather pitch instead of a grass pitch in association with Proposal PS1. It also notes that the existing changing accommodation at recreation park is to be shared between users of the existing and new pitch and that this would require a crossing of the main road to be provided.</p> <p><u>Musselburgh Grammar School Parent Council (0317/7)</u></p> <p>No provision for community centres or other facilities such as a new sports centre to cater for new people.</p> <p><u>SportScotland (0367/3)</u></p> <p>New development is likely to result in the requirement for new sports facilities or upgrade to existing facilities in order to enable them to accommodate additional users, and</p>		

SportScotland supports that ELC's LDP (through PROP CF1) and Supplementary Guidance (SG) Developer Contributions Framework makes some provision for this. We advise that sports facilities needs should be defined through an assessment of existing sports facilities and what the future sports needs will be. It is not currently clear how the sports facilities projects proposed have been identified. Include reference within the supporting text to PROPCF1 (page 80) and the Supplementary Guidance (SG) to the requirement for compensatory replacement where development proposals will impact on outdoor sports facilities - as detailed in SPP and separate to developer contributions.

### **Policy HSC1: Health Care Sites**

#### Musselburgh Conservation Society (0368/5); Inveresk Village Society (0385/14)

The LDP should be much more specific in para 3.115 and 3.116 about how primary care provision for such a huge increase in population is to be met particularly in the Musselburgh Cluster. The Action Plan is silent on this matter.

### **PROP HSC2: Health Care Facilities Proposals**

#### Longniddry Community Council (0161/6)

The provision of health care facilities is provided through the Harbours medical practice in Cockenzie and its local satellite surgery within Longniddry. The practice in Cockenzie is to be expanded by a further three treatment rooms to accommodate demand. However, there are no plans in place to enhance provision at Longniddry, despite the plans to develop 450 homes there or for developers to contribute to this.

#### Musselburgh & Inveresk Community Council (0245/4)

Musselburgh Primary Care Centre will not be able to cope with the extra residents and there is a current lack of elderly care home places.

#### Barratt David Wilson Homes (0246/9)

The general principle of charging developers for the provision of healthcare facilities is not supported.

#### Musselburgh Area Partnership (0291/2)

Health provision has not been properly planned for especially in relation to GP services, health visitor and primary care capacity in Musselburgh. Erosion of green space and green belt could also affect health more generally.

#### Musselburgh Grammar School Parent Council (0317/4)

Services such as doctors, dentists, police are unable to cope at present and no mention of how these will be enhanced to cope.

#### East Lammermuir Community Council (0414/13)

The Local Development Plan is virtually silent on Health Centres and hospitals. Is it really still acceptable to omit these matters from the Local Development Plan?

## **Community, Health and Social Care Facilities Miscellaneous**

### Walker Group (0138/9)

It is acknowledged that NHS Lothian provides primary, community-based and hospital services for the area. The NHS is fully funded through taxation from Central Govt. Walker Group dispute that new housing will generate demand for community and health services. It is population growth which generates demand for health services. New housing only provides for the needs and demands of population growth. Requiring developer contributions from residential development does not meet the test set out in Circular 3/2012 Planning Obligations. The Councils Statement of Conformity which Circular 3/2012 is simply a statement of issues with the NHS as the Central funded provider of health services are currently experiencing. The statement fails to demonstrate that without the provision of these additional houses there would be no requirement for these additional services. Indeed without the additional houses the pressures on the health service would be greater. GP practices in the country are run by GPs - independent contractors - and for this reason it would be illegal to require developer contributions for the expansion of existing premises or new premises.

### Gullane Community Council (0166/8)

The proposed LDP pays particular attention to football provision in Gullane, despite a significant current provision and the need for the Council to fix damage to drainage caused by installing a skateboard park. The priority should be with winter/adverse weather community facilities. This has not been assessed, and needs to be if NK7 and NK8 are retained. Specific reference to football provision should be removed from NK6.

### North Berwick Community Council (0326/8)

The plan contains no assessment of how the plan will impact on the social capital of North Berwick. The key to this is to provide opportunities for people to be out and about in social spaces. There is a need for a vision for the town, incorporating a new or upgraded community centre / arts centre, a replacement for Space (for young people), spaces which encourage inter generational activities and contact.

## **Community, Health and Social Care Facilities Support**

### Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/8); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/6)

Support Policy CF1 which requires one full six grass pitch and two team changing at Letham Mains and one 7 a side grass playing pitch at the Letham Mains Expansion.

### **Modifications sought by those submitting representations:**

#### **PROP CF1: Provision of New Sports Pitches and Changing Accommodation**

##### Longniddry Community Council (0161/7);

In proposal PS1 provide all weather pitch rather than grass pitch.



Musselburgh Grammar School Parent Council (0317/7)

No Modification sought

SportScotland (0367/3)

Include reference within the supporting text to PROP CF1 (page 80) and the Supplementary Guidance (SG) to the requirement for compensatory replacement where development proposals will impact on outdoor sports facilities - as detailed in SPP and separate to developer contributions.

Amend all references to "Sports Pitches and Changing Accommodation" to read "Sports Facilities, Pitches and Changing Accommodation."

**Policy HSC1: Health Care Sites**

Musselburgh Conservation Society (0368/5); Inveresk Village Society (0385/14)

The plan needs to be much more specific in paragraphs 3.115 and 3.116 about how primary care provision for a huge increase in population is to be met, particularly in the Musselburgh Cluster. Reference is sparse and lacks reassurance that adequate facilities will be put in place.

**PROP HSC2: Health Care Facilities Proposals**

Longniddry Community Council (0161/6); Musselburgh & Inveresk Community Council (0245/4); Barratt David Wilson Homes (0246/9); Musselburgh Area Partnership (0291/2); Musselburgh Grammar School Parent Council (0317/4); East Lammermuir Community Council (0414/13)

No Modification sought

**Community, Health and Social Care Facilities Miscellaneous**

Walker Group (0138/9)

At Para: 3.72 line 1 - Delete "and new housing development":

At Para 3.73 - delete the Final sentence - "Developer contributions will be sought in all relevant circumstances and commitment to fund and deliver solutions to increase capacity where necessary will be essential prior to the approval of any planning permission.

At Para 3.117 - Delete last sentence "However NHS Lothian will require new premises for GP services at Blindwells and developer contributions will be required.

North Berwick Community Council (0326/8)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Gullane Community Council (0166/8)

Proposal of an appropriate solution for the provision of community facilities usable in winter/adverse weather conditions.

## Community, Health and Social Care Facilities Support

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/8); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/6)

No Modification sought

### Summary of responses (including reasons) by planning authority:

#### PROP CF1: Provision of New Sports Pitches and Changing Accommodation

Longniddry Community Council (0161/7)

The Council submits that the provision of a grass pitch here is the preference since this could accommodate a wider range of formal and informal activities than synthetic surfaces. The Council has considered this in the context of its sports pitch strategy, which seeks to deliver a range of playing pitch types on a cluster basis. The Council submits that the Preston Lodge Cluster will be adequately served by pitch provision of suitable types, including the synthetic pitches available at Preston Lodge High School. The Council also submits that the plan makes provision for a new road crossing point to be delivered within Proposal CF1 of the plan, partly for the reasons given by the Community Council but also to facilitate a safe route to school (see pages 81 and para 2.59). The Council submits that utilising the existing pavilion within the village will support the integration of new houses. **The Council submits that no modification is necessary.**

Musselburgh Grammar School Parent Council (0317/7)

The need for new or improved provision of community facilities, including sporting facilities, has been considered in the development of the LDP, see para 3.111 – 3.114 of the LDP and PROP CF1: Provision of New Sports Pitches and Changing Accommodation. Where expansion of such facilities is required associated Supplementary Guidance: Developer Contributions Framework (CD XX) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council submits that new indoor sports hall, grass pitch and synthetic provision will be provided as part of new education campuses within the Musselburgh Cluster, including at primary and secondary school level. The Council considers that this will provide use for school and community sport and that this would provide adequate capacity to address the demand for such facilities within the cluster arising as a result of new development. The Council submits that wet provision (e.g. swimming pools) is adequately catered for within the cluster at the existing Musselburgh Sports Centre. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. Specifically in relation to community centres, where these are Council run community centres the potential impact of development on these was considered by the relevant Council Service; no additional needs were identified. **The Council submits that no modification is necessary.**

SportScotland (0367/3)

The Council submits that the assessment of sports facilities required is based on a number of sources available to Council Officers including the following:

1. Open Space strategy standards for sports pitches (strategy is in draft format at

- present)
2. East Lothian Council Sports Pitch Strategy 2008
  3. sportscotland Facility Planning Model data
  4. Local facility usage data by cluster
  5. Every 400 - 500 houses yielding 1 full size sports pitch and a 2 team changing pavilion

Sports facility requirements by cluster were identified based on the above information which informed the requirements set out in the LDP document. The Council submits that information provided from SportScotland based on survey information applied to population data was used in conjunction with actual local data.

The Council submits that the terms of this representation insofar as the provisions of LDP policy are concerned are similar to those of representation 0367/2, which is answered at Schedule 4 Issue 15. As such, in terms of seeking compensatory provision where a development proposal would impact on outdoor sports facilities the Council submits that Policy SECF1: Safeguarded Education and Community Facilities policy would apply, and that it may need to be read together with Policy OS1: Protection of Open Space. The Council therefore submits that these policies applied separately or together will provide the degree of protection sought by SportScotland in respect of land currently in use as sports facilities or where these form part of designated open space. The Council is also of the view that, since the term 'Community Facilities' in Policy SECF1 is intended to relate to 'Sports Facilities, Pitches and Changing Accommodation' that no change to the LDP is necessary in respect of this aspect of the representation. The Council submits that these references exist under the Community Facilities heading and pre-amble to Policy CF1: Provision of New Sport Pitches and Changing Accommodation because in terms of recreational facilities these are the ones for which developer contributions are being sought, not towards other facilities such as swimming pools or leisure centres as there will be adequate capacity provided by existing facilities to accommodate demand. The Council therefore submits that the terminology it has used is accurate. **The Council submits that no modification is necessary.**

### **Policy HSC1: Health Care Sites**

Musselburgh Conservation Society (0368/5); Inveresk Village Society (0385/14)

The key agency with responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan to enable it to consider its impacts on healthcare provision. Paragraph 3.117 of the LDP explains how NHS Lothian intends to address the health needs of the growing population. The Musselburgh Primary Care Centre (MPCC) opened in 2012 offers a range of community health services in modern primary care premises which can be flexibly utilised and which has sufficient space to accommodate projected population growth across Musselburgh and within the three practices' boundaries. East Lothian Health and Social Care Partnership is working with the three practices in the MPCC to develop their services to meet current and future demand.

The Council will continue to work with NHS Lothian on healthcare capacity across East Lothian to resolve any issues. The Action Programme sets out the guidance, policies and proposals of the LDP and the actions needed to implement them to successfully deliver the LDP. Under LDP Guidance Action 2, it specifically mentions Policy HSC1 and Proposal HSC2, the action to be taken and by who.

As such, this matter is not an issue that should be addressed any further by the Local Development Plan or its Action Programme since other plans and strategies are being used to deliver the relevant services and capacity. These other plans and strategies are referred to within the LDP, and the delivery of these will be governed outwith the land-use planning process. It is not the role of the LDP or its Action Programme to deliver the activities of other bodies. The Council submits that the LDP reflects how these other bodies intend to accommodate the impacts of the LDP. They advise that there is sufficient accommodation within current primary care facilities at Musselburgh to meet the demands of population growth there. NHS Lothian is already in negotiations with affected practices to increase their capacity to deliver services over time. **The Council submits that no modification is necessary.**

### **PROP HSC2: Health Care Facilities Proposals**

#### Longniddry Community Council (0161/6)

The practice in Cockenzie is to be provided with a sizeable extension of its existing premises to provide extra facilities including treatment rooms all designed to deliver services flexibly to accommodate anticipated demand, including the impact of development at Longniddry. The situation will be monitored by the East Lothian Health and Social Care Partnership which will assess the need for any additional capacity and where it should be located. **The Council submits that no modification is necessary.**

#### Musselburgh & Inveresk Community Council (0245/4); Musselburgh Area Partnership (0291/2); Musselburgh Grammar School Parent Council (0317/4)

The key agency with responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan to enable it to consider its impacts on healthcare provision. Paragraph 3.117 of the LDP explains how NHS Lothian intends to address the health needs of the growing population. NHS Lothian has looked at population growth projections associated with the LDP and does not believe that expansion on the scale proposed, over the timeframe indicated would cause difficulties in the capacity of primary care within the modern Musselburgh Primary Care Centre, which can be used flexibly in response to demand and no identified need for additional health care facilities at Musselburgh has been identified. The Council will continue to work with NHS Lothian and the Health and Social Care Partnership on health and social care capacity across East Lothian to resolve any issues.

Although there will be a loss of green belt land around Musselburgh all new housing developments will be provided with new open space and play facilities in line with Policies OS3 and OS4 of the LDP. In part to mitigate against the loss of green belt, the LDP proposes to extend and enhance the green network within East Lothian, including in association with new development. Policy DC10: Green Network is the relevant policy, and the Council proposes to introduce a Green Network Strategy as Supplementary Planning Guidance when the LDP is operative. The LDP will also be accompanied by development briefs (Supplementary Planning Guidance **CD XX**) which will seek to help deliver green network objectives as part of the development of sites. Existing green space within the Musselburgh area is protected by Policy OS 1 of the LDP.

Police Scotland was also consulted at all stages of the plan and are aware of the proposed allocations. It is for them to ensure that local services can meet demand and are

extended where appropriate.

Of the four dental practices within Musselburgh one has capacity for new NHS patients. In addition, there is spare NHS capacity in neighbouring towns, including Portobello and Prestonpans. East Lothian Health and Social Care Partnership will work with General Dental Practitioner colleagues to develop any necessary provision of NHS dentistry. **The Council submits that no modification is necessary.**

Barratt David Wilson Homes (0246/9)

Nearly all GP practices in the county are run by GPs as independent contractors, within a range of premises, some GP owned, some practice leased and some health board owned and developer contributions for expansion of existing premises will not be sought. A Scottish Government review of GP premises provision will make recommendations on arrangements which may affect the ownership of existing and newly provided premises. Where the need for additional capacity within facilities arises as a direct result of new development, and those facilities are owned by NHS Lothian, there is a case to seek developer contributions toward the provision of that increased capacity, provided the test of Circular 3/2012 (CD XX) can be met. The Council submits that NHS Lothian has set out within Technical Note 14 (CD XX) the basis for its assessment of the need for developer contributions towards the provision of such increased capacity (See Statement of Conformity with Circular 3/2012 set out at page 64 of that Technical Note). **The Council submits that no modification is necessary.**

East Lammermuir Community Council (0414/13)

The key agency with responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan to enable it to consider its impacts on healthcare provision. Paragraph 3.117 of the LDP explains how NHS Lothian intends to address the health needs of the growing population. East Lothian Council supports the wider provision of locally accessible health care facilities through the retention of adequate land for health care use; this is covered by Policy HSC1: Health Care Sites. The design of the new East Lothian Community Hospital has taken into account population growth and the site has land set aside for a possible replacement GP facility for Haddington. NHS Lothian and the East Lothian Health and Social Care Partnership have identified proposals to help address demand for services and additional projects may also be identified in future. Nearly all GP practices in the county are run by GPs as independent contractors, within a range of premises, some GP owned, some practice leased and some health board owned and developer contributions for expansion of existing premises will not be sought. A Scottish Government review of GP premises provision will make recommendations on arrangements which may affect the ownership of existing and newly provided premises. PROP HSC2 identifies proposals within East Lothian as part of its modernisation agenda. A significant amount of work is being undertaken to identify the optimal form of housing provision for all ages of people with health and social care needs.

As such, this matter is not an issue that should be addressed any further by the Local Development Plan since other plans and strategies are being used to deliver the relevant services and capacity. These other plans and strategies are referred to within the LDP, and the delivery of these will be governed outwith the land-use planning process. It is not the role of the LDP to deliver the activities of other bodies. The Council submits that the LDP reflects how these other bodies intend to accommodate the impacts of the LDP. **The Council submits that no modification is necessary.**

## **Community, Health and Social Care Facilities Miscellaneous**

### Walker Group (0138/9)

As well as meeting the pressures of natural population growth within communities, the provision of new housing will undoubtedly attract new residents to move into East Lothian. NHS Lothian and East Lothian Health and Social Care Partnership have responded to current and future population growth and resulting pressure across all of its established GP practices (some GP owned, some practice leased and some health board owned) through a range of actions, including the extension of existing facilities and provision of new premises.

The only development which NHS Lothian is seeking developer contributions for is the new settlement at Blindwells. The practice boundary for the new facility at Blindwells would emulate the boundaries of the new settlement, including any expansion of it; as such, the need for the additional facilities would be generated solely by new development. The GMS (GP) contract does not allow NHS Lothian to oblige existing GP premises to expand their services beyond their existing boundaries to meet the primary care needs of new populations such as proposed at Blindwells. Although NHS Lothian is seeking developer contributions for any required primary care premises, (which may be contained in multi-use buildings) it would be willing to discuss with developers options to lease a suitable developer-built facility. **The Council submits that no modification is necessary.**

### North Berwick Community Council (0326/8)

The Local Development Plan has addressed infrastructure issues where it can, in line with Scottish Government Circular 3/2012 (CD XX). There are a number of policies and proposals that address transport, education, health care and community facilities provision throughout the LDP that will be delivered through LDP Policy DEL1 (Table DEL1 on page 143) as well as the Developer Contributions Framework Supplementary Guidance (CD XX) as appropriate. Taken together these set out how developers will contribute to addressing the impacts of their developments. These policies have been prepared working with the relevant service and infrastructure providers. Policies of the LDP also allow for new community projects, facilities or the refurbishment of spaces to be delivered in appropriate locations. **The Council submits that no modification is necessary.**

### Gullane Community Council (0166/8)

In Gullane, the need to enhance the existing full size grass sports pitch within Recreation Park, as well as contributing towards the provision of a seven-a-side sports pitch is specified. The contribution required is set out in the proposed Developer Contributions Framework SG (CD XX). The Council submits that the North Berwick Coastal Cluster will be adequately served by community facilities usable in winter / adverse weather conditions, including the sports halls available at North Berwick High School and North Berwick Sports Centre and all weather synthetic pitch in North Berwick. Proposal NK6 does not specify any football provision. Maintenance issues with regard to the skateboard park are not a matter for the LDP. **The Council submits that no modification is necessary.**

## **Community, Health and Social Care Facilities Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/8); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/6)

Support noted

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 17</b>	<b>Open Space</b>	
<b>Development plan reference:</b>	Open Space and Play Provision Pages 83 – 87	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
David D Scott (0004) Philip and Kate Rycroft (0103) Walker Group (0138) George Neill (0148) Nick Swan (0162) Gladman Planning (0213) Omnivale Ltd. (0214) Scottish Environment Protection Agency (0252) Mrs Taylor (0287) Musselburgh Area Partnership (0291) Eric Martin (0299)	W A Dodd (0323) Haddington and District Amenity Society (0327) Homes for Scotland (0353) SportScotland (0367) The Scottish Government/Transport Scotland (0389) Jonathan Swift (0413) APT Planning & Development Ltd. (0424) Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438)	
<b>Provision of the development plan to which the issue relates:</b>	Policy OS1: Protection of Open Space; Policy OS2: Change of Use to Garden Ground; Policy OS3: Minimum Open Space Standard for New General Needs Housing Development; Policy OS4: Play Space Provision in new General Needs Housing Development; PROP OS5: Potential Cemetery Extensions; Policy OS6: Allotment Provision; Policy OS7: Allotment Sites.	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy OS1: Protection of Open Space</b></p> <p><u>SportScotland (0367/4)</u></p> <p>Policy OS1: Protection of Open Space - SPP states that LDPs should identify and safeguard outdoor sports facilities and open space, and enhance existing and promote new green infrastructure. Policy OS1 refers only to open space and facilities which are in active use and which “make a significant contribution”.</p> <p>Sportscotland is a statutory consultee in relation to development affecting outdoor sports facilities which includes any planning application for development that is likely to “prevent the use of land, which was last used as an outdoor sports facility, from being used again for that purpose” (Dev. Management Regs. 2013). As currently worded, policy OS1 does not reflect the broader level of protection and positive policy framework advocated by SPP to these spaces - the suggested modification to policy wording is therefore requested.</p>		



## **Policy OS2: Change of Use to Garden Ground**

W A Dodd (0323/5)

Policy OS2: Change of Use to Garden Ground is irrational in the context of the pre-amble which explains the dis-benefits of such development. Open space should remain as such and not be allowed to become garden ground.

## **Policy OS3: Minimum Open Space Standard for New General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/9); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/7)

Advice Box 2 provides guidance on the level of open space provision required based upon residential unit numbers. The 20-30m buffer for play areas is not supported and seen as excessive which could impact upon housing numbers being able to be delivered on site.

## **Policy OS4: Play Space Provision in new General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/10); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/8)

Advice Box 2 provides guidance on the level of open space provision required based upon residential unit numbers. The 20-30m buffer for play areas is not supported and seen as excessive which could impact upon housing numbers being able to be delivered on site.

## **PROP OS5: Potential Cemetery Extension**

David D Scott (0004)

The land safeguarded for a potential extension of Prestonkirk Cemetery belongs to the Parish of Traprain. The Kirk Session is favourably disposed to selling a portion of the land to extend the graveyard, but it requires some of the land for other purposes, namely an overflow car park, an amenity area for games, picnics and so on, and to hold temporary events / structures such as wedding marquees etc.

Philip and Kate Rycroft (0103)

Representation objects to Proposal OS5, and in particular the potential cemetery expansion proposed at the Glebe Field, Whitekirk. Representation notes that Whitekirk is within a conservation area. The site is distant from the church and would be out of place, and any new cemetery should be located closer to the church. The introduction of car parking and other amenities associated with the provision of a graveyard where it is proposed would be out of place and a visual intrusion in that part of the village. There has been no consultation with the local community on this proposal. It is not clear that there is demand for such a large area of land to expand the cemetery.

George Neill (0148)

Representation objects to Proposal OS5, and in particular the potential cemetery

expansion proposed at the Glebe Field, Whitekirk. No consultation with the community has taken place regarding the proposals. The location of the site is too remote from the existing Kirk Churchyard. The size of the proposed site is inappropriately large for the likely need. The proposed site is currently greenfield, the development of which will require related amenities - car parking etc. - that would be an inappropriate visual intrusion to a conservation village.

Nick Swan (0162)

Representation objects to Proposal OS5, and in particular the potential cemetery expansion proposed at the Glebe Field, Whitekirk. The area of land proposed for the area of development is completely disproportionate to present requirements. Given present rates of burial at Whitekirk, the area of development represents approximately 500 years of future burial requirements. The location of the proposed development is dislocated from the Church and present graveyard. It would seem more appropriate to site a new graveyard in a position more adjacent to the Church. It is noted that there may be issues with the rocky nature of the ground behind the present graveyard but an extension of the present graveyard along the A198 would appear more appropriate. There appears to be little demand within Whitekirk for an extension of the current graveyard. The more favoured option is continued use and expansion of the burial facility at Binning Wood.

Gladman Planning (0213/8)

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 on this matter.

Omnivale Ltd. (0214)

The representation objects to the allocation of the site for cemetery use and considers that the site is suitable for residential development.

Scottish Environment Protection Agency (0252/7)

The representation states that cemeteries can have a detrimental impact on groundwater. The acceptability of the proposed site locations and scale of development can only be assessed following site specific investigation. In the absence of such information, the acceptability of these sites cannot be established. Should investigations be carried out prior to adoption, in accordance with SEPA 'Guidance on Assessing the Impacts of Cemeteries on Groundwater', then we would be able to review our position. If no further information is provided prior to adoption, a development requirement should be attached to each site requiring site specific investigation to be undertaken in line with SEPA 'Guidance on Assessing the Impacts of Cemeteries on Groundwater', before any development occurs at the site. In addition a caveat should be attached to make it clear that dependent on the findings of the site specific investigation the site may be found to be unsuitable for the creation of a cemetery.

Mrs Taylor (0287)

Representation relates to the proposed cemetery extension at Brierybank Haddington.

Objector owns the land where the cemetery is proposed, and objects to its inclusion within the LDP as being safeguarded for this purpose. Disappointing that the Council has not sought to consult on these proposals before publication of the proposed LDP, including determining what the landowner's plans are for the land. Objector opposes the use of the land for a cemetery. Objection seeks to demonstrate that there is no need for a cemetery in Haddington, referring to capacity and timing information from the Council' Burial Strategy which suggests such a new cemetery at the town will not be needed until 2041. In the interim such sites might be used for allotment provision to cross subsidise the delivery of their end use as a cemetery.

Eric Martin (0299)

Representation objects to Proposal OS5, and in particular the potential cemetery expansion proposed at the Glebe Field, Whitekirk. Representation notes concerned about lack of consultation on the proposals, and questions how many people have been contacted in relation to them. Area safeguarded is much larger than the existing graveyard and is disproportionate to future need. The site proposed is currently greenfield and would not be in keeping with the existing village. There are fields much closer to the village that could be considered. The benefits set out in the SEA relate to Haddington and not Whitekirk. It was difficult to place comments on website.

Haddington and District Amenity Society (0327/7)

Policy OS5 is objected to as the proposal for a cemetery extension is located outside the town boundary and a more appropriate site should be identified.

Jonathan Swift (0413/5)

No consultation with the community has taken place. The location for the cemetery site at Whitekirk is too remote. The size is inappropriately large. The site is greenfield and will require car parking etc causing inappropriate visual intrusion to a conservation village. Could not find the proposed site in the LDP.

APT Planning & Development Ltd. (0424)

The proposal to provide an extension to the Whitekirk Cemetery has been based on incorrect land ownership information and the assumption that this land would be gifted to East Lothian Council. The proposed land is not suitable for a new cemetery as it has no safe access, would be out of character with the remainder of the field it is a part of.

**Policy OS6: Allotment Provision**

Walker Group (0138/10)

Providing land for allotments is calculated as part of the open space requirement, the Walker Group will consider the accommodation of allotments within the masterplan subject to its location and treatment within the development not prejudicing the proper planning of the residential development. There is a lack of clear policy and approach to the integration of allotments within a residential development. There is little or no guidance with regards the factoring/ownership and ongoing maintenance of allotments.

The Scottish Government (0389/11)

There is no reference to community growing spaces in the plan. Scottish Planning Policy, paragraph 227, says that plans should encourage opportunities for a range of community growing spaces. The Proposed Plan, whilst making reference to allotments, does not refer to community growing, which includes community gardens, community orchards, community market gardens and community farms. The Scottish Government requests additional wording be inserted into the plan to encourage opportunities for a range of community growing spaces.

### **PROP OS7: Allotment Sites**

#### Haddington and District Amenity Society (0327/8)

Proposal OS7 is objected to as consideration should be given to the provision of allotments within Haddington and Proposal OS7 should be changed accordingly.

### **Open Space and Play Provision Miscellaneous**

#### Musselburgh Area Partnership (0291/7)

No assurance of green space within new developments.

#### Homes for Scotland (0353/7)

Homes for Scotland queries the inclusion of a 20-30m buffer being applied to play areas within Advice Box 2 on Page 84 of the Proposed Plan. By way of an example, a 100 home development would require 60m<sup>2</sup> of play area per development = 6,000m<sup>2</sup> play area. If this was a square of approx. 77m x 77m, and a 30m buffer was required to be added, this would increase the area to 107m x 107m = 11,449m<sup>2</sup>, almost double the required area. A 20m buffer (97m x 97m) would require 9,409m<sup>2</sup> area provided. Homes for Scotland do not challenge the play area provision, but query the justification for the large land take that would be required to provide either a 20m or 30m buffer for the site. Homes for Scotland also query the justification for other requirements above 50 units within this Advice Box such as “possibly allotments, “community event space”, “formal sports facilities” and “possibly sports facilities”. Sports facilities are taken into account as part of the necessary developer contributions package and are detailed on a site specific basis within the draft Developer Contributions Framework supplementary guidance, therefore should not be added in to this guidance in an ad hoc manner. Homes for Scotland are concerned that this policy will lead to segregation of play areas and residential use, which raises issues of security and surveillance of the facilities.

### **Modifications sought by those submitting representations:**

#### **Policy OS1: Protection of Open Space**

##### SportScotland (0367/4)

Policy OS1: Protection of Open Space - modification to text as below:

“Recreational, leisure and amenity open space and facilities, including outdoor sports facilities will be safeguarded to meet the recreational needs of the community and protect the amenity or landscape setting of an area. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and:

i. the loss of a part of the land would not affect its recreational, amenity or landscape function, or ii. alternative provision of equal community benefit and accessibility would be made available, or iii. provision is clearly in excess of existing and predicted requirements”.

### **Policy OS2: Change of Use to Garden Ground**

W A Dodd (0323/5)

Suggested replacement of Policy OS2:

“Policy OS2: Change of Use to Garden Ground Adequate open space is essential to the health, enjoyment and well being of house holders, and the LPA will not support any reduction of open space, due to its enclosure, for its exclusive use as garden ground.”

### **Policy OS3: Minimum Open Space Standard for New General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/9); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/7)

No Modification sought

### **Policy OS4: Play Space Provision in new General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/10); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/8)

No Modification sought

### **PROP OS5: Potential Cemetery Extension**

David D Scott (0004); Philip and Kate Rycroft (0103); George Neill (0148); Nick Swan (0162); Eric Martin (0299); Jonathan Swift (0413/5)

No Modification sought

Gladman Planning (0213/8)

PROP OS5 to be shown at the land at Newtonlees Farm.

Omnivale Ltd. (0214)

The representation seeks the removal of the site from the Proposed Plan as a potential cemetery extension.

Scottish Environment Protection Agency (0252/7)

The proposal should be modified to include the following. “Applications for development should be supported by a site specific investigation to be undertaken in line with SEPA ‘Guidance on Assessing the Impacts of Cemeteries on Groundwater’. This investigation should demonstrate there will be no detrimental impacts to groundwater. It should be recognised that a site specific investigation may demonstrate that the site is unsuitable for

use as a cemetery.

Mrs Taylor (0287)

Delete the safeguard for a new cemetery in Haddington from Proposal CS5 and from the proposals map.

Haddington and District Amenity Society (0327/7)

Delete proposal for cemetery site at Brierybank Haddington and find another suitable alternative site.

APT Planning & Development Ltd. (0424)

Delete Whitekirk Burial Provision.

**Policy OS6: Allotment Provision**

Walker Group (0138/10)

Clarification of POL OS6 – in the operation and management of allotments provision is required.

The Scottish Government (0389/11)

Open Space Provision: additional wording should be inserted into the plan to encourage opportunities for a range of community growing spaces.

**PROP OS7: Allotment Sites**

Haddington and District Amenity Society (0327/8)

Amend Proposal OS7 and include allotment provision within Haddington.

**Open Space and Play Provision Miscellaneous**

Musselburgh Area Partnership (0291/7)

No Modification sought

Homes for Scotland (0353/7)

Removal of text in Policy OS4 under Section 3: General Requirements, part i. “with a suitable buffer set out within Advice Box 2” and justification for the suggested 20-30m buffer zone and allotment provision and community event space included within Advice Box 2.

**Summary of responses (including reasons) by planning authority:**

**Policy OS1: Protection of Open Space**

SportScotland (0367/4)

The Council submits that the current wording of Policy OS1 is appropriate. SportsScotland is of the view that the policy should from the outset safeguard all open spaces, and then immediately set out exceptions to that overall policy position in criterion i - iii. However, the Council is of the view that if the policy is to read properly, it needs to accept from the outset that there may be circumstances where open space (parts of wider areas of open space or some open spaces in their entirety) may not make a significant contribution to the recreation needs of the community or the amenity or landscape setting of an area. This then sets the context for the application of criterion i – iii. It also allows Policies OS1 and OS2 to be read together. Examples of such situations may be where parts of open space that form part of the wider landscape design of an area may be better used as garden ground, since this may enhance the character and appearance of the area overall. **The Council submits that no modification is necessary.**

#### **Policy OS2: Change of Use to Garden Ground**

W A Dodd (0323/5)

The Council submits that Policy OS2 seeks to safeguard situations where the loss of open space would not result in an unacceptable loss of visual or recreational amenity or harm the integrity of a landscaping scheme, or set a precedent that if followed would do so. There are situations where the change of use of land to garden ground could improve the character and appearance of an area, and it is those situations where the policy may be permissive. The Council submits that this modification would be inappropriate. **The Council submits that no modification is necessary.**

#### **Policy OS3: Minimum Open Space Standard for New General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/9); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/7)

In accordance with the Council's Open Space Strategy 2012 buffer zones are necessary around LEAPs and NEAPs to reduce potential disturbance to nearby residential areas. Distances of 20 metres and 30 metres respectively between the edge of the equipped play and the boundary of the nearest property are recommended. These buffer zones could include roads, footpaths and planted areas. The Council's intention is to consolidate the open spaces into larger useable areas. Good design can assist in maintaining a balance between ensuring such amenities are overlooked to stimulate self policing and maintaining reasonable space for children to play without causing detriment to quality of residential life. The buffer zone requirements are set out at Section 6.6 page 42 of the Council's Open Space Strategy 2012. It should be noted that the intention is not to use this as a method for providing additional open space over and above that required by the policy. **The Council submits that no modification is necessary.**

#### **Policy OS4: Play Space Provision in new General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/10); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/8)

In accordance with the Council's Open Space Strategy 2012 buffer zones are necessary around LEAPs and NEAPs to reduce potential disturbance to nearby residential areas.

Distances of 20 metres and 30 metres respectively between the edge of the equipped play and the boundary of the nearest property are recommended. These buffer zones could include roads, footpaths and planted areas. The Council's intention is to consolidate the open spaces into larger useable areas. Good design can assist in maintaining a balance between ensuring such amenities are overlooked to stimulate self policing and maintaining reasonable space for children to play without causing detriment to quality of residential life. The buffer zone requirements are set out at Section 6.6 page 42 of the Council's Open Space Strategy 2012. It should be noted that the intention is not to use this as a method for providing additional open space over and above that required by the policy. **The Council submits that no modification is necessary.**

### **PROP OS5: Potential Cemetery Extension**

David D Scott (0004)

The willingness of the Kirk of Session to sell part of the safeguarded land for a potential extension of the graveyard is noted and welcomed by the Council. Importantly, the development of any graveyard here would be dependent on the outcome of further technical work, including archaeological investigations as well as an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. The Council would welcome further discussion with the Kirk Session to agree how such technical work could be carried out, and on its conclusion and in light of it, to establish which parts of the site could be used to extend the graveyard and that there would be a willingness to sell. The Council recognises that the existing occasional use of the ground and the proposals for cemetery development will not impact on the continued intermittent use of the site for church activities. **The Council submits that no modification is necessary.**

Philip and Kate Rycroft (0103)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy, the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible close to existing communities. This is why an expansion of burial space in Whitekirk is proposed. In terms of the impact on the amenity of the local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024). In SEA terms the site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on landscape – whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in the design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In



that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

George Neill (0148)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy, the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Whitekirk is proposed. In terms of the impact on the amenity of the area local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024). In SEA terms the site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on landscape – whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. The Council submits that the cultural heritage policies of the plan will ensure that any development here protects, and where appropriate conserves or enhances, relevant cultural heritage assets. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

Nick Swan (0162)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy, the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Whitekirk is proposed. In terms of the impact on the amenity of the area local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024). In SEA terms the site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on landscape – whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded

site and the church. Landscape impact would need to be considered in design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

#### Gladman Planning (0213/8)

The Council continues to support the safeguard of land at Deerpark for a cemetery extension. This will also provide a buffer between the cemetery and any future development around it. This site provides for an expansion of the existing cemetery site in the short term. If there is a further need for burial space in Dunbar, and the existing safeguard proves to be inadequate, then additional sites for the longer term will be considered in a future review of the Local Development Plan. At this stage, the only site where the Council has indicated support for a cemetery extension at Dunbar is the site currently safeguarded. The Council is aware of proposals for housing development opposite the current safeguarded site, within which there is also a cemetery proposal, but this site is not identified by the LDP either for housing or for a cemetery. The outcome of any decision on that proposal will be a project level decision, assessed on its own merits against the development plan and any other relevant material considerations. **The Council submits that no modification is necessary.**

#### Omnivale Ltd. (0214)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Tranent is noted by the Council. As part of the preparation of the Council's Burial Strategy, the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Tranent, adjacent to the existing cemetery is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. In terms of the impact on the amenity of the area local area, the proposal for a graveyard has been assessed under the SEA process for cemetery provision (MIR/TTOTH028). The Council has received a Proposal of Application Notice (PAN Ref: 17/0001/PAN) for housing development on the current safeguarded site, within which there is also a cemetery expansion proposal, but this site is not identified by the LDP for housing. The outcome of any decision on that proposal will be a project level decision, assessed on its own merits against the development plan and any other relevant material considerations. **The Council submits that no modification is necessary.**

Scottish Environment Protection Agency (0252/7)

The Council notes SEPA's comments. However, the pre-ambule to Proposal OS5: Potential Cemetery Extensions is clear that there will be a need for assessment against the relevant SEPA guidance and that proposals for each '*potential*' cemetery extension will be assessed on their own merits, in particular as regards their impact on the Water Environment. The Council submits that SEPA's concerns and requirements are adequately reflected within the LDP. **The Council submits that no modification is necessary.**

Mrs Taylor (0287)

Objector's concerns and unwillingness to release the site for cemetery use noted. Para 67 of Circular 6/2013 states that 'the MIR is not a draft version of the plan' and that the content of the MIR should concentrate on the authority's 'big ideas for future development'. Whilst the Circular goes on to say that the MIR should be site specific, this should be read in the context of the statements at paragraph 67. As part of the preparation of the Council's Burial Strategy, the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Haddington is proposed. In terms of the impact on the amenity of the local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/HN/OTH021). It should also be noted that the need for cemetery space was raised in consultation responses to the Main Issues Report by East Lothian Council's Amenity Services, and this was responded to by the Council in the preparation of the proposed LDP. The Council has consulted on these sites through the SEA process with the consultation authorities and other stakeholders in the preparation of the Draft Environmental Report. The Council submits that the land is safeguarded for cemetery use, not allocated, and that further technical work is required to demonstrate that this possible location can be taken to be preferred. The Council also submits that, should technical work demonstrate that this site is not an appropriate site for the safeguarded use, an alternative location could be sought at project level by way of planning application, providing relevant policies of the development plan can be satisfied.

In respect of the suggested temporary use of land for allotments, since publication of the burial strategy the Community Empowerment (Scotland) Act has emerged. Consequently, the Council would face issues in doing this due to provisions of the Act which seek to safeguard allotments for the long-term, making subsequent relocation of existing allotment holders hard to facilitate. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

Eric Martin (0299)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy, the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Whitekirk is proposed. In terms

of the impact on the amenity of the area local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024). In SEA terms the site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on landscape. Whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. Comments in respect of on-line accessibility noted. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

#### Haddington and District Amenity Society (0327/7)

The Council submits that the site is safeguarded for a cemetery, and further technical work would be required before it could be delivered there. The Council submits that Haddington's urban form is well consolidated, and that locations on the edge of the settlement will be needed for facilities such as this. The impact of a cemetery on the landscape setting of Haddington here would be significantly less intrusive than if it were to be proposed for built development. In that context, the proposal for a cemetery, which is essentially open in character, would not compromise the setting of the town and would be acceptable in principle here. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. In that context, the proposal for a cemetery, which is essentially open in character, would not compromise the setting of the town and would be acceptable. **The Council submits that no modification is necessary.**

#### Jonathan Swift (0413/5)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy, the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. In terms of the impact on the amenity of the area local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024). The site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on the landscape – whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in design of boundary treatments, including where any car park is proposed.

The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work.

Proposal OS5: Potential Cemetery Extensions can be found under the Provision of New Open Space and Play Facilities section of the plan, pg 86. Additionally the site is shown on Inset Map 38 - Whitekirk with the area marked in green and noted in the key as OS5. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

APT Planning & Development Ltd. (0424)

The land is safeguarded for a future cemetery. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

### **Policy OS6: Allotment Provision**

Walker Group (0138/10)

Provision of allotments is now governed by the Community Empowerment (Scotland) Act (CEA) which places a specific additional burden on Local Authorities to meet demand. The exact demand that new housing development will generate can only be based on comparison with existing demand and extrapolated through according to new house numbers. The Council submits that allotment provision should be provided in accordance with Advice Box 2 and will be considered within the provision that will satisfy Policy OS3: Minimum Open Space Standards for New General Needs Housing Development.

The Council has yet to develop and adopt an Allotment / Food Growing Strategy as it is awaiting final enactment of Section 9 of the CEA. However that strategy is likely to recommend that any allotments created to meet demand fall initially to the local authority to manage with the long term aim of delegating this out to discrete associations. Discussion between any applicant and ELC healthy Living manager will be welcomed at an early stage of any development proposal, preferably during pre-application discussions, to agree how many allotments should be provided for as part of proposals in accordance with Policy OS6 and OS3. **The Council submits that no modification is necessary.**

The Scottish Government (0389/11)

The Council submits that the point is already adequately addressed in the plan, as at paragraph 3.126 a number of different types are listed but because the word 'including' is used it is clear that this list is not exhaustive. For the avoidance of doubt, the Council would support community gardens and community orchards within open spaces as well as community market gardens and community farms in appropriate locations, subject to compliance with relevant development plan policies. **The Council submits that no modification is necessary.**

#### **PROP OS7: Allotment Sites**

##### Haddington and District Amenity Society (0327/8)

The Council submits that Haddington has a variety of open spaces within it, and should there be a demand for allotments that the types of open space might be modified to provide such facilities. The policies of the plan would allow for this, including where new development is proposed. The Council submits that no change to the plan is necessary.

The Council has yet to develop and adopt an Allotment / Food Growing Strategy as it awaits final enactment of Section 9 of the Community Empowerment Act. However that strategy is likely to recommend that any allotments created to meet demand fall initially to the local authority to manage with the long term aim of delegating this out to discrete associations. **The Council submits that no modification is necessary.**

#### **Open Space and Play Provision Miscellaneous**

##### Musselburgh Area Partnership (0291/7)

All new housing developments will be provided with new open space and play facilities in line with Policies OS3 and OS4 of the LDP. **The Council submits that no modification is necessary.**

##### Homes for Scotland (0353/7)

The Council submits that Homes for Scotland may have misinterpreted Advice Box 1 in terms of the 'advice' concerning a play space buffer. A buffer does not apply to the overall 'open space', only around the 'play space / areas' within it. Additionally, the extent of the buffer is intended to serve only as a guide, not a policy requirement, even when read together with Policy OS4 Section 3. This is clear from the last sentence of paragraph 3.127, where it is stated that 'guidance' must be taken from Advice Box 1. Furthermore, the buffer area does not need to be open space, as the intention is to ensure a buffer is provided between play space and residential properties, so roads or similar could be within the 'buffer' area / distance. As a worked example, a 50 home development = 3,000m<sup>2</sup> open space overall, within which a LAP of 400m<sup>2</sup> should be provided. Around that LAP a buffer of approximately 20m should also be provided between the play space and residential properties. This would mean that the overall space around the play area would be around 3,600m<sup>2</sup>, but that area could include roads and footpaths and so on. The overall intention is to secure and appropriate design, as explained in paragraph 3.125 of the LDP, and the advice should be treated as such. This principle extends to consideration of the types of open space that should be considered as part of multifunctional areas of open space within new development.

In accordance with the Council's Open Space Strategy 2012 buffer zones are necessary

around LEAPs and NEAPs to reduce potential disturbance to nearby residential areas. Distances of 20 metres and 30 metres respectively between the edge of the equipped play and the boundary of the nearest property are recommended. These buffer zones could include roads, footpaths and planted areas. The Councils intention is to consolidate the open spaces into larger useable areas. Good design can assist in maintaining a balance between ensuring such amenities are overlooked to stimulate self policing and maintaining reasonable space for children to play without causing detriment to quality of residential life. **The Council submits that no modification is necessary.**

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 18(a)</b>	<b>Transport: General</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Mr and Mrs H D I Smith (0104)  Walker Group (0138)  Mr &amp; Mrs Hepburn (0147)  Longniddry Community Council (0161)  Gullane Community Council (0166)  Network Rail (0181)  Musselburgh &amp; Inveresk Community Council (0245)  Musselburgh Area Partnership (0291)  Wemyss and March Estate (0295)  East Lothian Liberal Democrat Party (0300)  Musselburgh Grammar School Parent Council (0317)  Haddington and District Amenity Society (0327)  Inveresk Village Society (0385)  Scottish Government / Transport Scotland (0389)  East Lammermuir Community Council (0414)  Mark Holling (0425)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Strategy Diagram 2: Transport Background (pg 88) Transportation Chapter P88-98	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Infrastructure Strategy Diagram</b></p> <p><u>Network Rail (0181/14)</u></p> <p>Network Rail welcomes the insertion of Diagram 2 to set the strategic context for the 4 track railway corridor. However, if this is to be delivered it will require detailed maps and assessment and a safeguarding corridor. It would greatly assist that this map be produced/revised or as part of supplementary guidance showing the route in more detail and making it clear this is a safeguarding zone where development will not be allowed.</p> <p><u>Haddington and District Amenity Society (0327/10)</u></p> <p>Strategy diagram 2 should show the Longniddry to Haddington Route Safeguard (T14) in line with the status accorded to East Linton Rail Proposal (T12).</p> <p><b>Infrastructure Introduction</b></p> <p><u>Mr and Mrs H D I Smith (0104/5)</u></p>		



It is disingenuous to suggest that significant development at Drem is an opportunity for road re-alignment. Effective Speed measures are needed.

Walker Group (0138/11)

Whilst it is accepted that the additional trips to and from new development will increase demand for capacity on public transport - i.e. the rail network and on bus services. It follows that additional demand on public transport will generate additional revenue for the privately run rail and bus operators. With regard the rail network It is perverse for the Council to seek developer contributions towards a range of "as yet unspecified" interventions which are clearly the responsibility of the rail operator. It is clearly the responsibility of Network Rail as the owner, operator and infrastructure manager of Britain's main railway network to maintain, renew and develop the rail network. The Councils Statement of Conformity with Circular 3/2012 (in Technical Note 14) is specifically stated to apply to Road Services Obligations, however the shortlisted interventions from LDP TA lists PROP 9 & PROP 10 Rail Package at a cost of £4.75 million. The Statement of Conformity fails to justify the requirement for contributions towards either of these proposals in terms of the Circular policy test.

Mr & Mrs Hepburn (0147/1)

The Musselburgh Bypass, the Edinburgh Bypass and Sir Harry Lauder Road are currently beyond capacity and road users experience significant travel delays. Trains are at capacity and struggle to meet current demand with passengers being denied access onto trains at peak times and with car parking spilling onto surrounding roads. What will be done to mitigate the impact of 10000 additional houses and associated cars? Is there a high level plan for travel infrastructure? Any house building plan needs to focus on reducing the need for residents to travel west for their employment.

Wemyss and March Estate (0295/6)

The delivery of infrastructure is a critical consideration. This section of the LDP fails to convey what agency/organisations will be responsible for funding and delivering transport infrastructure. It also fails to indicate whether the delivery of this infrastructure forms any part of those agencies' corporate plans or if committed funding is in place or if there is support from the agencies for the Local Transport Strategy vision on relation to the rail network. If these projects do not have the support of the key agencies who will deliver them, it is not clear whether they are deliverable even with developer contributions. It is also unclear if they are supported in principle by the relevant agency. Where such improvements can only be achieved with the agreement of relevant agencies or organisations, it is important that the LDP's allocations cannot be held to ransom by those same agencies because the developments have been made entirely conditional on those improvements proceeding. In such cases, it may be appropriate for the developers to contribute towards the costs of those improvements but not made responsible for implementing them. The proposed rail related interventions requiring developer funding (PROP T9 and PROP T10) include station platform lengthening to accommodate eight-car train sets and Station Car Park extensions. The requirement for eight-car train sets serving Longniddry is not justified in any detail within the LDP Transport Appraisal, which only indicates that there is likely to be an impact on journey choice in Musselburgh, Tranent and Wallyford, with no stated significant impact to Longniddry. Therefore, there is an obvious disconnection between Prop T10 and the Developer Contributions Framework

SG. What is being requested is developer contributions towards the delivery of platform lengthening and not conformation that land will be safeguarded.

Mark Holling (0425/3)

A new station and park and ride facility should be built at Ferrygate. The car park at North Berwick station is too small for purpose. Without a modal shift to bus and bike there is insufficient space. A new station on west side of town is required for both commuters and visitors with safe pedestrian and cycle links into the town. There must be opportunities to adjust train times to allow this development which could be key to freeing up space for PEOPLE (not cars) in the centre of North Berwick.

### **Policy T1: Development Location and Accessibility**

Inveresk Village Society (0385/2)

Inveresk is under threat from increased traffic through the village and heavy vehicles should be required to use other roads and a 20mph limit imposed within Inveresk.

### **Policy T2: General Transport Impact**

Musselburgh Area Partnership (0291/3)

The transport implications of housing development at Newcraighall on traffic in Musselburgh have not been taken into account. Public transport serving Wallyford and Whitecraig will not cope with the scale of future development. The Area Partnership is not confident that the transport proposals outlined in the plan will work. There are existing problems with public transport (train and bus) in the Musselburgh area such that the Area Partnership does not consider the area to have 'easy access' to Edinburgh. Lack of timely completion of cycle paths by developers.

Musselburgh Grammar School Parent Council (0317/3)

Physical infrastructure is not available to support population growth e.g. roads, parking, utilities provision and public transport and no mention of how this will be enhanced to cope.

East Lammermuir Community Council (0414/10)

How would the proposed expansion of Dunbar affect traffic and public transport, particularly on the A1?

### **Policy T29: Town Centre Parking Strategy**

Musselburgh Area Partnership (0291/9)

Lack of planning for parking in Musselburgh town centre.

### **Infrastructure Miscellaneous**

Longniddry Community Council (0161/2)

Representation on Road Infrastructure: Longniddry Community Council considers that whilst the main line of the A1 appears to cope with increased demand, there is concern about the impact of a closure on the local road network and this should be considered as part of any decisions to improve the A1. Concerns over the capacity of Bankton A1 interchange to accommodate additional demand. Concern also about the cumulative impact of traffic on the A198 / B1377 roundabout within Longniddry, and the potential for increased traffic through the settlement, including heavy vehicles, as drivers from the east may choose to use the A198 coast road through Longniddry. This would also undermine pedestrian and cycle safety. There are concerns about pupils having to cross the road to get the school bus, and it is suggested that a specific pick-up and drop-off point is provided for pupils on the westbound side of the A198.

#### Gullane Community Council (0166/13)

Seeks independent expert assessment of the state of the rural road network with a baseline of its current state and adding proposed future developments, and identify further interventions if required. Notes LDP comments on the Transport Network, Infrastructure Fund and Modelling. There is no evidence of an appreciation of the traffic through the rural road network, including locations such as Aberlady, Gullane, Ballencrieff, Drem or West Fenton. Urges the Council to provide some robust and credible evidence that no intervention is needed or put forward credible interventions.

#### Network Rail (0181/1)

Network Rail are keen to seek continued support for safeguarding and improving the safety and capacity of the existing and future railway network in tandem with new development, and that where improvements are required, that they are considered at the right time as part of the planning for new development with appropriate strategic assessment and to feed in to and mitigate the infrastructure and capacity issues required.

#### Network Rail (0181/2)

Network Rail considers that the Proposed LDP requirement that development must be accountable for resultant requirements to railway infrastructure and facilities is welcomed.

#### Network Rail (0181/3)

The Proposed LDP sets out a clear strategic context for seeking developer contributions for required infrastructure enhancements or station improvements as a direct consequence of new development growth. Further detail on this and how it would be implemented and the scale would be welcomed.

#### Network Rail (0181/4)

Network Rail should be clearly excluded from having to make developer contributions. As a Government organisation all funding comes from the taxpayer.

#### Network Rail (0181/5)

The Proposed LDP site allocations must take cognisance of the impact of development proposals affecting level crossings. Transport assessment and developer contributions policy and supplementary guidance must ensure infrastructure risks are identified and

mitigation secured i.e. level crossing upgrades; alternative crossings etc.

Network Rail (0181/6)

Network Rail request that the Proposed LDP provides a designated notification zone around all operational railway infrastructure within which any development application proposals would be notified to Network Rail and that this would also safeguard the future rail line improvements proposed.

Musselburgh & Inveresk Community Council (0245/2)

Rail infrastructure requires improvements now to deal with current problems.

East Lothian Liberal Democrat Party (0300/1)

Majority of development in the west is supported, but public transport needs to be improved and development can only take place once solutions are found. Support for four line section of track on the East Coast Main line, but plan should go further and identify funding. Significant new development should be avoided where traffic from it would exacerbate traffic and air quality issues on Musselburgh High Street.

Scottish Government / Transport Scotland (0389/15)

Paragraph 5.14 of NPF3 states that we will encourage local authorities to develop at least one exemplar walking- and cycling friendly settlement to demonstrate how active travel networks can be significantly improved.

**Infrastructure Support**

Network Rail (0181/13)

Network Rail welcomes the thrust of the sustainable transport policies set out.

Network Rail (0181/23)

With reference to the Musselburgh Cluster, Prestonpans/Cockenzie/Port Seton/Longniddry Cluster, Blindwells Cluster, Dunbar Cluster and North Berwick Cluster Network Rail states that the cross reference to and the detailed policies set out through the Transport section of the LDP and in particular the detailed policies on improvement works and contributions required are welcomed. This forms a sound and detailed basis and one which Network Rail support.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/11); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/9)

The representor supports this policy which states that new developments should be capable of being assessed on foot, cycle, public transport and private vehicle.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/12); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/10)

The representor supports this policy which refers to transport impacts and that new

development should not have a significant adverse impact.

**Modifications sought by those submitting representations:**

**Infrastructure Strategy Diagram**

Network Rail (0181/14)

The representation seeks the inclusion of detailed maps and assessment which shows the 4 track Railway route and safeguard zone in more detail.

Haddington and District Amenity Society (0327/10)

Amend strategy diagram to show Longniddry to Haddington Route Safeguard (T14).

**Infrastructure Introduction**

Mr and Mrs H D I Smith (0104/5); Mr & Mrs Hepburn (0147/1)

No Modification sought

Walker Group (0138/11)

Delete last sentence of Para: 4.19: "Provision for the interventions set out below must be made by developments that generate a need for them as set out in the Developer Contributions Framework SG in accord with Policy T32 and Policy DEL1. Delete PROP T9 Safeguarding of land for larger car parks. Delete PROP T10 Safeguarding of Land for Platform Lengthening. Amend Policy T32 Transport Infrastructure Delivery Fund should be amended to clarify that rail infrastructure is excluded from the requirement to seek developer contributions. Comments made RE: Dev. Contributions Framework. Delete all references to the Rail Network Improvement Contribution Zone in the LDP Developer Contributions Framework. Delete PROP T9 & T10 from Table DEL1: Developer Contributions Framework

Wemyss and March Estate (0295/6)

Para 4.2 should be amended to clarify that the Local Transport Strategy is not a delivery strategy but a long term vision for an area. It should also clarify where responsibility lies for delivering the various elements of the Local Transport Strategy Vision and the level of commitment ELC has from these agencies/service providers.

Mark Holling (0425/3)

A new station and park and ride facility should be built at Ferrygate Farm, North Berwick.

**Policy T1: Development Location and Accessibility**

Inveresk Village Society (0385/2)

No Modification sought

**Policy T2: General Transport Impact**

Musselburgh Area Partnership (0291/3); Musselburgh Grammar School Parent Council (0317/3); East Lammermuir Community Council (0414/10)

No Modification sought

### **Policy T29: Town Centre Parking Strategy**

Musselburgh Area Partnership (0291/9)

No Modification sought

### **Infrastructure Miscellaneous**

Longniddry Community Council (0161/2); Network Rail (0181/1) (0181/2) (0181/3) (0181/4) (0181/5) (0181/13) (0181/23); Musselburgh & Inveresk Community Council (0245/2); East Lothian Liberal Democrat Party (0300/1)

No Modification sought

Gullane Community Council (0166/13)

Independent modelling work and identification of any interventions needed; no specific modification to plan suggested.

Network Rail (0181/6)

The representation requests that the LDP should include a designated notification zone around all operational railway infrastructure for any development application proposals.

Scottish Government / Transport Scotland (0389/15)

The Scottish Government would request that the planning authority identify at least one exemplar walking- and cycling friendly settlement in the Plan.

### **Infrastructure Support**

Network Rail (0181/13) (0181/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/11) (0426/12); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/9) (0438/10)

No Modification sought

## **Summary of responses (including reasons) by planning authority:**

### **Infrastructure Strategy Diagram**

Network Rail (0181/14)

The Council submits that the assessment and safeguard of a four track corridor would be useful, however it also notes that the definition and alignment of such a safeguard is not possible at this stage without further assessment, consultation and option appraisal. If

such a corridor where to be established at this stage it may be inaccurate and thus detrimental to the longer term project, including feasibility and viability. It may also generate unnecessary concerns among the community and landowners concerning the future impact on their interests. This is why the proposed LDP identifies an indicative alignment for this emerging project – it raises awareness pending the necessary detailed technical work. It will be possible for Network Rail, in consultation with East Lothian Council, to review and define a zone for the project at a greater scale in due course. **The Council submits that no modification of the plan is necessary.**

Haddington and District Amenity Society (0327/10)

The Council submits that the Longniddry – Haddington Route safeguard is described in paragraphs 4.27 to the plan and illustrated on the Proposals Map (Inset map 20 and 24), and that no change to the plan is necessary since the rest of the alignment follows the former track bed. Transport Safeguards are not shown on Inset Map 3; should the Reporter be minded that additional clarification is needed, the full route of the Longniddry – Haddington Route safeguard could be illustrated on Inset Map 3 as with Proposal T13. **The Council submits that no modification of the plan is necessary.**

### **Infrastructure Introduction**

Mr and Mrs H D I Smith (0104/5)

Drem is not proposed for development within the plan therefore there is no road realignment proposed. However, the potential for a large scale of development there in to the longer term is signposted within the LDP at paragraph 2.154 (but land is not safeguarded by the LDP) to explain that there may be scope to connect the B1377 and B1345 to by-pass Drem to the west in to the longer term, should there be an allocation made there in a future LDP. Currently, residents can make separate representations to Council's Road Services with regard to changing the existing speed limit of 40mph reduced to 30mph. There are some 20mph areas being promoted within East Lothian currently, however Drem may not be suitable for this reduction given it is a main arterial route and rural location. **The Council submits that no modification of the plan is necessary.**

Walker Group (0138/11); Wemyss and March Estate (0295/6)

The Council submits that the transport requirements in proposals T9 and T10 to be consistent with the SDP Policy 8 and Action 64 of the SDP Action Programme. These proposed interventions are justified by the transport appraisal prepared in line with Transport Scotland's guidance. The Council has set out all transport safeguards in East Lothian on the Proposals Map. The LDP states in para 4.2 that it takes the Council's Local Transport Strategy 2015-2025 (LTS) into account and seeks to integrate the LTS's vision for how existing transport networks and services will change and be improved in future. The Council submits that it is clear from the text that the LTS is a long term vision and makes no mention of it being a delivery mechanism. The same is true of the development plan as it is for the National Planning Framework. The Council submits that the LDP seeks to identify projects for which there is support to deliver in the short, medium or longer term, but it is for the service and infrastructure providers themselves to ensure that their capital plans make the necessary provision within the appropriate timeframe. This means that disparate plans and strategies will need to align with the development plan such that these necessary interventions will be delivered. The LDP delivery strategy is set out in the East

Lothian Draft Action Programme, which has been consulted on alongside the LDP. This document sets out who is responsible for delivery along with indicative costs and timing for delivery. In terms of the co-dependency between delivery of interventions and the commencement / occupation of development, the LDP at paragraph 8.11 and the draft Supplementary Guidance: Developer Contributions Framework paragraph 1.15 – 1.19 explains the approach that the service or infrastructure providers can follow; commitment to provide developer contributions will be essential in any circumstance.

The East Lothian Transport Assessment and model identifies that the additional passenger trips to and from new developments in the area will increase demand for capacity on the rail network. The justification for measures to mitigate the impacts of additional demand on rail transport as a consequence of housing and other development and to lengthen station platforms is demonstrated in the Councils Transport Appraisal document in support of the LDP. The residential and employment developments within the LDP area result in a considerable number of additional public transport trips placing demands on capacity. The reference case 6 car services show a very high load on services between Wallyford, Musselburgh and Edinburgh and additional LDP allocations create significant additional demands for capacity and create constraints which will require the introduction of 8 car trains and thus platform lengthening over the length of the line. This is because the cumulative impact of new development along the entire line will coalesce down line on the west of East Lothian. This increased demand can be met by longer trains if longer platforms are provided. The appraisal identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. However, as the rail network functions as a single route the increase in demand is conveyed up or down stream and impacts on all stations so all development has an equal proportionate share of the cost on the need for increased platform lengths. Consequently, the interventions to lengthen station platforms needs to be delivered over the whole network as the increased train length stop at all stations. However, it would not appropriate to seek contributions only from sites in the area where 'cumulative' impacts manifest: all relevant developments must make a contribution towards mitigation of its impact on a cumulative basis. It is reasonable for a developer to contribute in scale, kind and proportionate to the mitigation of impacts which is needed as a direct consequence of development. All rail infrastructure in the United Kingdom is the responsibility of Network Rail and as such it manages, maintains and improves the rail network to accommodate present and future demand. Network Rail was renationalised in September 2014 and as a consequence operates as a public body. Accordingly, Network Rail receives funding from the United Kingdom and Scottish Governments to maintain the existing asset base. Network Rail does not make a profit or operate as a private company. In this regard Network Rail should be considered in the same context as Transport Scotland or East Lothian Council as strategic or local roads authorities, and so there is a basis for seeking developer contributions.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This



process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.

- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### **Select Link Cordons**

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### **Calculating the LDP trip impact**

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### **Calculating the proportional impact of each development**

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone.

This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

***(Individual development hectares / total development hectares)\* total zonal contribution***

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### **Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

***(LDP select link trips –committed select link trips) / LDP select link trips.***

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### **Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

Mr & Mrs Hepburn (0147/1)

The Council has undertaken a Transport Appraisal (TA) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology. There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to

facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;

- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

The spatial strategy of the LDP is a compact one as it focuses the majority of new development in the west of East Lothian. This is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. Appropriate development sites that are or can be integrated with sustainable transport options are allocated. This is so new development will have good access via sustainable transport modes to existing or new employment locations or community facilities that are or will become available locally or regionally. This will minimise the need to travel by car and associated CO2 emissions.

The sites selected also provide opportunities to further the regeneration of communities in East Lothian's former western coal field. However not all new development is to be located in the west and some additional development has been distributed to the east. This is in

recognition of the need and demand for new homes and economic development opportunities in other appropriate and accessible parts of East Lothian where local service provision and sustainable transport options are good.

**The Council submits that no modification of the plan is necessary.**

Mark Holling (0425/3)

The Council submits that the existing rail infrastructure in North Berwick is appropriate in the circumstances and that no alterations are required within the context of the plan. There are no proposals to extend the car park at North Berwick or plans to relocate the station or add a new one. The LDP makes provision for improvements to the existing transport infrastructure, where necessary or seeks contributions to the public transport network and/or the enhancement of enhancement of active travel networks consistent with promoting an appropriate order of travel priority (see response to representation 0147/1). The Council is working with the public transport service providers to integrate services and connectivity across the area. **The Council submits that no modification of the plan is necessary.**

### **Policy T1: Development Location and Accessibility**

Inveresk Village Society (0385/2)

The Council submits that there is sufficient capacity on the A6124 through Inveresk. The Council submits that the road through Inveresk is an A class road (A6124) and can accommodate the additional traffic that would be generated. It is a major route into Musselburgh. Junction arrangements and mitigation improvements within Musselburgh Town Centre are proposed by the LDP to mitigate impacts. Currently, residents can make separate representations to Council's Road Services with regard to changing the existing speed limit. There are some 20mph areas being promoted within East Lothian currently, however the Council has no plans to introduce 20 mph limits at Inveresk at this stage. **The Council submits that no modification of the plan is necessary.**

### **Policy T2: General Transport Impact**

Musselburgh Area Partnership (0291/3)

It is noted that the Area Partnership is not confident that the transport proposals outlined in the plan will work and that it does not consider the area to have easy access to Edinburgh.

However, the Council has undertaken a Transport Appraisal (TA) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology. It is focussed on the land use and transport interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian. This includes input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SDP area (See paragraph 4.2.4 of the LDP Transport Appraisal). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

Core model scenarios Without the LDP and With LDP were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP sites including those that will extend beyond the lifespan of the LDP to 2038. All road and public transport networks were examined, including Wallyford and

Whitecraig, and the models showed that the LDP sites would have a negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network. A review of potential interventions to mitigate those impacts was undertaken and resulted in the LDP section on Infrastructure Resources which in terms of rail transport identifies a range of rail transport measures.

The TA therefore includes transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. The Council considers that these provide an adequate framework to accommodate the development proposed without unacceptable impacts on local services and infrastructure.

The AP is right to point out that cycle lane improvements on Pinkie Road have not yet been implemented by developer Taylor Wimpey despite the school extension being open and this matter is currently being addressed by the Council Planning Enforcement Officers.

The Council submits that the west of East Lothian is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. This will be particularly so once the mitigation above is delivered in association with new development. Appropriate development sites that are or can be integrated with sustainable transport options are allocated. This is so new development will have good access via sustainable transport modes to existing or new employment locations or community facilities that are or will become available locally or regionally. This will minimise the need to travel by car and associated CO2 emissions. **The Council submits that no modification of the plan is necessary.**

#### Musselburgh Grammar School Parent Council (0317/3)

The Council submits that central to the preparation of the plan has been the need to understand how the existing transport infrastructure would accommodate additional planned development and this has been examined in the Transport Appraisal prepared for the LDP (**Core doc**) focussed on the land use and transport interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian.

This included input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SESplan area. Core model scenarios 'Without the LDP' and 'With LDP' were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP. All road and public transport networks were examined and the models showed that the LDP sites would have a

negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network. A review of potential interventions to mitigate those impacts was undertaken and resulted in the LDP section on Infrastructure Resources which in terms of rail transport identifies a range of rail transport measures.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposal T20 Transport Related Air Quality Measures; Relocation of Bus stops; PROP T21 Musselburgh Urban Traffic Control System; PROP T22 Reopen link to Vehicle Access at Queen Margaret Drive/Whitehill Farm Road, are all relevant to proposals to address local road transport infrastructure to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network



interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. **The Council submits that no modification of the plan is necessary.**

#### East Lammermuir Community Council (0414/10)

The Council submits that it has assessed the travel demand forecasts with full build out of LDP allocations to 2024 and made provision for appropriate interventions. To consider the cumulative impacts of housing and employment allocations, including from Dunbar, the Council modelled impacts using a Strategic Regional Model (SRM12), and an s-paramics micro- simulation model and junction modelling tools. These examined road, rail and public transport network impacts to determine the nature and scale of infrastructure mitigation required. The Council is satisfied that all trips generated from all allocations have been taken into account within the modelling work. The Council recognises and accepts that additional trips will be placed on the road network but there will be sufficient junction and link capacity to accommodate these once the mitigation interventions have been delivered. The Local development plan makes provision for improvements to the existing transport infrastructure, where necessary or seeks contributions to the public transport network and/or the enhancement of active travel networks consistent with promoting an appropriate order of travel priority (see response to representation 0147/1). **The Council submits that no modification of the plan is necessary.**

#### **Policy T29: Town Centre Parking Strategy**

##### Musselburgh Area Partnership (0291/9)

The Council submits that Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters, including parking provision. Whilst it is acknowledged that the LDP does not make specific proposals for additional car parking in Musselburgh town centre this is a matter that is

more appropriately considered in the context of the Local Transport Strategy, in the context of LDP Policy T19. The LTS is accompanied by a Parking Management Strategy. The current Musselburgh Town Centre Strategy makes a number of references to town centre car parks and the Council provided additional parking space to support the town centre in Musselburgh High Street in an environmental improvement project to reorganise road space east of the town hall implemented in 2014/15. As Policy T29 notes the Council is implementing its parking management strategy across East Lothian. **The Council submits that no modification of the plan is necessary.**

### **Miscellaneous Comments**

#### Longniddry Community Council (0161/2)

The Council submits that A1(T) Interchange improvements are proposed at Bankton, Salter's Road and potentially at Dolphingstone. Improvements are also proposed at Old Craighall A1(T) Junction. With the proposed mitigation measures the strategic transport network is shown to operate satisfactorily (see Council's answer to representation 0291/3). In terms of emergency closure of the A1 on the local road network this is an operational matter and dependant on the circumstances of the case and time. It will be for the emergency services, working with East Lothian Council, to consider how best to address any such eventuality, recognising that if such an event occurred it would be only temporary. In terms of the impact on the local road network and road network within Longniddry, the Council's Macro and Micro models supporting the Transport Appraisal highlight no issues in terms of traffic volumes or congestion in this area (see Transport Appraisal paragraph 5.2.4). Advice from the Council's Head of Infrastructure is that road safety is not a concern here, and will be monitored on an on-going basis by the Council. Such matters will also feature within project level assessment. Advice from the Council's Head of has informed the LDP proposals in respect of specific sites, including Proposal PS1, as well as the Draft Development Briefs which the Council intends to adopt as supplementary planning guidance. At this stage, the LDP and associated documents highlight key points of principle that will need to be addressed at project level through master plans and applications. This does not mean that these documents identify an exhaustive list of requirements as the Development Management process may identify more detailed matters to be addressed. The Council submits that paragraph 2.58 requires the masterplan for the Longniddry south site to make provision as part of the development for active travel and vehicular routes from the B6363 to the southern platforms of the station. Paragraph 2.59 is also clear that upgrades to the A198 and B6363 junction will be required, including for bus access. It further states that traffic calming and associated environmental works on the A198 through the village will be necessary, including provision of suitable pedestrian crossing points to integrate the development with Longniddry – this is to accommodate movement of pupils as well as between community facilities and to maintain pedestrian and cycle safety. The operational arrangements for bus routing to provide school transport for pupils is not a matter that the LDP can address, but will be considered by the Council as arrangements are put in place. **The Council submits that no modification of the plan is necessary.**

#### Gullane Community Council (0166/13); Musselburgh & Inveresk Community Council (0245/2)

The Council has undertaken a Transport Appraisal (TA) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology. It is focussed on the land use and transport

interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian. This includes input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SDP area (See paragraph 4.2.4 of the LDP Transport Appraisal). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

Core model scenarios Without the LDP and With LDP were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP sites including those that will extend beyond the lifespan of the LDP to 2038. All road and public transport networks were examined, including Wallyford and Whitecraig, and the models showed that the LDP sites would have a negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network. A review of potential interventions to mitigate those impacts was undertaken and resulted in the LDP section on Infrastructure Resources which in terms of rail transport identifies a range of rail transport measures.

The TA therefore includes transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to

facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. The Council considers that these provide an adequate framework to accommodate the development proposed without unacceptable impacts on local services and infrastructure.

The AP is right to point out that cycle lane improvements on Pinkie Road have not yet been implemented by developer Taylor Wimpey despite the school extension being open and this matter is currently being addressed by the council Planning Enforcement Officers.

The Council submits that the west of East Lothian is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. This will be particularly so once the mitigation above is delivered in association with new development. Appropriate development sites that are or can be integrated with sustainable transport options are allocated. This is so new development will have good access via sustainable transport modes to existing or new employment locations or community facilities that are or will become available locally or regionally. This will minimise the need to travel by car and associated CO2 emissions.

In terms of the impact on the local road network, the Council's Macro and Micro models supporting the Transport Appraisal highlight no issues in terms of traffic volumes or congestion in this area (see Transport Appraisal paragraph 5.2.4). The output from the model does not identify any constraints to the local road network in the Aberlady, Gullane, Ballencrief, Drem or west Fenton areas area. No strategic or cumulative impacts are

identified through the modelling exercise. Any improvements necessary at project level will be identified through the assessment of planning applications.

**The Council submits that no modification of the plan is necessary.**

Network Rail (0181/1)

Comments noted. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/2) - support

Support Welcomed. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/3)

Comments noted, Network Rail is directed to the draft Supplementary Guidance: Developer Contributions Framework. The Council submits that whilst it can gather contributions for the rail network towards interventions arising as a result of new development that the Council has identified, costed and promoted for delivery, it will be for Network Rail to hold those contributions and to use them to deliver the relevant projects. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/4)

Comments noted. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/5)

The Council recognises that development proposals may result in increased use of level crossings. However, the Council notes this is an existing situation, and that the closure of level crossings is a matter being considered across East Lothian and beyond. As a result the Council does not consider it appropriate to include any additional text within the LDP seeking contributions towards the closure of level crossings from developers particularly if this would make development conditional on Network Rail's approach. The Council notes at this stage Network Rail has no projects identified, and that the approach to level crossings is likely to be influenced by proposals to implement a four track section of the East Coast Main Line. As such, there is currently a lack of clarity as to the ability to deliver interventions and their costs. Any decision on the future of level crossings is an operational decision that should be taken by Network Rail when the LDP is operative and as its own plans and strategies develop and as projects emerge over time. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/6)

In respect of Network Rail comments requesting the inclusion of a "designated notification zone" around all operational railway infrastructure within which any development application proposals would be notified to Network Rail, the Council submits that this matter is already adequately addressed through the Development Management process, and there is no need for specific reference to it in the LDP by either a policy or map change on the matter. In accordance with the Town and Country Planning Development Management Procedure (Scotland) Regulations 2008 (Schedule 5 (7)), the Council is required to consult Network Rail on relevant planning applications. These regulations state

that Network Rail is a statutory consultee on planning applications for built development. The planning authority will impose any appropriate planning conditions on any planning permission as requested by Network Rail. The Council would not approve planning permission if constraints cannot be overcome for development, and it would not allow the proposed development to proceed unless and until any necessary mitigation has been identified and is provided as appropriate. The Council submits that the plan should not be modified in light of this representation. This is particularly the case in view of the pre-existing provisions which would allow matters to be satisfactorily addressed through the Development Management process. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/13)

Support welcomed. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/23)

Support welcomed. **The Council submits that no modification of the plan is necessary.**

East Lothian Liberal Democrat Party (0300/1)

The Council submits that the LDP addresses the public transport issues in the west of the area, including platform lengthening at stations to accommodate longer trains (see Council's answer to representation 0291/3). In terms of traffic movements through Musselburgh, these have been assessed by macro and micro modelling tools (see Council's answer to representation 0291/3). In light of these transport mitigation measures, and improvements to the bus fleet, air quality is anticipated to be at acceptable levels, and the Council is preparing an Air Quality Management Strategy for Musselburgh Town centre, linked to the transport models. This has been the subject of a transport appraisal and the projected demands could be met by such increased capacity. Additional provision is being made for bus access through the west of the area, in particular through the Craighall site where links with surrounding communities and amenities are to be provided for as part of that development. In terms of the four track section of railway line, this is still at the early stages of consideration by Network Rail, and Transport Scotland would need to support the scheme (see Council's answer to representation 0181/14). Further study will also be required before it can become a defined project with funding allocation. The LDP seeks to highlight the opportunity for this to be delivered. **The Council submits that no modification of the plan is necessary.**

Scottish Government / Transport Scotland (0389/15)

The Council acknowledges the Scottish Government's recommendation to encourage the development of one exemplar walking and cycling friendly settlement to demonstrate how active travel networks can be significantly improved. The Council notes that a programme of works at Tranent is being developed to encourage active travel due to its proximity to potential transport hubs, it straddles the proposed Segregated Active Travel Corridor, it has well established core path connections, and it has an active community group and participates through the Area Partnership 'East Lothian On the Move' and is well served by public transport. However, the Council also notes that the Scottish Government considers that LDPs should be as succinct as possible and also that this matter in general

is addressed across East Lothian as a whole by Proposal T3, Policy T4, Proposal T5 and Policy T6. **The Council submits that no modification of the plan is necessary.**

**Infrastructure Support**

Network Rail (0181/13) (0181/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/11) (0426/12); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/9) (0438/10)

Support Noted

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 18(b)</b>	<b>Transport: Active Travel</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Stewart Milne Homes (0261) Scottish Natural Heritage (0280) Haddington and District Amenity Society (0327) Hallhill Developments (0395) Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438)		
<b>Provision of the development plan to which the issue relates:</b>	Proposal T3: Segregated Active Travel Corridor Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy Proposal T5: Cycle Route Network Policy T6: Reallocation of Road Space and Pedestrian Crossing Points	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Proposal T3: Segregated Active Travel Corridor</b></p> <p><u>Stewart Milne Homes (0261/4)</u></p> <p>The representor does not agree that the need for the Segregated Active Travel Corridor (SATC) arises directly as a result of new development, and requiring developer contributions would therefore be contrary to the test in Circular 2/2012. Rather, the proposal seems to be a Council aspiration to serve the East Lothian community. There does not appear to be any detailed explanation of how the total amount has been calculated or any explanation of the proportion expected to be funded by developers in Technical Note 14. The representor questions whether the actual form of provision will provide value for money and is therefore reasonable, even if it was reasonable to require developer contributions, and doubts that the financial contribution expected from developers is proportionate, at nearly a quarter of the total cost.</p> <p><u>Scottish Natural Heritage (0280/6)</u></p> <p>SNH welcome and support the development of a new segregated active travel corridor within East Lothian. In the absence of further detail and note at this point that the finalised route is unlikely to require HRA beyond screening stage. This caveat may not be required.</p> <p><u>Haddington and District Amenity Society (0327/9)</u></p> <p>Objector seeks amplification of and explanation of Policy T3: Segregated Active Travel Corridor. The concept is not clear.</p>		



### Hallhill Developments (0395/6)

With regards to the SATC there does not appear to be any detailed explanation of how the total amount has been calculated or any explanation of the proportion expected to be funded by developers. Therefore, it cannot agree that the needs for the SATC arises directly as a result of new development, and requiring developer contributions would therefore be contrary to the test in Circular 2/2012. It seriously questions whether the actual form of provision will provide value for money and is therefore reasonable. Even if it was reasonable to require developer contributions, the representor doubts that the financial contribution expected from developers is proportionate, at nearly ¼ of the total cost.

### **Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

#### Scottish Natural Heritage (0280/7)

As currently drafted, extensions to the overall active travel and recreation network are specific to particular Proposals. SNH therefore consider that Policy T4 should support extension/enhancement of the network beyond these specific Proposals if East Lothian is to continue to contribute towards well-designed, sustainable places.

### **Policy T6: Reallocation of Road Space and Pedestrian Crossing Points**

#### Scottish Natural Heritage (0280/8)

The segregated active travel corridor identified in PROP T3 is likely to require reallocation of road space if it is to be effective. SNH therefore consider it appropriate and necessary for Policy T6 to include reference to PROP T3.

### **Active Travel Support**

### **Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

#### Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/13); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/11)

The representor supports Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy which seeks to protect the Council's existing core path and active travel network.

### **Proposal T5: Cycle Route Network**

#### Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/14); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/12)

The representor supports Policy T5: Cycle Route Network which seeks to protect the Council's existing core path and cycle route network.

### **Modifications sought by those submitting representations:**

### **Proposal T3: Segregated Active Travel Corridor**

Stewart Milne Homes (0261/4)

No specific modification is identified but objection is raised to the policy suggesting that Technical Note 14 does not provide a detailed explanation of how the total amount has been calculated or proportioned to developers and that the basis for funding may well be contrary to Circular 2/2012.

Scottish Natural Heritage (0280/6); Haddington and District Amenity Society (0327/9)

No Modification sought

Hallhill Developments (0395/6)

Delete references to the need for developer contribution to the SATC from all LDP policies and proposals and supplementary guidance.

### **Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Scottish Natural Heritage (0280/7)

SNH propose an amendment to Policy T4 to read "The Council will protect its existing core path and active travel network and ensure that new development extends and does not undermine them, including the convenience, safety and enjoyment of their use".

### **Policy T6: Reallocation of Road Space and Pedestrian Crossing Points**

Scottish Natural Heritage (0280/8)

For clarity SNH suggest that PROP T3 is referenced in Policy T6.

### **Active Travel Support**

### **Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/13); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/11)

No Modification sought

### **Proposal T5: Cycle Route Network**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/14); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/12)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

### **Proposal T3: Segregated Active Travel Corridor**

Hallhill Developments (0395/6); Stewart Milne Homes (0261/4)

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the “committed” scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\text{LDP development pseudo-hectares within catchment} / \text{LDP + "Committed+Base" pseudo-hectares within catchment} = \text{total LDP impact}$$

To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\text{Development site pseudo-hectares} / \text{total LDP development pseudo-hectares} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation

apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority. **The Council submits that no modification of the plan is necessary.**

Scottish Natural Heritage (0280/6)

Support welcomed. **The Council submits that no modification of the plan is necessary.**

Haddington and District Amenity Society (0327/9)

The Council submits that the plan adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. **The Council submits that no modification of the plan is necessary.**

#### **Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Scottish Natural Heritage (0280/7)

The Council submits that SNH comment is addressed by Policy T4, since the core path plan itself can be renewed and updated to provide new routes and to extend the network. **The Council submits that no modification of the plan is necessary.**

#### **Policy T6: Reallocation of Road Space and Pedestrian Crossing Points**

Scottish Natural Heritage (0280/8)

The Council submits that SNH comment is already addressed because the LDP contains Policy T6, and because the plan should be read as a whole there is no need to make such a cross-reference. **The Council submits that no modification of the plan is necessary.**

#### **Active Travel Support**

#### **Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/13); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/11)

Support Noted.

#### **Proposal T5: Cycle Route Network**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/14); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/12)

Support Noted.

#### **Reporter's conclusions:**

<b>Reporter's recommendations:</b>

<b>Issue 18(c)</b>	<b>Transport: Public Transport</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Emma Duncan (0075)  Sharon Hadden (0102)  Longniddry Community Council (0161)  Gullane Community Council (0166)  Network Rail (0181)  James Millar (Kilduff) Ltd (0204)  Barratt David Wilson Homes (0246)  Stewart Milne Homes (0261)  Scottish Natural Heritage (0280)  Wemyss and March Estate (0295)  Magnus Thorne (0308)  Hargreaves Services Ltd (0349)  Musselburgh Conservation Society (0368)  Inveresk Village Society (0385)  Scottish Government / Transport Scotland (0389)  Hallhill Developments (0395)  Rural East Lothian Bus Group (0399)  East Lammermuir Community Council (0414)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Policy T8: Bus Network Improvements  Proposal T9: Safeguarding Land for Larger Station Car Parks  Proposal T10: Safeguarding Land for Platform Lengthening  Proposal T11: Safeguarding Land for Improvements to Musselburgh Station  Proposal T12: Railway Station Safeguarding at East Linton  Proposal T13: East Coast Main Line Four Track Section, New Rail Station and Vehicular Overbridge</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Introduction</b></p> <p><u>Network Rail (0181/15)</u></p> <p>Network Rail supports the detailed information set out in the explanatory text which sets both the context and the requirements.</p> <p><b>Policy T8: Bus Network Improvements</b></p> <p><u>Sharon Hadden (0102/2)</u></p> <p>Objects to any increased traffic in Wallyford. Does not consider that traffic from new</p>		

housing or the stadium has been considered.

Musselburgh Conservation Society (0368/6)

Supports representation 0399 (below) by RELBUS to Policy T8 to enable buses to adequately serve new developments.

Inveresk Village Society (0385/15); Rural East Lothian Bus Group (0399)

The substantial increase in housing in several East Lothian towns and villages means that public transport, and in particular bus provision, will have to be reviewed. In particular where new housing estates are built which are situated a meaningful distance from the town's shopping centre(s) will require to have some form of public transport provided if the objective of having a bus stop within 400 yards of housing is to be met.

**Proposal T9: Safeguarding Land for Larger Station Car Parks**

Emma Duncan (0075)

The proposed building of a car park (Proposal T9) and lengthening of station platform (Proposal T10) would result in a substantial reduction in privacy at objector's property which is opposite the proposed site. Representation also raises the following issues consequent on an expansion of the station car park and platforms associated with increased use of the station: the obstruction of views, the loss of outlook over the rural area, an increase in noise and disturbance, house price devaluation, an increase in parked cars outside objectors home. A reduction in safety and security arising from increase in vehicles and people on the road outside objectors home will generate safety and security issues for the two young children who play in the garden.

Longniddry Community Council (0161/1)

Longniddry Community Council makes a number of representations, including in respect of Proposal PS1: Longniddry South. Representation on Rail Infrastructure: Longniddry Community Council considers that improvement to transport infrastructure is required to cope with overall demand and that generated by proposal PS1, particularly during peak hours and periods of high demand. This includes improvement of the North Berwick branch line. Questionable if a new station at Blindwells can be justified, as this would increase journey times and cause pathing issues, and a bus feeder service to nearby stations should be provided instead, as a minimum in the peak periods, with joint ticketing. Only once the longer term future of the line is known should a new station at Blindwells be considered. The intended introduction of 6 coach trains welcomed but further increases in capacity needed beyond this. Car parking capacity is insufficient, and more spaces need to be provided before new development occurs, which would reduce on-street parking which is not an ideal solution. Access to the southern platform at Longniddry Station is poor, particularly for those with mobility difficulties and buggies etc, and this needs to be resolved. The southern platforms currently only have a drop-off point and, not any parking spaces, and vehicular access to the drop-off is poor.

Gullane Community Council (0166/12)

Proposal T9 as it relates to Drem is totally inadequate especially if sites NK7 and NK8 are included.

### Network Rail (0181/16)

Network Rail supports the detailed information set out in the explanatory text which sets both the context and the requirements. Network Rail would like to contribute to the developer Contributions Supplementary Guidance.

### James Millar (Kilduff) Ltd (0204/7)

Earlier versions of the plan had sought the provision of additional car parking at Drem railway station to rectify existing deficiencies resulting from previous distribution of development strategies and to facilitate further car based travel to and from it, instead of facilitating development around the train station all of which could be within walking distance. Whilst this designation appears to be retained in the plan (Ref Para 4.20 and PROP T9) it is not clearly indicated on Inset Map 10 for Drem.

### Stewart Milne Homes (0261/5)

It is unacceptable and unreasonable to expect developers to fund improvements to the rail network. The proposals are misleading in their titles as in the text it is explained that developers will be required to contribute to these interventions. These facilities should be provided directly by Network Rail and not by developers.

### Wemyss and March Estate (0295/7)

The proposed rail related interventions which are included in the Transport Appraisal (which support the LDP) as interventions requiring developer funding are PROP T9 and PROP T10. This 'Rail Package' includes station platform lengthening at Prestonpans, Longniddry, Drem Stations to accommodate eight car train sets and Station Car Park extensions at Drem and Longniddry. The requirement for eight-car train sets serving Longniddry is not justified in any detail within the LDP Transport Appraisal, which only indicates that there is likely to be an impact on journey choice in Musselburgh, Tranent and Wallyford, with not stated significant impact to Longniddry.

### Hallhill Developments (0395/7)

It is explained that developers will be required to contribute to these interventions. In our view, these facilities should be provided directly by Network Rail. They seek to make a profit, which they reinvest in the network. Train operators charge passengers with a view to making a profit. An increased number of passengers arising from new developments will logically increase revenues for both operators and Network Rail. It is therefore completely unacceptable and unreasonable to expect developers to fund improvements to the rail network.

## **Proposal T10: Safeguarding Land for Platform Lengthening**

### Network Rail (0181/22)

Proposal T10 reflects the intention to provide a new downside platform at Dunbar, but this should also reflect the need to access it from the station and the text should reflect that an all access bridge is required at Dunbar to link the station platforms.



#### Stewart Milne Homes (0261/6)

It is unacceptable and unreasonable to expect developers to fund improvements to the rail network. The proposals are misleading in their titles as in the text it is explained that developers will be required to contribute to these interventions. These facilities should be provided directly by Network Rail and not by developers

#### Scottish Natural Heritage (0280/9)

The nature and location of the platform lengthening works means that connectivity to the Firth of Forth SPA is not likely. To ensure that the Proposed Plan is proportionate, we do not consider this caveat to be required for PROP T10.

#### Wemyss and March Estate (0295/8)

The proposed rail related interventions which are included in the Transport Appraisal (which support the LDP) as interventions requiring developer funding are PROP T9 and PROP T10. This 'Rail Package' includes station platform lengthening at Prestonpans, Longniddry, Drem Stations to accommodate eight car train sets and Station Car Park extensions at Drem and Longniddry. The requirement for eight-car train sets serving Longniddry is not justified in any detail within the LDP Transport Appraisal, which only indicates that there is likely to be an impact on journey choice in Musselburgh, Tranent and Wallyford, with not stated significant impact to Longniddry. Therefore there is an obvious disconnect between PROP T10 and the Developer Contributions Framework. The safeguarding of land for future platform lengthening is one thing, however, what is actually being requested is developer contributions towards the delivery of platform lengthening and not simply confirmation that land will be safeguarded.

#### Scottish Government / Transport Scotland (0389/24)

The representation states that Transport Scotland has been consulted on the development of the LDP and transport appraisal, previously requesting further information relating to the rationale for longer platforms given that a new 6 car service has recently been introduced. To date no evidence has been provided to them to demonstrate that consideration has been given to a range of potential operational solutions which has led to a conclusion that platform extensions are required to accommodate longer trains and they have not been made aware of any work undertaken to determine if, along with platform lengthening, there would be additional requirement for extension/expansion of other passenger facilities (such as ticket machines). Furthermore, they haven't seen consideration on the requirement for additional rolling stock, including assessment of whether the current railway line and/or rolling stock is suitable for 8 car running.

#### Hallhill Developments (0395/8)

It is explained that developers will be required to contribute to these interventions. In our view, these facilities should be provided directly by Network Rail. They seek to make a profit, which they reinvest in the network. Train operators charge passengers with a view to making a profit. An increased number of passengers arising from new developments will logically increase revenues for both operators and Network Rail. It is therefore completely unacceptable and unreasonable to expect developers to fund improvements to the rail network.

East Lammermuir Community Council (0414/11)

With respect to rail; there is discussion of a new track, platform and bridge at Dunbar station.

**Proposal T12: Railway Station Safeguard at East Linton**

Barratt David Wilson Homes (0246/10)

The reopening of East Linton Station is fully supported, as it the Council's commitment to securing funding. However, the exact funding requirements and sources for this infrastructure provision should be transparent as possible in order to support the identified costs.

Magnus Thorne (0308/5)

Section 4.22 makes no mention of car parking for the future station at East Linton. It would be appreciated if a minimum number of parking spaces were named in the proposed LDP.

**Proposal T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge**

Gullane Community Council (0166/3)

This proposal is entirely aspirational, unfunded and speculative, and its inclusion reduces the credibility of the plan.

Network Rail (0181/20)

Network Rail welcomes the insertion of Diagram 2 and the Policy set out in T13 to set the strategic context for the 4 track railway corridor. However, if this is to be delivered it will require detailed maps and assessment and a safeguarding corridor. It would greatly assist that this map be produced/revised or as part of supplementary guidance showing the route in more detail and making it clear this is a safeguarding zone where development will not be allowed.

Hargreaves Services Ltd (0349/5)

Concerned at any new station at Blindwells forming planning policy within the proposed LDP. This should be delivered through supplementary planning guidance once the viability has been fully assessed.

**Public Transport Support**

**Proposal T10: Safeguarding Land for Platform Lengthening**

Network Rail (0181/17)

Network Rail supports the detailed information set out in the explanatory text for PROP T10: Safeguarding Land for Platform Lengthening, which sets both the context and the requirements.

### **Proposal T11: Safeguard Land for improvements to Musselburgh Station**

Network Rail (0181/18)

Network Rail supports the detailed information set out in the explanatory text which sets both the context and the requirements.

### **Proposal T12: Railway Station Safeguard at East Linton**

Network Rail (0181/19)

Network Rail supports the detailed information set out in the explanatory text which sets both the context and the proposal.

### **Modifications sought by those submitting representations:**

#### **Introduction**

Network Rail (0181/15)

No Modification sought.

#### **Policy T8: Bus Network Improvements**

Sharon Hadden (0102/2); Musselburgh Conservation Society (0368/6)

No Modification sought

Inveresk Village Society (0385/15); Rural East Lothian Bus Group (0399)

Policy T8 should be rewritten as follows: 'The council will continue to liaise closely with bus operators to ensure the bus network has adequate coverage and is fit for purpose, including where new development is proposed. Where the need arises as a direct consequence of development, road networks and housing layouts should be designed so as to allow safe and satisfactory bus access and the maximisation of dwellings within 400m of a bus stop....

#### **Proposal T9: Safeguarding Land for Larger Station Car Parks**

Emma Duncan (0075)

No modification sought, but an objection would suggest the representation seeks that the proposal should be removed from the plan.

Longniddry Community Council (0161/1)

No modification sought

Gullane Community Council (0166/12)

None specified but asks that Proposal T9 it is re-thought.

Network Rail (0181/16)

No Modification sought.

James Millar (Kilduff) Ltd (0204/7)

Clarify the area safeguarded for enhanced car parking provision at Drem Train Station (Ref: PROP T9) and identify an area north and south of the railway as part of a wider safeguarding for the potential Drem Expansion Area.

Stewart Milne Homes (0261/5)

No specific modification is identified but objection is raised to the policy suggesting it is unacceptable and unreasonable.

Wemyss and March Estate (0295/7)

Prop T9 should be modified to clarify which agency will be delivering station car parks and that, where appropriate, developers should contribute towards the cost of station car park extensions.

Hallhill Developments (0395/7)

Delete references to the need for developer contribution to rail linked infrastructure from all LDP policies and proposals and supplementary guidance.

**Proposal T10: Safeguarding Land for Platform Lengthening**

Network Rail (0181/22)

Proposal T10 reflects the intention to provide a new downside platform at Dunbar, but this should also reflect the need to access it from the station and the text should reflect that an all access bridge is required at Dunbar to link the station platforms.

Stewart Milne Homes (0261/6)

No specific modification is identified but objection is raised to the policy suggesting it is unacceptable and unreasonable.

Scottish Natural Heritage (0280/9)

SNH propose removal of reference to need for HRA from PROP 10.

Wemyss and March Estate (0295/8)

Prop T10 should be removed from the PP or alternatively, amended to remove the reference to developer contributions relating to platform lengthening.

Scottish Government / Transport Scotland (0389/24)

Transport Scotland do not consider there is currently a requirement for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry and Drem. Therefore, it

is recommended that Policy T10 is removed or reworded to detail that upgrades to the stations may be required as a result of development proposals, the details of which will be determined through further study in consultation with Transport Scotland and Network Rail.

Hallhill Developments (0395/8)

Delete references to the need for developer contribution to rail linked infrastructure from all LDP policies and proposals and supplementary guidance.

East Lammermuir Community Council (0414/11)

No Modification sought

**Proposal T12: Railway Station Safeguard at East Linton**

Barratt David Wilson Homes (0246/10)

Para 4.22 and Proposal T12 Railway Station Safeguarding at East Linton should positively commit to actively progress the reopening of the station through partnership with the Scottish Borders Council and other key agencies. The LDP should be clear on the funding required for this proposal and the funding sources e.g. Scottish Government.

Magnus Thorne (0308/5)

A minimum number of car parking spaces should be named for the proposed East Linton Station.

**Proposal T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge**

Gullane Community Council (0166/3)

Removal of Proposal T13.

Network Rail (0181/20)

Inclusion of detailed maps and assessment which shows the 4 track Railway route and safeguard zone in more detail.

Hargreaves Services Ltd (0349/5)

None specifically suggested, but presumably delete reference to need to safeguard land for a rail station within pre-amble to BW1 (para 2.67) and explain this in pre-amble to T13.

**Public Transport Support**

**Proposal T10: Safeguarding Land for Platform Lengthening**

Network Rail (0181/17)

No Modification sought

### **Proposal T11: Safeguard Land for improvements to Musselburgh Station**

Network Rail (0181/18)

No Modification sought

### **Proposal T12: Railway Station Safeguard at East Linton**

Network Rail (0181/19)

No Modification sought

## **Summary of responses (including reasons) by planning authority:**

### **Introduction**

Network Rail (0181/15)

Comments noted. **The Council submits that no modification of the plan is necessary.**

### **Policy T8: Bus Network Improvements**

Sharon Hadden (0102/2)

The Council submits that it has assessed the travel demand forecasts with full build out of LDP allocations to 2024 and made provision for appropriate interventions. To consider the impacts of housing and employment allocations the Council modelled impacts using a Strategic Regional Model (SRM12), and an s-paramics micro- simulation model and junction modelling tools. These examined road, rail and public transport network impacts to determine the nature and scale of infrastructure mitigation required. The Council is satisfied that all trips generated from all allocations have been taken into account within the modelling work. The Council recognises and accepts that additional trips will be placed on the road network but there will be sufficient junction and link capacity to accommodate these once the mitigation interventions have been delivered. **The Council submits that no modification of the plan is necessary.**

Musselburgh Conservation Society (0368/6); Rural East Lothian Bus Group (0399); Inveresk Village Society (0385/15)

The Council submits that LDP paragraph 4.15 and 4.16 note that the roads authority standard states that, ideally, no house or workplace should be more than 400 metres from the nearest bus stop. Any enhancements to the bus network, including new routes/stops will be considered at planning application stage in accordance with the Transport assessment for the site. It may not be necessary for a bus route to be provided through a new housing development if the layout is sufficient for walking to existing stops or main roads (where a new bus stop can be accommodated). Any new route, if considered necessary, could be provided by the developer for a fixed period of time as a condition of planning permission and then opened up to the market as a viable commercial route. The taking up and operation of this route would be assessed by private operators whether it is in their interest to maintain this route going forward. Council submit that the current policy wording is sufficient. **The Council submits that no modification of the plan is**

necessary.

### **Proposal T9: Safeguarding Land for Larger Station Car Parks**

Emma Duncan (0075)

The Council submits that it has proposed platform lengthening and car park expansions at Drem Station and at other railway stations within East Lothian as part of a package of transport mitigation measures associated with delivering and mitigating the impacts of the development strategy of the proposed LDP. Platform lengthening is proposed to ensure that longer trains can operate on the North Berwick Branch Line and East Coast Main Line to provide an increase in capacity for local services to satisfy future passenger demand. The additional parking bays to be provided within the station car park are necessary to provide additional car parking for future passengers to access the station. The justification for these interventions is addressed in the Council's Transport Appraisal document.

In terms of the impacts on local amenity, it should be noted that the additional parking bays proposed are to be located within the cartilage of the existing car park, and involve additional line marking to identify the additional 39 potential spaces (previously 12 identified 0166/12), which should help relieve pressure for on-street parking. The lengthening of the station platform would be an extension of the existing platforms within the operational railway station opposite the objector's property. It is not envisaged that a significant loss of privacy or amenity would result, as extended platforms would be on the opposite side of the existing public road and footpath adjacent to the objector's property. Additionally, the existing northern platform is screened by a wooden fence, and similar treatment could be provided in respect of any extension of the platform, which could also screen a southern platform extension. It is not envisaged that the proposed works would increase noise levels beyond existing baseline noise levels. Impact on property values is not a material planning consideration. Any increase in the level of activity arising from the expansion of the station would not be so significant as to generate increased risk to road safety and the Council will undertake road safety audits or other safety investigations as necessary and monitor all measures introduced on the local road network as a consequence of the proposed improvements and take such further measures as necessary to address any road safety risks. It should be noted that the 40 mile per hour speed limit already extends to the east of the objector's property and the settlement. This area is not subject to and Air Quality Management Area or within an area where the Council considers there to be a need for Air Quality Monitoring. Construction impacts would be temporary and considered as part of the assessment of any planning application, including any required mitigation. **The Council submits that no modification of the plan is necessary.**

Longniddry Community Council (0161/1)

The Council submits that the LDP adequately provides for transport infrastructure improvements. It is based on a Transport Appraisal, which itself is based on Macro and Micro simulation modelling work. These consider a without LDP scenario (includes completed and committed development up to 2024 only) and with LDP scenario (includes the build out of all identified ELLDP development sites). The Transport Appraisal assesses the cumulative impact of development and has informed the interventions set out in the LDP. These have been tested for deliverability, based on conceptual designs including costs and no significant issues were identified at this stage (See Transport Appraisal Section 6). In respect of strategic transport network interventions, the LDP contains

Proposal T3: Active Travel Corridor, which will offer an alternative to other forms of transport.

The LDP also contains Proposal T9: Safeguarding of Land for Larger Station Car Parks and Proposal T10: Safeguarding of Land for Platform Lengthening (Rail Station Package). Consequently, at Longniddry circa 80 additional parking spaces are to be provided and the lengthening of the station platforms there is proposed as well as at various other stations. Presently, negotiations are ongoing with Network rail and ScotRail to increase parking provision at Longniddry and a feasibility study with various recommendations will be consulted on March 2017. The outcome of this consultation will determine the degree, scope and scale of the parking required but this varies between 51 and 139 additional spaces. It should be noted that the Transport Appraisal assumed 6-car trains as the reference case, and that platform lengthening is proposed by the LDP to allow 8-car trains to run on the line (Appendix B para 5.5 of Transport Appraisal). Any works within Longniddry station in terms of improving current provision for access between the station platforms, including for those with mobility difficulties, will be a matter for Network Rail to address. The Council is working with Network Rail and ScotRail to identify such constraints and opportunities along with a programme of works to overcome them over time. In respect of the potential for a new station at Blindwells, the Transport Appraisal has examined this and the LDP response is set out in Proposal T13: East Coast Main Line Four Track Section, New Rail Station and vehicular Overbridge. As such the potential for a new rail station there is subject to further assessment, and is to be considered as part of Network Rail's longer term potential plan for a four track section between Drem and Prestonpans. The provision of a new station on the ECML in the context of a four track section will permit high speed intercity connections as well as local services calling a local stations. This significant investment would substantially increase the capacity of the line and the frequency of local trains, provided the demand for an increase in services was justified. The provision of a new station at Blindwells is entirely predicated on the deliverability of 4 tracking between Drem and Prestonpans on the ECML. There is no capacity to place a new station to serve Blindwells on the current 2 track arrangement with current train paths. The provision of an integrated Bus Service linking to rail stations and / or improved connectivity between a new settlement at Blindwells and existing communities will be considered at the planning application stage in accordance with the Transport assessment of the site.

**The Council submits that no modification of the plan is necessary.**

Gullane Community Council (0166/12)

The land referred to in LDP Proposal T9 is that which is currently available within the existing curtilage of the station. However, further development work in conjunction with ScotRail has identified the potential of providing 39 spaces at Drem rail station where the current siding, which is surplus to requirements, exists. Currently, the capacity of the station car park is 74 spaces - this would equate to a 53% increase in bays. Additionally, an accessibility study of the public transport catchment area for Drem Station shows that the shortest travel times for Drem includes the North Berwick hinterland: Dirleton, Gullane and East Linton. Policy T12: Railway Station Safeguarding at East Linton and the recent confirmation of the provision of a new station there would re-allocate and distribute trips for communities south of Fortoun Bank into the new East Linton station catchment zone. Presently, the rail parking ratio per passenger at Drem is the lowest in East Lothian, however, the additional provision identified above makes this station comparable with North Berwick and with further distribution in favour of East Linton, passenger entries predicted after the opening will make this the second best performing station with respect



to spaces to passenger entries. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/16)

Support welcomed and Network Rail is advised that the consultation period in the Supplementary Guidance: Developer Contributions framework has closed. The Council invites further discussion on project delivery. **The Council submits that no modification of the plan is necessary.**

James Millar (Kilduff) Ltd (0204/7)

Inset Map 10 shows the safeguards for both the car park safeguard and the area for platform lengthening. There are no park and ride facilities proposed for Drem. **The Council submits that no modification of the plan is necessary.**

Stewart Milne Homes (0261/5); Wemyss and March Estate (0295/7); Hallhill Developments (0395/7)

The Council submits that the transport requirements in proposals T9 and T10 to be consistent with the SDP Policy 8 and Action 64 of the SDP Action Programme. These proposed interventions are justified by the transport appraisal prepared in line with Transport Scotland's guidance. The Council has set out all transport safeguards in East Lothian on the Proposals Map. The LDP states in para 4.2 that it takes the Council's Local Transport Strategy 2015-2025 (LTS) into account and seeks to integrate the LTS's vision for how existing transport networks and services will change and be improved in future. The Council submits that it is clear from the text that the LTS is a long term vision and makes no mention of it being a delivery mechanism. The same is true of the development plan as it is for the National Planning Framework. The Council submits that the LDP seeks to identify projects for which there is support to deliver in the short, medium or longer term, but it is for the service and infrastructure providers themselves to ensure that their capital plans make the necessary provision within the appropriate timeframe. This means that disparate plans and strategies will need to align with the development plan such that these necessary interventions will be delivered. The LDP delivery strategy is set out in the East Lothian Draft Action Programme, which has been consulted on alongside the LDP. This document sets out who is responsible for delivery along with indicative costs and timing for delivery. In terms of the co-dependency between delivery of interventions and the commencement / occupation of development, the LDP at paragraph 8.11 and the draft Supplementary Guidance: Developer Contributions Framework paragraph 1.15 – 1.19 explains the approach that the service or infrastructure providers can follow; commitment to provide developer contributions will be essential in any circumstance.

The East Lothian Transport Assessment and model identifies that the additional passenger trips to and from new developments in the area will increase demand for capacity on the rail network. The justification for measures to mitigate the impacts of additional demand on rail transport as a consequence of housing and other development and to lengthen station platforms is demonstrated in the Councils Transport Appraisal document in support of the LDP. The residential and employment developments within the LDP area result in a considerable number of additional public transport trips placing demands on capacity. The reference case 6 car services show a very high load on services between Wallyford, Musselburgh and Edinburgh and additional LDP allocations create significant additional demands for capacity and create constraints which will require

the introduction of 8 car trains and thus platform lengthening over the length of the line. This is because the cumulative impact of new development along the entire line will coalesce down line on the west of East Lothian. This increased demand can be met by longer trains if longer platforms are provided. The appraisal identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. However, as the rail network functions as a single route the increase in demand is conveyed up or down stream and impacts on all stations so all development has an equal proportionate share of the cost on the need for increased platform lengths. Consequently, the interventions to lengthen station platforms needs to be delivered over the whole network as the increased train length stop at all stations. However, it would not appropriate to seek contributions only from sites in the area where 'cumulative' impacts manifest: all relevant developments must make an contribution towards mitigation of its impact on a cumulative basis. It is reasonable for a developer to contribute in scale, kind and proportionate to the mitigation of impacts which is needed as a direct consequence of development. All rail infrastructure in the United Kingdom is the responsibility of Network Rail and as such it manages, maintains and improves the rail network to accommodate present and future demand. Network Rail was renationalised in September 2014 and as a consequence operates as a public body. Accordingly, Network Rail receives funding from the United Kingdom and Scottish Governments to maintain the existing asset base. Network Rail does not make a profit or operate as a private company. In this regard Network Rail should be considered in the same context as Transport Scotland or East Lothian Council as strategic or local roads authorities, and so there is a basis for seeking developer contributions.

### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the "committed" scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road

based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\text{LDP development pseudo-hectares within catchment} / \text{LDP + "Committed+Base" pseudo-hectares within catchment} = \text{total LDP impact}$$

To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\text{Development site pseudo-hectares} / \text{total LDP development pseudo-hectares} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### **Select Link Cordons**

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### **Calculating the LDP trip impact**

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### **Calculating the proportional impact of each development**

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{(Individual development hectares / total development hectares)} * \text{total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{(LDP select link trips – committed select link trips) / LDP select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

## **Proposal T10: Safeguarding Land for Platform Lengthening**

### Network Rail (0181/17)

Comments noted. **The Council submits that no modification of the plan is necessary.**

### Network Rail (0181/22)

The Council notes the comments and acknowledges that an all access bridge is likely to be required to link any new station platform at Dunbar. At this stage proposal T10 safeguards land for platform lengthening to allow for additional platform capacity for longer carriage trains. The specific details of any proposal will be dealt with at a project level. **The Council submits that no modification of the plan is necessary.**

### Stewart Milne Homes (0261/6);Wemyss and March Estate (0295/8);Hallhill Developments (395/8)

See response to Stewart Milne Homes (0261/5); Wemyss and March Estate (0295/7); Hallhill Developments (0395/7) for **Proposal T9: Safeguarding Land for Larger Station Car Parks** above.

### Scottish Natural Heritage (0280/9)

The provision of undertaking a HRA to assess the impacts of construction of platforms was to safeguard the interests of the Firth of Forth SPA as recommended by the HRA of the LDP. East Lothian recognise the limited impact platform lengthening may have but has followed the recommendations of the HRA. **The Council submits that no modification of the plan is necessary.**

### Scottish Government / Transport Scotland (0389/24)

A meeting was held on 6<sup>th</sup> February 2017 with Transport Scotland Rail Policy Team to explain the modelling undertaken to justify the need for platform lengthening. Transport Scotland accepts and understands the rationale to seek contributions for platform lengthening but seeks that the proposal be qualified to describe the potential for this and that this solution cannot be confirmed until the High Level output specification consultation and subsequent Statement of Funds Available (SoFA) processes conclude in early 2018. However, the Council submits that the transport requirements in proposals T9 and T10 to be consistent with the SDP Policy 8 and Action 64 of the SDP Action Programme. These proposed interventions are justified by the Transport Appraisal prepared in line with Transport Scotland's guidance. The Council has set out all transport safeguards in East Lothian on the Proposals Map. The LDP states in para 4.2 that it takes the Council's Local Transport Strategy 2015-2025 (LTS) into account and seeks to integrate the LTS's vision for how existing transport networks and services will change and be improved in future. The Council submits that it is clear from the text that the LTS is a long term vision and makes no mention of it being a delivery mechanism. The same is true of the development plan as it is for the National Planning Framework. The Council submits that the LDP seeks to identify projects for which there is support to deliver in the short, medium or longer term, but it is for the service and infrastructure providers themselves to ensure that their capital plans make the necessary provision within the appropriate timeframe. This means that disparate plans and strategies will need to align with the development plan such that these necessary interventions will be delivered. The LDP delivery strategy is set out in the East

Lothian Draft Action Programme, which has been consulted on alongside the LDP. This document sets out who is responsible for delivery along with indicative costs and timing for delivery. In terms of the co-dependency between delivery of interventions and the commencement / occupation of development, the LDP at paragraph 8.11 and the draft Supplementary Guidance: Developer Contributions Framework paragraph 1.15 – 1.19 explains the approach that the service or infrastructure providers can follow; commitment to provide developer contributions will be essential in any circumstance. The East Lothian Transport Assessment and model identifies that the additional passenger trips to and from new developments in the area will increase demand for capacity on the rail network. The justification for measures to mitigate the impacts of additional demand on rail transport as a consequence of housing and other development and to lengthen station platforms is demonstrated in the Councils Transport Appraisal document in support of the LDP. The residential and employment developments within the LDP area result in a considerable number of additional public transport trips placing demands on capacity. The reference case 6 car services show a very high load on services between Wallyford, Musselburgh and Edinburgh and additional LDP allocations create significant additional demands for capacity and create constraints which will require the introduction of 8 car trains and thus platform lengthening over the length of the line. This is because the cumulative impact of new development along the entire line will coalesce down line on the west of East Lothian. This increased demand can be met by longer trains if longer platforms are provided. The appraisal identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. However, as the rail network functions as a single route the increase in demand is conveyed up or down stream and impacts on all stations so all development has an equal proportionate share of the cost on the need for increased platform lengths. Consequently, the interventions to lengthen station platforms needs to be delivered over the whole network as the increased train length stop at all stations. However, it would not be appropriate to seek contributions only from sites in the area where 'cumulative' impacts manifest: all relevant developments must make a contribution towards mitigation of its impact on a cumulative basis. It is reasonable for a developer to contribute in scale, kind and proportionate to the mitigation of impacts which is needed as a direct consequence of development. All rail infrastructure in the United Kingdom is the responsibility of Network Rail and as such it manages, maintains and improves the rail network to accommodate present and future demand. Network Rail was renationalised in September 2014 and as a consequence operates as a public body. Accordingly, Network Rail receives funding from the United Kingdom and Scottish Governments to maintain the existing asset base. Network Rail does not make a profit or operate as a private company. In this regard Network Rail should be considered in the same context as Transport Scotland or East Lothian Council as strategic or local roads authorities, and so there is a basis for seeking developer contributions. **The Council submits that no modification of the plan is necessary.**

East Lammermuir Community Council (0414/11)

Rail studies commissioned in 2004 and 2012 by East Lothian and Scottish Borders Councils concluded that a local service to Dunbar is feasible and viable, which could make stops at other stations in the area. The East Lothian Transport Appraisal and model identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network. A new platform is committed at Dunbar station commencing in Network Rail's control period 5 (CP5) 2014-19. Construction work is expected to commence in Spring 2018. Proposal T10: Safeguarding Land for Platform Lengthening) (p92) safeguarded land for this. To access the southern platform a DDA

compliant footbridge will be required. In discussions with network Rail a southern footpath link onto the platform will also be explored. **The Council submits that no modification of the plan is necessary.**

### **Proposal T12: Railway Station Safeguard at East Linton**

Barratt David Wilson Homes (0246/10)

The council submits that East Linton Station is not subject to developer contribution requirements and therefore will be wholly publicly funded. As such this is not a matter for the LDP. **The Council submits that no modification of the plan is necessary.**

Magnus Thorne (0308/5)

PROP T12 states 'Land capable of accommodating a new railway station, car park and access is safeguarded adjacent to the East Coast Main line at East Linton'. Land is safeguarded for the above, until such time as proposal full and detailed design comes forward it is not known how much land take for the halt or the car park will be needed. This detailed matter will be addressed at project level. **The Council submits that no modification of the plan is necessary.**

### **Proposal T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge**

Gullane Community Council (0166/3)

This proposal is aspirational however it reflects the intentions of Network Rail for the improvement of their asset and as such it should be noted in the LDP. A safeguard would be inappropriate at this stage as the area of land required is not known. Yet it is appropriate to include this aspirational proposal in the LDP to raise awareness of it and so that landowners, developers and others can take the potential for this into account. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/20)

The Council submits that the assessment and safeguard of a four track corridor would be useful, however it also notes that the definition and alignment of such a safeguard is not possible at this stage without further assessment, consultation and option appraisal. If such a corridor were to be established at this stage it may be inaccurate and thus detrimental to the longer term project, including feasibility and viability. It may also generate unnecessary concerns among the community and landowners concerning the future impact on their interests. This is why the proposed LDP identifies an indicative alignment for this emerging project – it raises awareness pending the necessary detailed technical work. It will be possible for Network Rail, in consultation with East Lothian Council, to review and define a zone for the project at a greater scale in due course. **The Council submits that no modification of the plan is necessary.**

Hargreaves Services Ltd (0349/5)

The Council submits that the safeguard for a rail station at Blindwells is justified in light of Network Rails proposals for a four track section and new rail station on the section of the East Coast Main Line. The Council submits that it is reasonable for the LDP to seek to



safeguard land for this purpose within the Blindwells site to ensure that feasibility testing can take place. It should be noted that the land to the northern boundary of the allocated site accommodates the former mineral sidings associated with the former open cast mine workings, and it is this land that Proposal BW1 (paragraph 2.67) and Proposal T13 (paragraph 4.24) describe. Confirmation of the area to be set aside for this purpose within any masterplan should be confirmed and agreed with the Council. **The Council submits that no modification of the plan is necessary.**

**Public Transport Support**

**Proposal T10: Safeguarding Land for Platform Lengthening**

Network Rail (0181/17)

Support Noted

**Proposal T11: Safeguard Land for improvements to Musselburgh Station**

Network Rail (0181/18)

Support Noted

**Proposal T12: Railway Station Safeguard at East Linton**

Network Rail (0181/19)

Support Noted

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 18(d)</b>	<b>Transport: Trunk Road Network</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Queen Margaret University (0306) Scottish Government / Transport Scotland (0389) Elaine Edwardson (0363)		
<b>Provision of the development plan to which the issue relates:</b>	Proposal T15: Old Craighall A1(T) Junction Improvements Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange Proposal T18: A1(T) Interchange Improvements	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Proposal T15: Old Craighall A1(T) Junction Improvements</b></p> <p><u>Elaine Edwardson (0363/3)</u></p> <p>The B6415 is inadequate for the amount of traffic the LDP will generate The cumulative traffic impacts will affect tailbacks at Old Craighall especially when there is an incident on the A720. Questions whether the Persimmons proposals for a roundabout and traffic routed to the back of Old Craighall is taken into account. Existing Old Craighall houses should have a safe quiet road.</p> <p><u>Scottish Government / Transport Scotland (0389/21)</u></p> <p>The representation notes that the Council is currently undertaking an appraisal of the Local Development Plan land allocations. The appraisal will determine the cumulative impacts of the preferred spatial strategy in line with the DPMTAG requirements, identifying specific infrastructure required to mitigate impacts and informing a funding mechanism to facilitate delivery of plan allocations. To date, the full appraisal and associated modelling has not been completed by East Lothian Council. The inclusion of this information in the LDP would have enabled the impact of the spatial strategy on the transport network (and therefore the nature and scale of required mitigation measures) to be fully identified which would have provided greater certainty to the development community and stakeholders. The Council is undertaking further appraisal work to provide a greater level of detail on required mitigation measures and are working with all parties to enable a swift completion of this process and review of the outcomes. Given the Proposed Plan and Action Programme detail that infrastructure improvements are required, "as a minimum", it is considered that this approach affords the opportunity for additional scale of improvements to be identified and delivered dependent upon the findings of the micro-simulation modelling, and the completion of the full appraisal of the LDP. Transport Scotland welcomes the Supplementary Guidance which provides further detail and certainty surrounding the delivery of infrastructure for which the improvements at Salters Road, Bankton and Dolphingstone interchanges on the A1 are included.</p>		

**Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange**

Queen Margaret University (0306/2)

In terms of Proposal T16: A1 Junction Improvements at Queen Margaret Drive Interchange, Queen Margaret University object to this on the basis that it has no clear delivery timescale. It should be amended to require completion of the junction before the completion of the 100th house on the overall Craighall site. In addition the reference to connecting the land at Craighall to Musselburgh 'in combination with PROP T22' should be deleted, as proposal T22 requires the investigation of the re-opening of a link and this is unacceptable in terms of an LDP proposal.

**Proposal T18: A1(T) Interchange Improvements**

Scottish Government / Transport Scotland (0389/22)

The representation makes comments specifically on paragraphs 4.31 to 4.33 and PROPT18 stating that any such strategy will require to be approved by Transport Scotland and in accordance with paragraph 278 of SPP.

**Modifications sought by those submitting representations:****Proposal T15: Old Craighall A1(T) Junction Improvements**

Elaine Edwardson (0363/3)

No Modification sought

Scottish Government / Transport Scotland (0389/21)

As the outcome of the DPMTAG is not yet available it is not possible at this stage to fully endorse the plan, nor request modifications to it. We would reiterate the importance of this work to understand the impact of the plan.

**Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange**

Queen Margaret University (0306/2)

Proposal MH1 should be amended to require completion of the A1 all-ways junction before the completion of the 100th house on the overall Craighall site. The reference to connecting the land at Craighall to Musselburgh 'in combination with PROP T22' should be deleted.

**Proposal T18: A1(T) Interchange Improvements**

Scottish Government / Transport Scotland (0389/22)

It is recommended that PROPT18 is reworded to align with SPP paragraph 278 and that reference is made to the point that the access strategy will require approval from Transport Scotland.

## Summary of responses (including reasons) by planning authority:

### Proposal T15: Old Craighall A1(T) Junction Improvements

Elaine Edwardson (0363/3)

The Council has undertaken a Transport Appraisal (TA) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology. There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place. The Council further submits that the preamble to Proposal MH1 seeks that the developer investigate the realignment of the B6415 away from the existing settlement to ensure that an appropriate environment is created within the local centre and for the community (see LDP paragraph 2.23). The Council submits that the detailed access arrangements will be assessed at project level. In terms of the impact on the local road network the Council's Macro and Micro models supporting the Transport Appraisal highlight no issues in terms of traffic volumes or congestion in this area (see Transport Appraisal paragraph 5.2.4). In terms of emergency closure of roads this is an operational matter and dependant on the circumstances of the case and time. It will be for the emergency services, working with East Lothian Council, to consider how best to address any such eventuality, recognising that if such an event occurred it would be only temporary. **The Council submits that no modification of the plan is necessary.**

Scottish Government / Transport Scotland (0389/21)

The Council submits that the information prepared and provided to Transport Scotland in support of the LDP is adequate and proportionate, and meets the expectations of Transport Scotland's Development Planning and Transport Appraisal Guidance (DPMTAG). The Council further submits that there was agreement pre-MIR between East Lothian Council and Transport Scotland to base the LDP Transport Appraisal work on Transport Scotland's own cross boundary modelling (SRM12), the full conclusion and transfer of which to the Council's transport consultants was delayed until June 2016. This placed the Council under some pressure to conclude the model runs, options sifting and technical work before a decision on the Finalised Proposed LDP on the 6<sup>th</sup> of September 2016. This work was concluded and included within the proposed LDP. Staged reporting and regular update meetings have however been held with Transport Scotland and its consultants to seek agreement on the approach as the LDP was developed. This work needs to be drawn together into a final report.

The Council submits that the work done to date follows the stages of DPMTAG – Options Generation and Sifting (see Transport Appraisal paragraph 5.2.1 and Information Note 3), the Appraisal of Remaining Options (Transport Appraisal Table 5.1 and table following paragraph 6.1.1). The Council further submits that a Level 3 Assessment has been carried out for the LDP, based on macro modelling work as well as micro modelling work (not a requirement of DPMTAG) see Section 5 of the Transport Appraisal. It has also produced preliminary design work to a level of detail commensurate with the extent of change to, or affect on, the Strategic Transport Network emerging from the LDP preparation process

(see Transport Appraisal). Interventions have been identified and costs and indicative designs for them have been prepared to inform the LDP, the land safeguards and the Council's draft Supplementary Guidance: Developer Contributions Framework. The work is also reflected within the Council's draft LDP Action Programme. **The Council submits that no modification of the plan is necessary.**

#### **Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange**

Queen Margaret University (0306/2)

In terms of Proposal T16, and the objection to there being no clear delivery timescale for the completion of the junction, the Council submits that this will be a matter for project level solution for the reasons given in respect of its answer to representation 0306/1 (Issue 3: Musselburgh Cluster). The reference to connecting the land at Craighall to Musselburgh 'in combination with PROP T22' should not be deleted, as proposal T22 requires the investigation of the re-opening of the link and if the outcome of that investigation is that the link should not be opened, it would continue to operate as it does currently as public transport link and thus connect site MH1 to Musselburgh. PROP T16 continues to be valid even if the investigation required by PROP T22 finds that the link should not be open to two way traffic. The Council submits that investigating the potential for this is the correct approach to follow. **The Council submits that no modification of the plan is necessary.**

#### **Proposal T18: A1(T) Interchange Improvements**

Scottish Government / Transport Scotland (0389/22)

The Council submits that the pre-amble to Proposal T18 makes clear that there 'may be potential' for a new trunk road interchange at Adniston and for a Tranent by-pass (paragraph 4.31). The Council further submits that LDP paragraph 4.33 is clear that the Council will continue to investigate the feasibility for this, including further assessment and modelling work. East Lothian Council accepts that any potential proposal to construct a new interchange at Adniston and the provision of an eastern Tranent bypass will be subject to agreement from Transport Scotland as the strategic Roads Authority. **The Council submits that no modification of the plan is necessary.**

#### **Reporter's conclusions:**

#### **Reporter's recommendations:**

<b>Issue 18(e)</b>	<b>Transport: Local Road Network</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Musselburgh & Inveresk Community Council (0245) Queen Margaret University (0306) Musselburgh Grammar School Parent Council (0317)		
<b>Provision of the development plan to which the issue relates:</b>	Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive / Whitehill Farm Road	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops</b></p> <p><u>Musselburgh &amp; Inveresk Community Council (0245/3)</u></p> <p>Air pollution in Musselburgh is a current problem and measures to improve the overall traffic situation and lower pollution are required. 20 mph speed restrictions in residential areas are required to make roads safer.</p> <p><u>Musselburgh Grammar School Parent Council (0317/8)</u></p> <p>No mention of how to combat pollution problems in our town centre.</p> <p><b>Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive / Whitehill Farm Road</b></p> <p><u>Queen Margaret University (0306/3)</u></p> <p>In terms of Proposal T22: Reopen link to Vehicular Access at Queen Margaret Drive/Whitehill farm Road, QMU objects to any proposal to reopen this link. A number of reasons are provided, including the cost to upgrade, public objection, transport strategy, level of use, Green travel Plan, QMU parking in station car park, Impact of more vehicles on the bridge traffic.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops</b></p> <p><u>Musselburgh &amp; Inveresk Community Council (0245/3); Musselburgh Grammar School Parent Council (0317/8)</u></p>		

No Modification sought

**Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive / Whitehill Farm Road**

Queen Margaret University (0306/3)

Delete Proposal T22.

**Summary of responses (including reasons) by planning authority:**

**Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops**

Musselburgh & Inveresk Community Council (0245/3)

The Council submits that LDP Policy T19: Transport Improvements at Musselburgh Town Centre specifically encourages a programme of transport improvements at Musselburgh town centre to improve traffic flow and air quality. LDP Proposal T20 Transport Related Air Quality Measures: Relocation of Bus stops and Proposals T21 Musselburgh Urban Traffic Control System as well as Proposal T22: Reopen link to Vehicle Access at Queen Margaret Drive/Whitehill Farm Road, are all relevant to transport infrastructure. Associated Supplementary Guidance: Developer Contributions Framework will provide the basis to collect developer contributions towards the relevant supporting facilities and infrastructure as set out within the LDP. The Council considers that these provide an adequate framework to accommodate the development proposed at Musselburgh without unacceptable impacts on local services and infrastructure. Associated interventions that are promoted by LDP Policy T19 and Proposals 20 – 21 at this stage include the consolidation of the pedestrian crossings between Bridge Street and Kilwinning Street; moving westbound the bus layby into the car parking spaces at the police station and remove parking and traffic obstructions on the High Street; extending the east bound bus layby to remove bus dwell obstructions on the High Street before Shorthope Street; adding a bus layby westbound on the A198 Linkfield road opposite Loretto Senior school; providing a right filter lane on the High Street Kilwinning Street junction; the provision of 3 new signalised junctions at New Street/ A199 Edinburgh Road junction; Millhill/ A199 Linkfield junction; Newbigging/ A6124 Inveresk road with a barred turn into Inveresk Road from north Newbigging and the introduction of bus lanes and parking management solutions. In addition to the above the Council has made commitments through its Air Quality Management Plan (**Core Doc?**) to improve air quality by improving links to the Local Transport Strategy and Local Development Plan; modelling the effects of traffic growth and testing appropriate mitigations and measures to reduce traffic growth; to enforce vehicle idling under The Road Traffic (Vehicle emission)(Fixed Penalty) (Scotland) regulations 2003; to support the electrification and introduction of Lothian Buses and other operators; to encourage operators (via the Eco star) to recognise best practice in running and operating a fleet of public transport vehicles; to monitor and amend the SCOOT traffic management operating system; to work with partner organisations to lobby and support platform lengthening for longer train sets and/or more frequent services; to provide AQMA signage and to work in partnership with Midlothian, West Lothian and Falkirk Councils to provide a voluntary vehicle emissions testing programme. The mitigation measures proposed do not include any proposals for 20 mph speed restrictions in residential areas. The Council has made provision for the introduction of 20mph speed limits as an approved policy 'East Lothian Council Speed Limit Policy' dated 9<sup>th</sup> December 2010. The Council will consider any application for the introduction of speed limits on a case by case basis.

The Council will consider applications for residential areas and other situations where there is a risk to vulnerable users and meets the criterion of guidance SEDD Circular No. 6/2001 – “20mph Speed Limits”. **The Council submits that no modification of the plan is necessary.**

Musselburgh Grammar School Parent Council (0317/8)

The Council submits that the LDP refers to air quality issues in Musselburgh town centre and ensures that in each proposed development site that mitigation of air quality impacts caused by the development will be required on a cumulative basis. Paras 4.36 of the LDP notes that Musselburgh has been a designated Air Quality Management Area since 2013 and notes that additional development related traffic from new development will exacerbate these issues unless further mitigation is provided. Policy T19: Transport Improvements at Musselburgh Town Centre, PROP T20: Transport Related Air Quality Measures: Relocation of Bus Stops and PROP T21: Musselburgh Urban Traffic Control System respond appropriately to the air quality issue. Policy NH12: Air Quality ensures that impact on air quality will be taken into account in assessing development proposals. See also the Council’s response to representation (0245/3). **The Council submits that no modification of the plan is necessary.**

**Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive / Whitehill Farm Road**

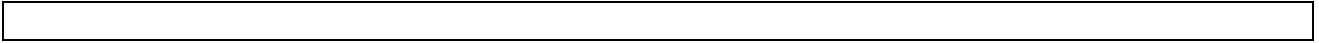
Queen Margaret University (0306/3)

In terms of Proposal T22, firstly this is part of the local road network, so the Council will decide if and how the local road network will be modified in the interests of improving connections and the performance of the network whilst maintaining road safety. This is why the Council has sought that the potential to improve accessibility for different modes of transport in this area should be investigated. This is particularly true since a) circumstances have changed since the university was developed, most notably the proposals contained within the emerging LDP, b) there is a need to maximise connections between the Craighall area and Musselburgh, and c) the introduction of the all-ways junction at Queen Margaret Drive could improve connections for Musselburgh to the trunk and local road network as well as to cross local authority boundary regional facilities and public transport options, such as the Edinburgh Royal Infirmary and rail stations on the Scottish Borders railway line. It could have the same benefits for the University as well as the marketability and potential success of the proposed employment land too. The Council submits that investigating the potential for this connection is the correct approach to follow. The Council acknowledges that the current bridge width acts as a constraint to two way flows and consequently may have limited capacity to provide additional car based trips. In this regard the fall back position is the continuation and practice of a bus gate providing an essential public transport connection for the reasons above. **The Council submits that no modification of the plan is necessary.**

**Reporter’s conclusions:**

**Reporter’s recommendations:**





<b>Issue 18(f)</b>	<b>Transport: Transport Infrastructure Delivery Fund</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Musselburgh Conservation Society (0368) The Scottish Government / Transport Scotland (0389)		
<b>Provision of the development plan to which the issue relates:</b>	Policy T32: Transport Infrastructure Delivery Fund	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Musselburgh Conservation Society (0368/9)</u></p> <p>The increase in rail capacity on the East Coast Main Line is vital to enable more local trains to run but the LDP makes no reference to developer contributions to this, and it should.</p> <p><u>The Scottish Government / Transport Scotland (0389/20)</u></p> <p>Transport Scotland has consistently stated to the Council in both formal and informal consultation that it is the responsibility of the planning authority to identify the nature, scale and cost of mitigation required to support delivery of the proposed Plan allocations. The Planning Authority should then define the required funding mechanism, including who is required to contribute, and the scale of developer contributions; and finally define how, when, and by whom such mitigation will be delivered. Transport Scotland is not responsible for delivering transport improvements required to support the delivery of the LDP spatial strategy unless these are also committed infrastructure schemes within Scottish Government investment programmes. As stated within SPP this is the responsibility of the planning authority, East Lothian Council. The Council has developed a Developer Contribution mechanism outlined within Supplementary Guidance accompanying the Proposed Plan, which is referred to within Policy T32. It details the LDP allocations which will have to contribute towards the delivery of infrastructure necessary as a consequence of the cumulative impact of development. The contributions collected by the Council from developers will be used to provide new and improved infrastructure when they are identified as being required. This has been a Council led appraisal in consultation with Transport Scotland. The infrastructure included within the LDP which is required as a consequence of development shall be paid for by developers and delivered by the Council, at present the Policy makes reference to Transport Scotland being involved in this process which should not be the case.</p>		
<b>Modifications sought by those submitting representations:</b>		
<u>Musselburgh Conservation Society (0368/9)</u>		

Developer contributions should be made to improve local rail services.

The Scottish Government / Transport Scotland (0389/20)

It is recommended that reference to Transport Scotland being party to the formal creation of, monitoring, or managing of East Lothian Council's Transport Infrastructure Delivery Fund, as currently detailed within Policy T32, is removed.

**Summary of responses (including reasons) by planning authority:**

Musselburgh Conservation Society (0368/9)

The Council submits that the transport requirements in LDP Proposals T9 and T10 address the point raised in representation. These are consistent with the SDP Policy 8 and Action 64 of the SDP Action Programme. These proposed interventions are justified by the Transport Appraisal prepared in line with Transport Scotland's guidance. The Council has set out all transport safeguards in East Lothian on the Proposals Map. The LDP states in para 4.2 that it takes the Council's Local Transport Strategy 2015-2025 (LTS) into account and seeks to integrate the LTS's vision for how existing transport networks and services will change and be improved in future. The Council submits that the LDP seeks to identify projects for which there is support to deliver in the short, medium or longer term, but it is for the service and infrastructure providers themselves to ensure that their capital plans make the necessary provision within the appropriate timeframe. The LDP delivery strategy is set out in the East Lothian Draft Action Programme, which has been consulted on alongside the LDP. This document sets out who is responsible for delivery along with indicative costs and timing for delivery. In terms of the co-dependency between delivery of interventions and the commencement / occupation of development, the LDP at paragraph 8.11 and the draft Supplementary Guidance: Developer Contributions Framework paragraph 1.15 – 1.19 explains the approach that the service or infrastructure providers can follow; commitment to provide developer contributions will be essential in any circumstance. Provision of train sets is not the responsibility of East Lothian Council and lies outwith the control of the Council and is a Scottish Government and commercial operator responsibility. **The Council submits that no modification of the plan is necessary.**

The Scottish Government / Transport Scotland (0389/20)

The Council submits that it has undertaken a Transport Appraisal (TA) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road and rail capacity and traffic generation issues to an acceptable level once new development is in place.

The Council submits that the information prepared and provided to Transport Scotland in support of the LDP is adequate and proportionate, and meets the expectations of SPP (2014) and Transport Scotland's Development Planning and Transport Appraisal Guidance (DPMTAG). The Council further submits that there was agreement pre-MIR

between East Lothian Council and Transport Scotland to base the LDP Transport Appraisal work on Transport Scotland's own cross boundary modelling (SRM12), the full conclusion and transfer of which to the Council's transport consultants was delayed until June 2016. This placed the Council under some pressure to conclude the model runs, options sifting and technical work before decision on the Finalised Proposed LDP on the 6<sup>th</sup> of September 2016. This work was concluded and included within the proposed LDP. Staged reporting and regular update meetings have however been held with Transport Scotland and its consultants to seek agreement on the approach as the LDP was developed. This work is to be drawn together into a final report.

As such, the Council submits that the work done to date follows the stages of DPMTAG – Options Generation and Sifting (see Transport Appraisal paragraph 5.2.1 and Information Note 3), the Appraisal of Remaining Options (Transport Appraisal Table 5.1 and table following paragraph 6.1.1). The Council further submits that a Level 3 Assessment has been carried out for the LDP, based on macro modelling work as well as micro modelling work (not a requirement of DPMTAG) see Section 5 of the Transport Appraisal. It has also produced preliminary design work to a level of detail commensurate with the extent of change to, or affect on, the Strategic Transport Network emerging from the LDP preparation process (see Transport Appraisal). Interventions have been identified and costs and indicative designs for them have been prepared to inform the LDP, the land safeguards and the Council's draft Supplementary Guidance: Developer Contributions Framework. The work is also reflected within the Council's draft LDP Action Programme.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to

facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

East Lothian Council notes Transport Scotland's comments on the delivery of interventions to the strategic transport network. The Council submits that it has identified the nature, scale and cost of the various interventions needed as a consequence of the LDP allocations. However, it does not agree that the development and delivery of these interventions should be the responsibility of the Council, particularly where Transport Scotland's strategic transport network and road and rail infrastructure is concerned.

The Council submits that the work that it has done complies with SPP (2014) paragraphs 274 – 275. The Council notes that SPP (2014) does not require local authorities to deliver strategic transport network interventions, only to identify which agency will do this – i.e. Transport Scotland working with other parties. The Council submits that this is addressed within the LDP Action Programme.

The Council submits that national agencies must take responsibility for the delivery of improvements to their own assets and infrastructure. East Lothian Council considers that there is no difference between road or rail based infrastructure delivery in this regard and in the case of rail improvements, whilst Network Rail will deliver interventions Transport Scotland can manage developer contribution intake for this.

The Council is willing to help gather developer contributions for this, if necessary using a

Section 75 legal agreement under the Town and Country Planning (Scotland) Act 1997 (as amended). However, Circular 3/2012 is clear that this should not be the first or only route used to secure such contributions. For example, the Council submits that Transport Scotland can gather contributions by itself under the Road Scotland Act 1984 (s48). There have been situations where it has done this within East Lothian already.

The delivery of relevant improvements to the strategic transport network must be done by Transport Scotland, not East Lothian Council. **The Council submits that no modification of the plan is necessary.**

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 19</b>	<b>Digital Communication Networks</b>	
<b>Development plan reference:</b>	<b>Digital Communication Networks (pg 99)</b>	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>East Lammermuir Community Council (0414)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0428)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Policy DCN1: Digital Communications Networks</p> <p>Policy DCN2: Provision for Broadband Connectivity in New Development</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DCN1: Digital Communications Networks</b></p> <p><u>East Lammermuir Community Council (0414/14)</u></p> <p>More emphasis should be given to supporting infrastructure for employers and businesses in rural settings. This may be as simple as high speed broadband for people working at home, through to an emphasis on providing for flexible office and workshop space in community facilities in the villages and surrounding countryside. Only by shifting more employment nearer to the villages can we reduce our reliance on transport and therefore reduce our energy consumption and increase sustainability of these relatively fragile communities.</p> <p><b>Digital Communications Networks Support</b></p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/15); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0428/13)</u></p> <p>The representor supports this policy which proposes that development of 5 or more homes, or proposals for employment generating uses with a floor area of 100sqm or larger, shall as part of the development make provision for deliverable opportunities for digital infrastructure to the proposed new homes or business premises.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>Policy DCN1: Digital Communications Networks</b></p> <p><u>East Lammermuir Community Council(0414/14)</u></p> <p>No Modification sought</p>		

**Digital Communications Networks Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/15); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0428/13)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Policy DCN1: Digital Communications Networks**

East Lammermuir Community Council (0414/14)

Access to affordable broadband is a key Council priority and is in direct support of the Council Plan, Economic Development Strategy, Single Outcome Agreement and Digital Inclusion objectives. The East Lothian Next Generation Internet Connectivity Strategy defines priorities to improve the provision of internet connectivity across the Council area. The Council submits that the LDP would support these wider Council objectives as far as it reasonably can. **The Council submits that no modification is necessary.**

**Digital Communications Networks Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/15); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0428/13)

Support noted

**Reporter's conclusions:**

**Reporter's recommendations:**



<b>Issue 20</b>	<b>Sustainable Energy and Heat</b>	
<b>Development plan reference:</b>	Sustainable Use of Energy and Heat in New Development (pg 101-102)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Walker Group (0138) Scottish Environment Protection Agency (0252) Stewart Milne Homes Ltd (0261) Scottish Natural Heritage (0280) East Lothian Liberal Democrat Party (0300) Midlothian Council (0348) Homes for Scotland (0353) The Scottish Government (0389) East Lammermuir Community Council (0414) Francis Ogilvy (0419)		
<b>Provision of the development plan to which the issue relates:</b>	Policy SEH1: Sustainable Energy and Heat  Policy SEH2: Low and Zero Carbon Generating Technologies	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy SEH1: Sustainable Energy and Heat</b></p> <p><u>Scottish Environment Protection Agency (0252/8)</u></p> <p>SEPA support the inclusion and principle of policy SEH1. SEPA consider, however, that the wording of the policy does not provide a fully positive or supportive requirement for new development to plan for district heating that is consistent with the guidance contained within Scottish Planning Policy.</p> <p>The representation notes paragraph 4.68: "The Council will support the principle of proposals for district heating networks based on low carbon or renewable sources, or that facilitate the more efficient use of waste heat from existing or committed heat generators..." This message is not explicitly clear in policy SEH1 and that the text omits reference to locations for proposals for district heating networks apart from those named in policy SEH1. SEPA consider that this omission weakens the opportunity for East Lothian Council to require district heating as part of large scale new developments not identified by name in SEH1 (Millerhill/Craighall, Oxwellmains and Cockenzie).</p> <p>The representation states that Policy SEH1 is not fully consistent with, and does not fulfil, the approach contained in page 190 of the MIR. In our response to the Main Issues Report, we strongly supported this Preferred Option which also included the promotion of "district heating and combined heat and power facilities in large scale development sites as well as the use of heat from renewable sources and waste heat;" a position which we consider has not been adequately promoted or clarified in policy SEH1.</p>		

#### Scottish Natural Heritage (0280/10)

Co-location of heat networks and green networks may be an effective way to deliver infrastructure. SNH look forward to the opportunity to advise further either through consultation on supplementary guidance or review of the LDP, as discussed at paragraph 4.71 of the Proposed Plan.

#### Midlothian Council (0348/7)

Midlothian Council considers that Policy SEH1: Sustainable Energy and Heat would be enhanced if there were a presumption that community heating is provided in the Millerhill/Craighall area unless shown not to be feasible and viable, much as Policy NRG6 in the Proposed Midlothian LDP does for Newton Farm; the feasibility and viability of such would be enhanced on both sides of the boundary if this approach is followed.

#### The Scottish Government (0389/5)

The first sentence of paragraph 4.73 refers to text in a previous version of Scottish Planning Policy. Reference could be made to the Scottish Government's Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 as published on the Scottish Government's website which provides information on how the legislative requirements can and have been implemented.

#### Francis Ogilvy (0419/2)

The emphasis within Policy SEH1: Sustainable Energy And Heat for community heat schemes is welcomed. Can this be strengthened and applied to many existing public buildings also which are likely to be the largest users of heat with lesser standards of insulation.

### **Policy SEH2: Low and Zero Carbon Generating Technologies**

#### Walker Group (0138/12)

The use of planning policy to reduce carbon footprint is inappropriate in its application to new house building. All new dwellings required to meet standards imposed through Building Regulations. The mandatory requirement for Zero Carbon Generating Technologies does not guarantee continued maintenance of low carbon standards in the case of private housing since the ongoing performance of such technology cannot be enforced. It is therefore ineffective in the long term. Scottish Planning Policy recommends that such policies accord with the standards, guidance and methodologies of the building regulations however this policy goes further than is supported therefore it should be deleted. Delete Policy SEH2 - Low and Zero Carbon Generating Technologies.

#### Stewart Milne Homes Ltd (0261/2); Homes for Scotland (0353/9)

The representation does not consider that planning has a role to prescribe the technology in a building that is for Building Standards to do. The representor does not argue with the statement that new buildings should meet the energy requirements of Scottish Building Standards, however they do not consider that this LDP policy should be imposing a more aspirational standard. Minimal climate change gains can be made on an individual planning authority basis through this kind of policy expectation, and suggest it would be far

more beneficial to look at this from central government level across Scotland as a whole, perhaps through the Planning Review or any review of Building Standards, than on an individual authority by authority basis.

The housebuilding industry maintains that a “fabric first” approach should be adopted ahead of the requirement to install low and zero carbon generating technologies.

Low and zero carbon generating technologies are complex, as are the legislative issues regarding their implementation. These are beyond the scope of planning control and in particular, the Local Development Plan process.

East Lothian Liberal Democrat Party (0300/11)

Greater consideration need to be given to the building standards and in particular to the obligatory rigorous green / eco-friendly requirements.

East Lammermuir Community Council (0414/6)

How can we influence future building to be of a really high quality, with a low carbon impact e.g. Passivhaus standard?

**Modifications sought by those submitting representations:**

**Policy SEH1: Sustainable Energy and Heat**

Scottish Environment Protection Agency (0252/8)

The representation suggests amended wording for Policy SEH1:

“The Council supports the principles of the “energy hierarchy” and promotes energy-efficient design in new development. The Council encourages the development of Community or district heating schemes for all new major developments and applicants are encouraged to submit an Energy Statement evaluating the feasibility of delivering district heating, connecting to any existing schemes and the potential to extend such a system to adjacent uses/sites. The energy statement should also outline how the scheme would not harm amenity and co-exists satisfactorily with existing and/or proposed uses in the area.

Where a district heat network exists or is planned, new developments should include appropriate infrastructure to allow connection to the network or safeguards to allow future connection.

The Council has identified Millerhill/Craighall, Oxwellmains and Cockenzie as three locations where district heat networks can be established, subject to the Energy Statement and justification outlining they would not harm amenity and could co-exist satisfactorily with existing or proposed uses in the area. Proposals in areas identified as appropriate for district heating must not prejudice the potential for heat networks to be developed.”

Midlothian Council (0348); Scottish Natural Heritage (0280)

No Modification sought

The Scottish Government (0389/5)

Page 102, paragraph 4.73 - remove the first sentence.

Francis Ogilvy (0419/2)

Make Policy SEH1 apply to exiting public buildings.

### **Policy SEH2: Low and Zero Carbon Generating Technologies**

Walker Group (0138/12)

Delete Policy SEH2 - Low and Zero Carbon Generating Technologies

Stewart Milne Homes Ltd (0261/2)

Policy SEH2 should be substantially re-written to focus only on those matters that can be directly influenced or delivered by the planning system. Specifically, the targets set for CO2 reduction achieved by installing low and carbon generating technologies in new developments should be removed.

Homes for Scotland (0353/9)

Remove reference to enhanced Building Standard – ‘active’ sustainability level within this policy.

East Lothian Liberal Democrat Party (0300/11)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

### **Summary of responses (including reasons) by planning authority:**

#### **Policy SEH1: Sustainable Energy and Heat**

Scottish Environment Protection Agency (0252/8)

Overall, Policy SEH1 supports the energy hierarchy (explained at para 4.67 of the LDP) which includes energy generation from renewable or low carbon sources as well as the creation of heat networks. It specifically encourages the creation of community heating schemes as expected by SPP para 158, and since there is known potential for this within East Lothian it is set out within the policy (including as a consequence of cross boundary considerations). The Council submits that paragraph 155 – 160 of SPP (2014) expects the LDP to promote a supportive policy context for the creation of energy centres and heat networks, but does not require such networks to be installed as part of new developments. Yet Policy SEH1 requires that new development does not prejudice the ability to create such networks in future, for example by safeguarding routes for pipe runs etc (as explained at paragraph 4.70 of the LDP). The Council further submits that in this respect there is also intended to be a read-across with Policy SEH2, including paragraph 4.76. This policy encourages low and zero carbon generating technologies as part of new development and is where the nature of these are described and encouraged, including

within Advice Box 4. As such, the Council submits that a modification of the LDP is not necessary whilst acknowledging that a minor modification to the second sentence of Policy SEH1 might bring further clarity to the LDP and the read-across between Policy SEH1 and SEH2. **The Council submits that no modification is necessary.**

Scottish Natural Heritage (0280/10)

Comments noted. **The Council submits that no modification is necessary.**

Midlothian Council (0348/7)

Council notes Midlothian Council's comments in relation to Policy SEH1, but submits that has gone as far as it reasonably can given the guidance provided in SPP (2014) at paragraph 158 – 159. The proposed LDP recognises the potential for co-locating developments with high heat demand with sources of heat supply, including at Millerhill/Craighall, at Oxwellmains and at Cockenzie. The proposed LDP supports and encourages the establishment of heat networks in such locations, including the submission of an Energy Statement with proposals. Proposals in these areas must not prejudice the potential for heat networks to be developed. **The Council submits that no modification is necessary.**

The Scottish Government (0389/5)

The Council submits that the inclusion of this sentence does not undermine the plan so does not propose to modify the LDP in response to this representation. However, should the Reporter see merit in this representation, the Council would not object to the removal of that sentence from the LDP. **The Council submits that no modification is necessary.**

Francis Ogilvy (0419/2)

Policy SEH1 applies in situations where there is new development, but the pre-amble to the policy is clear that in a broader sense the Council supports the principles of the 'energy hierarchy'. This is also embedded within wider Council policies other than the land use plan. For example, in terms of reducing demand the Council when refurbishing and upgrading existing premises seeks to enhance the thermal envelop of the building and also replace electrical and heating installations with more efficient controls, lighting and plant etc; the Council has installed solar arrays at six sites, for example Dunbar Primary School and the Council continues to look at the business case for extending this provision; the Council has also established an Energy Project Board and its remit is to explore and develop a policy and programme for energy generation including community generation, district heating schemes, and potentially the establishment of Energy Generation / Supply Companies (ESCOS). **The Council submits that no modification is necessary.**

## **Policy SEH2: Low and Zero Carbon Generating Technologies**

Walker Group (0138/12) Stewart Milne Homes Ltd (0261/2); East Lothian Liberal Democrat Party (0300/11); Homes for Scotland (0353/9); East Lammermuir Community Council (0414/6)

The Town and Country Planning (Scotland) Act 1997 (as amended), Section 3F, requires LDPs to include policies that require all new development to be designed to ensure new

buildings avoid a specified and rising proportion of the projected greenhouse gas emissions through use of low and zero-carbon generating technologies (LZCGT). The Scottish Government expects an LDP policy to cover three main points: a proportion of emissions to be saved; at least one increase in the proportion of emissions to be saved; and a requirement that the savings should be achieved through the use of LZCGT (rather than energy efficiency measures). To provide a basis to measure any degree of carbon emissions savings, the Scottish Government has suggested that such policies could align with the standards, guidance and methodologies of the building regulations. However, Building Standards promote a 'fabric first' approach for new construction and do not mandate the use of LZCGT.

Sustainability labelling was introduced to the Scottish Building Standards in 2011, requiring all new buildings submitted for building warrant to achieve a sustainability label. A 'Bronze' label indicates compliance with the mandatory standards, while 'Bronze Active' indicates that these have been met partly through the use of LZCGT. There are further optional labels with rising sustainability requirements. Whilst the Scottish Government has suggested that planning authorities may want to link their Section 3F policies to the sustainability labelling scheme, an 'active' label would only demonstrate that LZCGT have been used. There is currently no scope via sustainability labelling to demonstrate that a 'specified proportion' of emissions are avoided through use of LZCGT as required by Section 3F of the Planning Act. This proportion would need to be specified by the LDP, as would the timescale for and extent to which it should rise over time. An initial proportion of 10%, rising to 15% on or after the 1st of April 2019 is considered by the Council to be a reasonable approach.

There are two broad planning policy options in response to Section 3F, either to require emissions savings that are additional to Scottish Building Standards, or to only require that the emissions savings from LZCGT are part of the way in which these standards are met. The latter approach has been followed by the LDP. It may not achieve any emissions reductions in itself (and may result in less energy efficient building fabric) it would, however, promote the use of LZCGT as required by Section 3F of the Town and Country Planning (Scotland) Act 1997 (as amended). The Council submits that Policy SEH2 is reasonable and legislatively compliant, and notes the comments on the enforceability of the Policy in the longer term.

The policy approach proposed is also one that can be delivered since it is measurable and related to another consenting regime which must be passed before construction can commence. The manner in which this requirement would be secured is by way of suspensive planning condition, as explained at paragraph 4.74 of the LDP. Subject to the provision of 'active' label and associated calculations demonstrating that the necessary reductions in carbon dioxide emission will be achieved by the use of Low and Zero Carbon generating Technologies, the discharge of such conditions can be agreed in writing by the Council prior to the commencement of development. The Council submits that this approach is clear for applicants. The planning authority could impose a condition on a planning permission that satisfies the tests of Circular 4/1998: The Use of Conditions in Planning Permissions. **The Council submits that no modification is necessary.**

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 21</b>	<b>Wind Farm and Wind Turbine Development</b>	
<b>Development plan reference:</b>	<b>Chapter 4 Infrastructure and Resources: Wind Turbines (pages 103 – 107)</b>	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>E Macdonald (0176)          Royal Society for the Protection of Birds (0185)          Scottish Natural Heritage (0280)          Fred Olsen Renewables Ltd (0313)          Scottish Renewables (0346)          Midlothian Council (0348)          Community Wind Power (0336)          The Scottish Government (0389)          Francis Ogilvy (0419)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Energy Generation, Distribution and Transmission – Wind pages 103 - 108	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Spatial Framework, Locational Guide for Wind Turbines</b></p> <p><u>Fred Olsen Renewables Ltd (0313/2)</u></p> <p>The representation notes that LDP Paragraph 4.79 states that the “boundaries of designations informing the extent of Group 2 areas may change during the lifetime of the plan, and any such change would be taken into account”. Any such change should be directed by national policy and undergo appropriate consultation.</p> <p><u>Community Wind Power (0336/2)</u></p> <p>Paragraph 4.81 states that “it is considered there is no capacity for turbines over 42m to be accommodated in the lowland landscapes of East Lothian without adverse landscape and visual impact. The study [not stated which one] mentions tip heights of 42m in lowland areas but effectively rules anything higher out of the entire region. This takes landscape in isolation and does not consider changes to larger turbine heights that are likely to become standard. It is contrary to good planning to impose a blanket ban on certain turbine heights, which should be assessed through EIA. The representation makes reference to other parts of the plan, but with no discussion on them.</p> <p><b>Policy WD1: Wind Farms</b></p> <p><u>E Macdonald (0176/13)</u></p> <p>Objects to Policy WD1 - to include land alongside the B1377 as Wind Farm development which conflicts with ELC objective of encouraging tourism.</p>		

Royal Society for the Protection of Birds (0185/9)

The reference to 'Habitats Directive' should be changed to 'Birds and Habitats Directives'. This applies throughout this section.

Fred Olsen Renewables Ltd (0313/1)

It is not considered appropriate to expect legal agreements to be entered into with the Council for securing decommissioning and restoration costs prior to planning consent being granted, as noted in paragraph 4.80. Suspensive planning conditions should be used for this instead. The policy should be clear that the provision of the financial interest should be done so the developer is not burdened with providing duplicate arrangements for both owner and Council. Requirements should not undermine what may be best environmental practice e.g. leaving trenched cable in situ. The representation generally welcomes the approach of WD1.

**Policy WD2: Smaller Scale Wind Turbine Development**

Scottish Government (0389/6)

In order to ensure consistency with Section 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 the page 103 paragraph 4.81 should set out the matters that will be addressed in the Wind Energy Supplementary Guidance.

Francis Ogilvy (0419/4)

In respect of Policy WD2: Smaller Scale Wind Turbine Development, the restriction on small scale wind turbines to below 12m in height would seem to ignore intelligence from the industry and the need to work towards a low carbon economy. This would generally result in turbines of at least 100kw, or greater than 22m in height. Some of these can be seen around the county, but generally there is room for many more.

**Policy WD3: All Wind Turbines**

Fred Olsen Renewables Ltd (0313/3)

In general the representation supports Policy WD3: All wind turbines but seeks a number of changes.

**Policy WD4: Access Tracks**

Scottish Natural Heritage (0280/11)

Ancillary development is a key component of wind farms and SNH consider it is not fully addressed in either policy or supporting text at present. With minor modification, Policy WD4 could also usefully cover other non-turbine ancillary aspects of wind farm development that may have significant environmental effects: such as construction compounds, borrow pits, crane pads, substation, cables and connections. This may allow fuller definition between and linkage to, Policy WD3. SNH are aware of growing interest and applications for energy storage proposals, including on site within wind energy projects. Policy reference to energy storage infrastructure could be usefully



accommodated within a modified Policy WD4.

Fred Olsen Renewables Ltd (0313/4)

Requests that Policy WD4: Access Tracks be deleted as it is already covered implicitly in WD3.

**Policy WD5: Re-powering**

Scottish Natural Heritage (0280/12)

Given the age of certain wind energy developments within and adjacent to East Lothian, we highlight the potential within the plan period for repowering to become a key issue. It may therefore be pragmatic to allow scope within Policy WD5 to develop further planning guidance on repowering, potentially through joint working with neighbouring Local Authorities on the two strategically important cross boundary development clusters (1.Aikengall/ Crystal Rig phases; 2; Dun Law/ Pogbie/ Keith Hill).

Fred Olsen Renewables Ltd (0313/5)

Requests that Policy WD5: Re-powering be reworded to include a wide description of what may constitute a repowering proposal, and to reduce the scope of any necessary assessment in support of such proposals.

**Policy WD6: Decommissioning and Site Restoration**

Fred Olsen Renewables Ltd (0313/6)

Suggests that Policy WD6: Decommissioning and restoration be modified to allow 12 months turbine down time to allow a suitable time period. It is not clear if the council expects financial guarantees to be made with the Council, or just between the applicant and the landowner; this should not be required prior to issue of consent but forced by an appropriately worded suspensive condition.

Scottish Renewables (0346)

In terms of Policy WD6, not considered reasonable to expect a legal agreement to be entered in to with the Council for securing decommissioning and restoration costs prior to planning consent being granted (see also para 4.80). This should be in place before the date of the commencement of development.

Whilst legal agreements can be used to secure this, so too can planning conditions. Model condition 30 set out in the 'Applications under Section 36 of the Electricity Acts 1989 is an example also promoted by HoPS. Suggested that Policy WD6 is modified to take account of this position.

**Wind Miscellaneous**

Midlothian Council (0348/6)

Midlothian Council would wish to liaise with East Lothian Council on wind energy applications in western East Lothian that may have an effect on Midlothian, noting

particularly the areas identified at the Midlothian boundary at Pathhead and Cousland where East Lothian may support turbines of up to 42m whereas Midlothian would only support turbines of up to 30m. Midlothian considers that this difference in turbine height may lead to adverse impacts on Midlothian from turbines in East Lothian.

## **Wind Support**

### **Policy WD1: Wind Farms**

Scottish Natural Heritage (0280/27)

Scottish Natural Heritage note and support the content of Policy WD1 and the supporting Technical Note 4.

### **Policy WD2: Smaller Scale Wind Turbine Development**

Scottish Natural Heritage (0280/28)

Support

### **Policy WD3: All Wind Turbines**

Scottish Natural Heritage (0280/29)

Support

## **Modifications sought by those submitting representations:**

### **Spatial Framework, Locational Guide for Wind Turbines**

Fred Olsen Renewables Ltd (0313/2); Community Wind Power (0336/2)

No Modification sought

### **Policy WD1: Wind Farms**

E Macdonald (0176/13)

No Modification sought

Royal Society for the Protection of Birds (0185/9)

Replace text “Habitats Directive” with “Birds and Habitats Directive” in WD1 and throughout of this section.

Fred Olsen Renewables Ltd (0313/1)

1. Reword start of paragraph 4.80 to ‘Prior to the start of construction, the Council will require...’
2. The reference of ‘complete decommissioning and restoration of the site’ in the policy should be replaced with ‘relevant decommissioning and restoration’ [this sentence is contained in paragraph 4.80 rather than LDP policy].
3. Reword last sentence of Policy WD1: ‘Appropriate provision will be required post-

consent through an appropriately worded suspensive planning condition to secure financial provision for decommissioning and restoration’.

### **Policy WD2: Smaller Scale Wind Turbine Development**

Scottish Government (0389/6)

Page 103 paragraph 4.81 should set out the matters that will be addressed in the Wind Energy Supplementary Guidance.

Francis Ogilvy (0419/4)

No specific modification suggested, but the implication is that policy WD2 should not limit smaller scale wind turbine development to less than 12m.

### **Policy WD3: All Wind Turbines**

Fred Olsen Renewables Ltd (0313/3)

Change policy WD3 as follows:

1. In first sentence delete the word ‘freestanding’.
2. In criterion (a) add ‘similar’ between ‘other’ and ‘development’.
3. In criterion (b) delete ‘or individual dwellings’.
4. Amend criterion (e) to read ‘impact on the economy including tourism and recreation’.
5. Delete criterion (f).
6. In criterion (n) delete ‘of integrity’.

### **Policy WD4: Access Tracks**

Scottish Natural Heritage (0280/11)

Amend policy WD4 to include ancillary development such as crane pads, grid connections and energy storage.

Fred Olsen Renewables Ltd (0313/4)

Delete Policy WD4: Access Tracks.

### **Policy WD5: Re-powering**

Scottish Natural Heritage (0280/12)

Amend to allow scope within Policy WD5 to develop further planning guidance on re-powering.

Fred Olsen Renewables Ltd (0313/5)

Reword Policy WD5: ‘Proposals for re-powering will be considered favourably subject to consideration against relevant provisions of Policy WD1 and WD3. Repowering may include, but not be limited to energy storage, wind turbine upgrades such as blade tip

extensions and other forms of complementary generating technologies. Re-powering proposals should demonstrate the use of existing infrastructure where possible. Given the existing use of the site for renewable energy, the scope of the assessments required is likely to be less than that for a new proposal and should be agreed with the council in advance of an application being submitted.'

### **Policy WD6: Decommissioning and Site Restoration**

#### Fred Olsen Renewables Ltd (0313/6)

Reword the relevant part of Policy WD6: Decommissioning and site restoration to alter the time period of failure of a wind turbine to produce electricity so triggering decommissioning to be altered from 6 months to 12 months.

On paragraph 2 of this policy, no specific modification is requested but the implication is that reference to the requirement for developers to enter into a legal agreement prior to the issue of planning consent should be removed, and reference to the use of suspensive planning conditions to secure appropriate decommissioning and restoration should be inserted.

#### Scottish Renewables (0346)

Suggests that changes are made to Policy WD6 and paragraph 4.80 of the Plan to allow suspensive planning conditions to be used and for bonds / financial guarantee / legal agreements to be in place prior to the commencement of development.

### **Wind Miscellaneous**

#### Midlothian Council (0348/6)

No Modification sought.

### **Wind Support**

#### Scottish Natural Heritage (0280/27)(0280/28)(0280/29)

No Modification sought.

## **Summary of responses (including reasons) by planning authority:**

### **Spatial Framework, Locational Guide for Wind Turbines**

#### Fred Olsen Renewables Ltd (0313/2)

Some areas that are included in Group 2 are included because of their designation as a particular type of site, for example a Natura Site or a site included in the Inventory of Gardens and Designed Landscapes is automatically included within Group 2. From time to time, the boundaries of these designated areas change, or sites are added or deleted. The purpose of the statement in paragraph 4.79 is to note that where the boundaries of designated sites used to identify the areas included Group 2 areas themselves change, this change of status will be taken into account in considering applications in those areas. So if an area which was not previously on the Inventory of Gardens and Designed

Landscapes is added to the Inventory this change of status will be taken into account should a wind turbine development proposal come forward in that area. The purpose of the Spatial Framework is to signpost those areas where there is likely to be more or less potential for windfarm development. As it is largely designation driven, it is appropriate to take these designations into account when they change. Although the mapping of the Spatial Framework is frozen at a point in time, in the case of designated sites whether an area would fall into a particular Group by reason of that designation is clear. The planning authority is capable of taking this into account, and the ability to do so helps keep the plan current. The national policy is already set by the requirement in SPP that different types of designated areas should be included in different groups. Changes to the designation applied (e.g. Natura Sites) would undergo consultation as considered appropriate by the designating authority. **The Council submits that no modification is necessary.**

#### Community Wind Power (0336/2)

Paragraph 4.81 gives the Council's view that there is no capacity for wind turbines over 42m to be accommodated in the lowland landscapes of East Lothian without adverse landscape and visual impact. This, as the representation notes, takes the landscape in isolation: it sets out the Council's view on landscape issues alone, deriving from the study of landscape sensitivity and capacity, the Landscape Capacity Guide for Wind Turbine Development in East Lothian 2005 (as supplemented). It is not a planning assessment of the acceptability of larger wind turbines overall.

The purpose of including the statement in paragraph 4.81 is to indicate the Council's view on where adverse landscape and visual impacts are likely to occur, as supported by study of landscape capacity. All proposals are assessed on their merits, and it may be that following an assessment of the planning balance for any given proposal an adverse landscape and visual impact would be accepted in order to achieve other planning aims, as provided for in Policy WD3. The purpose of this statement, and the inclusion of the Locational Guide on page 105 is to show where adverse landscape and/or visual impacts are likely to occur, and therefore where the Council is more likely to support proposals of a certain height. This sentence is considered useful for developers. **The Council submits that no modification is necessary.**

#### **Policy WD1: Wind Farms**

##### E Macdonald (0176/13)

SPP requires planning authorities to set out a Spatial Framework in the LDP identifying those areas that are likely to be most and less appropriate for onshore windfarms following a set approach. The approach is designation driven, and sets out which types of designation area and other interest should be included in one of three Groups: Group 1: Areas where wind farms will not be acceptable; Group 2: Areas of Significant Protection, or Group 3: Areas with Potential for Wind Farm Development.

SESplan (paragraph 124) states that LDPs should promote the use of renewable energy and should encourage development that will contribute to national targets. SESplan Policy 10 (P49): Sustainable Energy Technologies states that the SDP seeks to promote sustainable energy sources and instructs LDPs to "set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for energy and heat taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation

and supply".

The B1377 road runs from Longniddry via Drem and East Fortune to East Linton. Some parts of the land alongside this road fall within Group 3 of on the Spatial Framework. Group 3 areas comprise land outwith areas where windfarm development is unacceptable or which require significant protection. The Group 3 areas which are best interpreted as being 'alongside' the B1377 are:

- (a) between Spittal, through Ballencrieff to west of Mungoswells. From the B1377 the part of land within the Group 3 area is on ground rising to the Garleton hills, with a generally very open aspect towards the East Lothian coastal plain and the Firth of Forth and Fife. Part of this area is within the proposed Garleton Hills Special Landscape Area, and a very small part within the proposed Garden County Special Landscape Area. Windfarm development here could be expected to have wide visibility in the north of East Lothian, as well as being visible from Edinburgh City and Fife Council areas. The original Landscape Capacity Study 2005 stated that there was scope to locate limited small typology development (2 - 5 turbines 42m - 65m) at the lower band of turbine height (42m). Part of this area is within an area that the Supplementary Study identifies as capable of accommodating turbines up to 42m. The remainder is in an area considered suitable only for turbines up to 12m in association with existing buildings.
- (b) a small area to the east of this first area between Kamehill and Redside to the east of East Fortune. A further, smaller area close to the B1377 is found to the east of this first area between Kamehill and Redside, to the east of East Fortune on generally flat and open land rising gently to the north. Part of this Group 3 area is within the proposed Balgone and Whitekirk Outcrops Special Landscape Area. Windfarm development here would likewise be expected to be widely visible over the northern East Lothian plain. The original Landscape Capacity Study 2005 stated that there was scope to locate limited small typology development (2 - 5 turbines 42m - 65m) at the lower band of turbine height (42m). Part of this area is within an area the Supplementary Landscape Capacity Study found suitable for turbines between 12m - 20m, and partly within an area found suitable for turbines up to 30m.

The remainder of the area alongside the B1377 is within Group 2; areas which require significant protection but nonetheless may be suitable for windfarm development.

Windfarm development in the areas mentioned would not accord with the Landscape Capacity Studies carried out for this area, which find at most capacity for wind turbines of up to 42m.

Research for the Scottish Government published in 2008 (see <http://www.gov.scot/resource/doc/214910/0057316.pdf> ) suggests a small drop in visitor intentions to return due to windfarm development. However more recent research (not commissioned by Scottish Government) suggests there may not be an effect (BiGGAR Economics, at <http://www.biggareconomics.co.uk/wp-content/uploads/2016/07/Research-Report-on-Wind-Farms-and-Tourism-in-Scotland-July-16.pdf> ). The Council considers it uncertain as to whether wind turbines in these locations would affect tourism in the area.

East Lothian Council will consider all proposals on their merits however it is considered unlikely that windfarms would be supported in locations alongside the B1377. It is

probable there would be unacceptable landscape impacts due to the sensitivities which led to the conclusions of the Landscape Capacity Study, in addition to impacts on the receptors which led to inclusion in Group 2. The Council would prefer not to include areas within Group 3 as potentially suitable for windfarms where such proposals are very unlikely to succeed as this is potentially misleading for developers and communities. However, Scottish Planning Policy sets out a strict procedure for producing Spatial Frameworks to ensure national consistency, and the Spatial Framework has been produced following this procedure. **The Council submits that no modification is necessary.**

Royal Society for the Protection of Birds (0185/9)

The Council does not consider it essential to modify the LDP as suggested as the proposed LDP Policy NH1 sets out policy which will meet the legislative requirements of protection of Natura 2000 sites. The Council acknowledges that a modification to delete the words “Habitats Directive” and insert “Habitats Regulations” where they occur in Policies WD1, WD2, WD3 and EGT3 could be held to add clarity but is not necessary. An amendment to the Glossary definition of ‘Habitats Regulations’ inserting “Birds and” between “EU” and “Habitats” to indicate that this legislation covers sites designated under either Directive is similarly regarded. **The Council submits that no modification is necessary.**

Fred Olsen Renewables Ltd (0313/1)

The concern of the Council addressed by the requirement in WD1 (and later WD6) for appropriate provision for decommissioning and restoration (and discussed in paragraph 4.80) is that provision for this is secured. There must be no risk whatsoever of costs of this falling to the Council.

It is not entirely clear from the representation whether the intention is that a suspensive condition for windfarms be used (a) to require a legal agreement prior to the ‘start of construction’; or (b) to replace the need for legal agreement i.e. itself would cover decommissioning.

With regard to (a) above: the Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites states that it is important that a legal agreement is in place before any development commences on site. The Council agrees that it is prior to the commencement of development rather than the date of issue of planning consent that is the critical time by which secure agreement on restoration and costs is required. On this point, the Council notes the provision of Circular 4/1998 paragraph 11 which states that “it is *ultra vires* to impose a condition in a planning permission requiring an applicant to enter into an agreement”. The Council therefore has concerns at the use of a suspensive planning conditions to secure legal agreements prior to the commencement of development rather than prior to the issue of planning consent and therefore is of the view that the policy remain as worded.

The Council does not agree with the latter: (b) above. The Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites states in the first sentence of Section 2 that the Working Group agreed that if a financial guarantee is necessary it should be secured and controlled by a legal agreement. The Working Group considered that it could

not endorse use of planning conditions as an appropriate or suitable means to fully secure, control and monitor such financial mechanisms. The Council considers this to be the precautionary approach to avoid costs falling to the Council, in line with the approach being taken nationally. It should be noted that Policy WD6 requires legal agreement only for larger turbines, not all turbines.

The Council considers the suggested amendment through representation to WD1 leaves room for the argument that provision should rely entirely on a suspensive planning condition which is not in line with practice nationally or the provisions of WD6. The Council is therefore of the view that Policy WD1 should not be amended, considering that the wording given allows for the use of suspensive conditions, and does not exclude the use of a legal agreement as set out in Policy WD6.

The representation also seeks a change in the wording of the first sentence of paragraph 4.80 to replace the word 'complete' in respect of decommissioning and restoration to 'relevant'. Decommissioning and restoration are covered in LDP Policy WD6. Policy WD6 requires that all wind turbines must be decommissioned and the site restored to an appropriate condition. The word 'complete' in the context of paragraph 4.80 was intended to refer to the whole of the decommissioning and restoration required, rather than necessarily the removal of items that would be better left in situ. The point is the legal agreement should cover the whole of the decommissioning and restoration that is required by condition. The Council considers that no amendment paragraph 4.80 is necessary.

The representation requests that financial provisions with landowners and the Council are not duplicated. The arrangements that wind turbine developers make with landowners is a matter for them, and serve a different purpose from those the Council requires, although the terms may be similar. Where developers are concerned to avoid duplication of provision for landowner and Council, this could be addressed through negotiation of an appropriate legal and financial arrangement. It is not considered an appropriate subject to address through LDP planning policy and the Council does not propose to modify the plan in response. **The Council submits that no modification is necessary.**

## **Policy WD2: Smaller Scale Wind Turbine Development**

### Scottish Government (0389/6)

Section 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 refers to statutory Supplementary Guidance. As set out in the legislation, such Supplementary Guidance "may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance".

The Council is not minded to include further detail on this within the Plan. The legislation is concerned with statutory Supplementary Guidance. The text in Paragraph 4.81 Plan refers to the production of supplementary planning guidance, which is non-statutory. There is no requirement to include details in the Plan of what is intended to be covered in this type of guidance. Even if the spirit of the legislation were to be applied equally to supplementary planning guidance as to Supplementary Guidance, the legislation is not specific on how much detail is to be provided as to which matters are to be covered. Paragraph 4.81 states that guidance on wind energy proposals is the matter to be covered and this is considered sufficient. **The Council submits that no modification is**



**necessary.**

Francis Ogilvy (0419/4)

The Council recognises that, as the representation notes, that turbines higher than 12m generally produce more power and therefore contribute more in working towards a low carbon economy. The Council also recognises that some turbines higher than 12m have been installed into the East Lothian landscape without significant adverse impacts, and considers it likely that there is some capacity for further turbines of this size. This is reflected in Policy WD2, which allows for development of wind turbines over 12m where they meet specified criteria.

The representation seems to be based on a mis-reading of Policy WD2. The representation refers to a restriction on all small scale wind turbines to below 12m in height. Policy WD2 does not restrict wind turbines to below 12m in height. This is clear as the first sentence states "Smaller scale wind turbine development includes all non-windfarm development". The scale of development that is considered as a 'windfarm' is set out in Policy WD1 and refers to a windfarm as 4 or more turbines over 42m in height. Smaller scale development thus includes any wind turbine development of a smaller scale than that. Policy WD2 then sets out the circumstances in which development of turbines not considered part of a windfarm would be acceptable. Policy WD2 supports non-windfarm wind turbines of over 12m subject to specified criteria, and below 12m where they visually relate to dwellings, farm buildings or other similar development, or are related to land drainage.

SPP paragraph 169 sets out criteria that are expected to be relevant for consideration of energy infrastructure developments, including landscape and visual impacts. SESPLAN Policy 10 requires Local Development Plans to set a framework for encouragement of renewable energy proposals taking into account economic, environmental and transport considerations. The LDP has taken the environmental consideration of the landscape into account by looking to its commissioned study Landscape Capacity for Wind Turbines in East Lothian (as supplemented) and reflecting this in the WD2. **The Council submits that no modification is necessary.**

### **Policy WD3: All Wind Turbines**

Fred Olsen Renewables Ltd (0313/3)

With regard to the proposed changes:

1. The reference to 'freestanding' wind turbines is to differentiate between roof mounted and stand alone turbines. Roof or wall mounted turbines are not intended to be covered by this policy, but will instead be considered against provisions of the plan on protection of residential amenity, conservation and any others relevant to a particular proposal.

2. The Council considers that adding 'similar' to this criteria might lead to confusion as this could be read as meaning only other wind turbine development. It is recognised development covers a very wide variety of possible interventions, most of which are not likely to be important in the determination of a wind turbine application. Cumulative issues will indeed arise with developments that have some similarity to the proposal in terms of their impact and are in that sense 'similar'. However, it is thought possible that cumulative issues could arise with other development that would not be considered in the normal interpretation of the word 'similar'; although it might be similar in some aspects of impact.

To put it the other way round: an unacceptable impact caused by the cumulative effect of two developments would not become acceptable because it was caused by two developments that were *dis*-similar. Therefore, the word 'similar' should not be included.

3. The Council considers there is a need to assess impact on individual dwellings. SPP Paragraph 164 states that "individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan criteria for determining windfarms and the development management considerations accounted for when determining individual applications." Paragraph 169 on Development Management notes that considerations will vary relative to the scale of the proposal but are likely to include impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker. It is important that residential amenity is protected, and that houses are not abandoned due to unacceptable impacts.

4. SPP paragraph 29 on the planning system states that policies and decisions should be guided by giving "due weight to net economic benefit". This is already reflected in paragraph 1.48 'due weight is to be given to net economic benefit'. It therefore not necessary to repeat this in this policy. The purpose of this criterion is to ensure that adverse impacts on tourism and recreation are taken into account as these interests in particular are suspected of being potentially impacted by windfarm development.

5. The Council considers that the impact on the recreational value of public access routes is a matter that should be taken into account when assessing proposals (although this in its own right might not be a reason for refusal). SPP paragraph 169 notes that public access is likely to be a development management consideration for energy infrastructure developments.

6. In respect of criterion n) the duplication is noted, but does not affect the interpretation of the plan so change not essential.

In terms of compromising areas of strategic capacity, this is a general statement but could apply to proposals that would take up landscape and visual capacity while providing little energy (such as very small scale wind turbines in an area potentially suitable for much larger turbines). Areas of strategic capacity are required by SPP (paragraph 162). Comments on treatment outwith areas of strategic capacity are noted, but the Council has identified such an area as the one to be prioritised for wind farm development. All new wind turbine proposals inside or outside the Area of Strategic Capacity will be assessed against WD1 or WD2, and WD3 and other policies as appropriate. **The Council submits that no modification is necessary.**

#### **Policy WD4: Access Tracks**

##### Scottish Natural Heritage (0280/11)

Policy WD4 was included to address the particular issues that have arisen with regard to access tracks. The council does not propose to amend the plan as the criteria included in WD3 (which applies to both tracks and ancillary development) and policies on design are thought sufficient to control ancillary development. The Council considers that criteria (b) as regards road-related earthworks, and (e) would not be appropriate to all ancillary development. The Council notes the views of SNH however and if the Reporter considers there to be merit in adjusting the wording of this policy to include "ancillary development"

would not oppose this. **The Council submits that no modification is necessary.**

Fred Olsen Renewables Ltd (0313/4)

Policy WD3 does explicitly provide criteria for wind development which also covers access tracks. However, Policy WD4 is intended to give additional criteria recognising that access tracks can have particular impacts and are often proposed to be left in place following de-commissioning.

Criteria (a) is that tracks must be successfully integrated into the landscape. The Council considers that for both access tracks and wind turbines themselves as set out in WD3, the impact on landscape must be acceptable. However, it may not be possible to completely integrate wind turbines into the landscape from all angles as they are often higher than surrounding features and topography, as well as having movement which draws the eye. Despite some lack of integration, the impact may be acceptable, given the benefits of renewable energy. With tracks however, it is expected to be possible through good design and use of materials, to integrate them into the landscape, and it is therefore reasonable that development should be required to do so.

Criteria (b) covers engineering and road related earthworks. This was not included in Policy WD3 as it is an issue that has mainly arisen with regard to tracks. Access tracks can often be formed in sensitive, visible locations on hill slopes. For wind turbines, the main choice of detailed location (once constraints such as ground conditions and considerations such as, for example, scheduled monuments have been taken into consideration) is the landscape and visual impact of the turbine itself. For the turbine itself, it is generally preferable to guide the location of the turbine by minimising landscape impact rather than minimising earthworks, which will have a more local impact. For this reason it was not considered appropriate to put this in WD3. Similar considerations applied to criteria (c).

Criteria (d) is particularly relevant to access tracks, which can affect the route and experience of existing paths through physically changing them as well as by confusion for users over where the route lies.

Criteria (e) requires a maintenance programme to control the upkeep of the track. The main impact considered was drainage, where lack of maintenance could lead to alterations to the hydrology of the area, which could in particular affect upland areas of the Lammermuirs and ground water dependent terrestrial ecosystems. There are also potential issues with the visual impact of the track and there may also be situations where a track follows the route of an existing path, where lack of maintenance could render what was previously a useable functional route dangerous or unpleasant to use.

The Council submits there are good reasons for retention of this policy and that a modification of the LDP is not desirable. **The Council submits that no modification is necessary.**

**Policy WD5: Re-powering**

Scottish Natural Heritage (0280/12)

It is considered unlikely that windfarm development within East Lothian will come forward for re-powering during the lifetime of the plan. Crystal Rig 2 is the oldest windfarm in East

Lothian, and that was commissioned in 2010, with consent for 25 years of operation. The first phase of Crystal Rig, in Scottish Borders Council area but bounding East Lothian, was completed in 2004, with a 25 year consent running until 2029. Re-powering applications would be considered likely from 2025 onwards, beyond the likely life of the Plan. However, given improvements to turbines since the original Crystal Rig turbines were installed, it is possible that re-powering of this site may be considered earlier, and this might include the later Crystal Rig 2 turbines within East Lothian. This was the main reason for inclusion of this policy.

Re-powering issues are most likely to arise through consultation from Scottish Borders Council over Dun Law and the original Crystal Rig windfarm, which bound East Lothian and became operational in 2000 and 2004 respectively. Consideration of how a re-powered windfarm on these sites would interact with the existing developments within East Lothian at Crystal Rig and Pogie/Keith Hill would have to be considered, along with the potential for re-powering on these East Lothian sites.

Paragraph 4.81 states that the Council may publish supplementary planning guidance for wind energy proposals, and if it is thought useful at the time it is prepared, this could include further guidance on re-powering. **The Council submits that no modification is necessary.**

Fred Olsen Renewables Ltd (0313/5)

Policy WD5 refers to re-powering of “existing wind turbine and windfarm sites”. This is a wide description in that it includes both existing wind turbines and existing windfarm sites, i.e. it includes all proposals on existing sites rather than restricting the definition to the existing turbine heights or locations. It is hard to see how the definition could be any wider.

Planning permission or consent under Section 36 of the Electricity Act 1989 is normally issued for wind turbines for a period of 25 years. At the time consent is given, assessment is made taking into consideration the benefits and impacts of the proposal for that 25 year period.

Although future environmental legislation cannot be certain, at present many wind turbine proposals would be subject to Environmental Impact Assessment. The fact that a proposal constitutes re-powering does not alter these legislative requirements for assessment, nor the impacts of the development which require to be considered. SPP now requires that for windfarms, sites should be suitable for use in perpetuity, and this may reduce the amount of assessment deemed to be required as the sites that have been considered against this requirement may be in less sensitive locations per se. However, the level of assessment required would have to be judged on a case by case basis, and it is not considered appropriate to have a general clause reducing the scope of assessment contained within the Plan. No other type of re-development is subject to a reduced assessment because it is replacing a similar type of development that was there previously, and it would not be appropriate to introduce this for wind development. **The Council submits that no modification is necessary.**

#### **Policy WD6: Decommissioning and Site Restoration**

Fred Olsen Renewables Ltd (0313/6)

At the time of writing the Plan, it was the Council’s understanding that 6 months down time

would be adequate to secure and install replacement components, even during winter. However, the Council recognises that the Scottish Government/Heads of Planning Scotland Energy and Resources Sub-committee Model Conditions for Applications under Section 36 of the Electricity Act refer to a 12 month period.

If the Reporter is so minded the Council would not object to this period being extended to 12 months in line with the representation, though this is not seen as necessary.

The representation notes that it is not clear if it is the intention that the Council is a party to the legal agreement. The Council agrees it is not specified, which is because it was considered preferable to leave this to be decided on a case by case basis. However the plan sets out the purpose of any legal agreement which is clear, namely to secure appropriate decommissioning and restoration of the site such that no decommissioning or restoration costs risk falling to the Council.

The Heads of Planning Scotland Position Statement consultation process looked at whether it would be feasible to rely upon a financial/commercial arrangement between the developer and the landowner as a financial guarantee to secure the restoration and aftercare of a development site. The conclusion was that the planning authority would need to be satisfied that this arrangement was in place and sufficient to meet its objectives. Due to the complexities of ensuring that such arrangements would meet the Council's needs, at that time the working group continued to advise that planning authorities be a party to legal agreements. At present, it is expected that that the only way of guaranteeing that costs will not fall to the Council is for the Council to be a party to the legal agreement as recommended. However, this may evolve during the lifetime of the plan and it may be that other means of achieving the purpose are in fact possible, and if so the Council would be open to this. The policy does not seek to be overly restrictive and therefore leaves open whether the Council requires to be a party or not by wording of the policy in terms of purpose rather than process. The agreement must however be such that it secures the stated aim of securing the complete decommissioning and restoration of the site and any relevant offsite works, and that no costs fall to the Council. The Council intends to follow its legal advice at the time of application on whether it is required to be a party to the legal agreement or not.

The representation refers to comments previously made on WD1 and paragraph 4.80 that the financial guarantee should not be a requirement prior to issue of consent, but subject to suspensive planning conditions. The Council has responded to this: see under WD1: WD1 0313/1 above. **The Council submits that no modification is necessary.**

#### Scottish Renewables (0346)

The concern of the Council addressed by the requirement in WD6 for appropriate provision for decommissioning and restoration, and discussed in paragraph 4.80, is that provision for decommissioning and restoration is secured, and that there is no risk whatsoever of costs of this falling to the Council.

The Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites states that it is important that legal agreement is in place before any development commences on site. The Council agrees that it is prior to the commencement of development rather than the date of issue of planning consent that is the critical time by which secure agreement on restoration and costs is required. On this point, the Council notes the provision of Circular

4/1998 paragraph 11 which states that “it is *ultra vires* to impose a condition in a planning permission requiring an applicant to enter into an agreement”. The Council therefore has concerns at the use of a suspensive planning conditions to secure legal agreements prior to the commencement of development rather than prior to the issue of planning consent and therefore is of the view that the policy remain as worded.

The Council considers that legal agreement rather than reliance on conditions alone to secure guarantees of decommissioning is required for larger turbines. The Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites states in the first sentence of Section 2 that the Working Group agreed that if a financial guarantee is necessary it should be secured and controlled by a legal agreement. The Working Group considered that it could not endorse use of planning conditions as appropriate or suitable means to fully secure, control and monitor such financial mechanisms. The Council considers this to be the prudent approach to avoid costs falling to the Council, in line with the approach being taken nationally. It should be noted that Policy WD6 requires legal agreement only for turbines over 42m, not smaller turbines for which use of conditions more appropriate. **The Council submits that no modification is necessary.**

## **Wind, Miscellaneous**

### Midlothian Council (Officer Comments) (0348/6)

East Lothian Council notes Midlothian Councils’ concerns. The Locational Guidance indicates areas which have ‘potential’ for wind turbines up to the height shown. The heights set out in the Locational Guide are based on a comprehensive study carried out for the whole of the East Lothian area - the Supplementary Landscape Capacity Study by Carol Anderson and Alison Grant. This was subsequently incorporated into East Lothian’s Planning Guidance for Lowland Wind Turbines, approved by the Council in June 2013 and referred to in determining planning applications for wind turbines since then. Midlothian Council was consulted on this Guidance prior to its approval, but made no comment.

It is the Council’s understanding that the Landscape Capacity Study for wind turbines in Midlothian Council was carried out by the same consultants. Although the method was slightly different, it is to be expected that the broad conclusions based on their professional judgement of the capacity of different landscape character areas would be similar. The study in East Lothian of the boundary gives the key landscape and visual sensitivities taken into account, which were not limited to those on the East Lothian side of the boundary. The landscape character areas studied are shown as extending into Midlothian. It is therefore believed that the key interests and landscape character within Midlothian were taken into account in the conclusions on sensitivity and capacity and that the Locational Guide reflects sensitivities and landscape character there.

All wind turbine development would need to comply with Policy WD3: All Wind Turbines. Where proposals are considered to affect land within Midlothian Council area, they will be consulted on the planning application, and can consider project level impacts at that stage, and seek to ensure appropriate mitigation is justified and provided. **The Council submits that no modification is necessary.**

## **Wind Support**

Scottish Natural Heritage (0280/27) (0280/28) (0280/29)

Support noted and welcomed.

**Reporter's conclusions:**

**Reporter's recommendations:**

**East Lothian Council**

**Proposed Local Development Plan 2016**

**Cockenzie Position Statement**

**Core Document Number ??**

28<sup>th</sup> March 2017



## **INTRODUCTION**

The Council has prepared this Cockenzie Position Statement, which is lodged to the Examination as a Core Document (Core Doc No. ??).

This Cockenzie Position Statement should be read together with the relevant Schedule 4 form in respect of Issue 22a. This Position Statement fully explains the background and chronology of activity at the Cockenzie site. It also sets out in that context how and why the Council has interpreted the aspirations of NPF3 in the way that it has.

The Cockenzie Position Statement allows these considerations to be drawn together in a way not possible within the format of the Schedule 4 form itself.

The position statement therefore sets the Council's answers to individual representations within the wider context that is necessary to fully understand how and why the Council's policy position has developed in respect of the Cockenzie site.

## **RESPONSE TO REPRESENTATIONS**

### **Defining the Extent of the 'Cockenzie' Site**

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified as the site of Cockenzie Power Station in the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations, is smaller than the total area owned by Scottish Power.

The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or pylons with overhead power lines. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have changed significantly over time and in this context there is a need to reconsider the definition of the site's boundaries. Achieving the Scottish Government's aspiration for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site's boundaries, and identifying the uses that should be accommodated there.

As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power submitted to East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment.

As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and for NPF3s 'Area of Coordinated Action'. This is because it is now the area with the greatest potential to deliver the Scottish Government's aspirations for a low carbon thermal energy generating station with proven carbon capture and storage facilities in the future in accordance with National Development 3, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan.

## **Key Contextual Issues for the LDP Policy Approach to the Cockenzie Site**

Key contextual considerations for the LDP approach to the Cockenzie site include the Scottish Government's aspirations for the future use of the land set out in NPF3, the planning history that has emerged, the nature of built development now on the site, the community's aspirations for the site and the character of the area. As such, the context is complex, but can generally be described as follows:

- there is an up-to-date national policy position in respect of the future of the Cockenzie site that must be taken into account as a material consideration in preparing the LDP, although no site boundary is specified by NPF3 as to where its provisions should apply;
- there is an up-to-date regional policy position set out in the approved SDP to which the LDP must conform by law, and with which any new proposal for development in the area will be expected to comply. Being a strategic rather than site specific plan, no site boundary is specified by the SDP as to where its provisions should apply;
- There is a complex chronology of project level activity and consents / lapsed consents (some of which may themselves have shaped the national policy position set out in NPF3 as it was developed), that should be taken into account, including the relationship between these historic project level decisions and the approval of up-to-date regional plans, policies and strategies – i.e. plans and policies that should carry significant weight in decision making;
- There is a complex planning history that must be considered. This includes the extent of planning permissions and their site boundaries, some of which were approved at a time when a sequence of pre-existing planning permission were in place that allowed the complementary nature of subsequent proposals to be demonstrated as decisions on them were taken. Importantly, some of the pre-existing permissions no longer exist, but some of the subsequent consents remain live;
- The aspirations of landowners and the local community in the area;
- The built development and land uses on the site;
- The character of the site and surrounding area.

To reach a suitable policy position for the LDP, all these factors must be taken into account and appropriately reconciled, with each given the appropriate degree of weight relative to others.

## Chronology of Proposals, Decisions & Policy Development Relevant to the Cockenzie Site

The table below sets out the key factors that have influenced the Council's policy approach to the Cockenzie site, in chronological order.

CHRONOLOGY OF PROPOSALS, DECISIONS & POLICY DEVELOPMENT RELEVANT TO COCKENZIE SITE					
	YEAR / DATE	PROJECTS RELATED TO THE COCKENZIE SITE	PLANS, POLCIY AND STRATEGIES		
			NPF3	SDP	LDP
2009					
	December 2009	Scottish Power Gas Power Station (Section 36 Application)			
2010					
	May 2010			SDP MIR published for consultation	
2011					
	05 Oct 2011	Scottish Power Gas Power Station (Section 36 Consent)			
	05 Oct 2011	Consent for gas pipeline associated with Gas Power Station <sup>1</sup>			
	Nov 2011			Proposed SDP published for representation	
2012					
	February 2012				Pre-MIR consultation and 'Call for Sites'
	August 2012			Proposed SDP submitted to Scottish Ministers	

<sup>1</sup> Required EIA so 'consent' lapses after five years: see Regulation 14 of The Public Gas Transporter Pipe-Line Works Act (Environmental Impact Assessment) 1999

2013					
	March 2013	Cockenzie Power Station stops generating power			
	April 2013		NPF3 MIR		
	June 2013			SDP approved	
	July 2013	Inch Cape Wind Farm (Section 36 Application)			
2014					
	March 2014	Inch Cape Interconnector (PAN)			
	May 2014	Cockenzie Power Station Phased Demolition starts			
	June 2014	Scottish Enterprise Energy Park (PAN)			
	June 2014		NPF3 published		
	September 2014	Inch Cape Interconnector: Granted (14/00456/PPM)			
	September 2014	Inch Cape Wind Farm (Section 36 consent)			
1	November 2014	Change of use of agricultural land to field of remembrance etc 14/00775/P  Planning permission runs to 21/11/2017			
	November 2014				LDP MIR consultation

2015					
	March 2015	Scottish Enterprise confirmed to the Council that it did not intend to continue with proposals			
	August 2015	Scottish Power confirms it will not build Cockenzie Gas Power station			
	November 2015	Cockenzie Power Station  Front of boiler house removed  (effective cessation of S36 consent)			
	November 2015				Draft LDP approved for further technical work
	December 2015	Cockenzie Power Station  Remains of boiler house removed  (effective cessation of Section 36 consent)			
2016					
	July 2016	Inch Cape Wind Farm  Consent for offshore wind farm quashed by Court of Session 16 <sup>th</sup> July (Judicial Review)			
	September 2016				Proposed LDP approved representation
	October 2016	Scottish Power  Date of consent expiring for Gas Power Station 05 Oct 2016 (Section 36)			

		consent)			
	October 2016	EIA consent for Overland Gas Pipeline Lapsed 5 Oct 2016 (statute)			
	November 2016	Inch Cape Interconnector  (PAN for further application / renewal <sup>2</sup> )			
2017					
	Due to expire 03/09/2017	Inch Cape off Shore Wind Farm Interconnector			

As such, a series of development proposals / projects have been promoted for the Cockenzie site, some of which did not advance to planning application stage (e.g. Scottish Enterprise's Energy Park). Planning permission or deemed planning permission has been approved for some projects but not implemented (e.g. Scottish Power's Gas Power Station and the Inch Cape Off-shore Wind Farm Interconnector). Scottish Power has announced it no longer wants to build the gas power generating station. The Inch Cape Off-shore Wind Farm Interconnector planning permission remains live, but its implementation is linked to the co-existence of planning permission for the associated Inch Cape Off-shore Wind Farm, deemed planning permission for which has been quashed by the Court of Session; it is understood that this decision may be subject to a reclaiming motion and further legal challenge proceedings to reinstate the planning permission. The Inch Cape Off-shore Wind Farm Interconnector has planning permission in principle and is likely to be the subject of renewal application (a 'further application').

### **Scottish Government: National Planning Framework 3**

#### ***General Contextual Matters for Consideration***

At page 12 para 2.23 National Planning Framework 3 (NPF3) notes that in Edinburgh and the South East of Scotland energy will be an increasingly important economic development sector, centred on the city and sites around the Forth. In line with the National Renewable Infrastructure Plan (N-RIP), NPF3 identifies Leith Port as a key location in the region and notes that it is within the Low Carbon/Renewable East Enterprise Area. However, NPF3 (at page 14) also refers to Cockenzie and Torness in East Lothian as locations that have potential for significant investment in energy-related

<sup>2</sup> A 'further application' under regulation 11 of the DMR

business development. Para 3.10 states there will be a requirement for new or upgraded efficient fossil fuel generation capacity progressively fitted with carbon capture and storage (CCS) technology.

NPF3 states at paragraph 3.11 that proposals are emerging for ***world-leading*** projects for energy generation that implement CCS technology and use natural capacity to store carbon in the geological formations of the oil and gas fields of the North Sea. At page 33 para 3.19 NPF3 refers to the then consented proposals for a gas fired power station at Cockerzie as one of four sites safeguarded as sites of national importance for energy generation and carbon capture and storage facilities in Scotland. NPF3 states:

*‘To make the best use of existing infrastructure, we have identified proposals for new and replacement facilities at all four sites as a national development’.*

It may not be clear whether this statement supports new as well as replacement power stations with new carbon capture and storage facilities, or only replacement power stations and new carbon capture and storage facilities. Notwithstanding this, paragraph 3.20 goes on to qualify the position, stating that *‘In the longer term, we expect that a CCS network may emerge around the Forth, where there is a particular cluster of industrial activities and energy generation and the potential to link to existing pipeline infrastructure. By building expertise, and ultimately connecting this network beyond our national boundaries, there will be scope of the CCS sector to generate significant employment and business opportunities for Scotland.’* These statements, taken together, point to a ***long term*** aspiration to develop this area as ***world-leading*** one for thermal power generation linked to CCS technology.

NPF3 at paragraph 3.9 expects that Scotland should capitalise on our wind resource, and ***Scotland should become a world-leader in offshore renewable energy***. As such, NPF3 (at page 35 para 3.28) refers to the need for electricity grid enhancements to the High Voltage Transmission Network to support on-shore and off-shore renewable electricity generation across Scotland. No specific mention is made of the potential or need for this existing only at the Cockerzie site; however, potential for this does exist there and at other locations within East Lothian along the Forth Coast to Torness as well as at inland locations.

NPF3 (at page 37 para 3.34) refers to major infrastructure investment providing the marine renewable energy industry with upgraded and new build port and harbour facilities. Manufacturing commitments from major inward investors are expected, and planning is to enable development in key locations. The expectation is that future infrastructure provision, ***combined with*** new business and industrial development, will reinforce Cockerzie as a key location. A coordinated approach is expected to guide development in these locations to make the most efficient use of resources, reduce environmental impacts and support high quality development. NPF3 (at page 37 para 3.34) states: ***‘Scottish Ministers are committed to maximising the economic benefits arising from manufacturing, construction, operations and maintenance associated with offshore energy developments’.***

NPF3 (page 37 strategy diagram) identifies Cockerzie as the location for National Development 3 and as an ‘Area of Co-ordinated Action’ (the latter being an area and policy ambition that does not have National Development status). National Development 4 applies across Scotland, and is specifically illustrated within the general area around Cockerzie, but this specificity also relates to a



much wider area extending from Cockenzie along the Forth coast to Torness. This is further confirmed in the description of the 'Area of Co-ordinated Action' (see below). Although not specifically identified within NPF3, National Development 4 opportunities also exist inland within East Lothian to include a grid connection serving the Crystal Rig wind farm in the foothills of the Lammermuirs.

### ***National Development 3***

#### *General Description*

A Carbon Capture and Storage Network and Thermal Generation is required to Maintain the 2.5 GW of thermal generation we require, whilst also reducing greenhouse gas emissions from the energy sector. This national development reflects the opportunity to provide this at existing sites, specifically Longannet and Cockenzie. In addition, proposals for the refurbishment of a gas fired power station at Peterhead, a new coal-fired power station with CCS at Grangemouth and extension to the existing pipeline to St. Fergus are expected to come forward within the lifetime of NPF3. This national development aims to establish Scotland as a centre of expertise in CCS technology, maintain energy security and diversify the overall energy mix.

#### *Classes of National Development*

In terms of National Development 3, CCS network infrastructure applies to locations throughout Scotland. Thermal generation applies to Peterhead (Boddam), Longannet, Grangemouth and Cockenzie. The relevant classes of development can generally be described as new or refurbished pipelines; pumping and/or compression equipment for carbon dioxide transportation; buildings or structures for carbon dioxide capture, transportation and/or storage plant; new or refurbished thermal generation power stations with a generating capacity of over 50 megawatts with appropriate CCS facilities provided; new or refurbished gas pipelines to thermal generation locations; onshore and offshore carbon dioxide storage sites.

#### *Discussion on National Development 3*

In the context of Cockenzie, the deemed planning permission for a thermal power station was in line with National Development 3. The deemed planning permission generally provided consent to utilise the existing power station buildings and to replace the thermal energy generating plant within them from coal fired to gas fired, rather than provide a new power station outright. Whilst NPF3 refers to a consented power station (para 3.19) at Cockenzie, NPF 3 does is not limited only to that deemed planning permission, and NPF3 does not define a site boundary for any such facility (unlike other national developments).

Scottish Power has announced that it does not want to progress with the development of a thermal power station at the site. Importantly, the buildings within which the thermal generation plant were to be located (boiler house / turbine halls) were demolished by Scottish Power after this, and since then the Section 36 consent / deemed planning permission could not be implemented as proposed. The relevant deemed planning permission lapsed on the 5<sup>th</sup> of October 2016.

Additionally, commercial scale CCS proposals were not confirmed as part of the original consent, the intention being that these would be progressively fitted (NPF3 para 3.10). Accordingly, the deemed planning permission broadly provided for: land to be safeguarded within the application site from any action that would undermine the future ability to subsequently install proven CCS technology at commercial scale (condition 3); a programme of feasibility testing and reporting in respect of trial CCS plant (condition 4 and 5) and a requirement to submit detailed proposals for commercial scale CCS plant once the specification for it was known (condition 6).

As such, it was not clear as part of this original consent exactly how the necessary CCS technology and plant would be delivered within the original application site boundary, but the intention was to house some of it in the existing buildings. An additional separate planning application would have been necessary to deliver this. However, as part of the original application, a carbon capture feasibility study was carried out, including consideration of where equipment could go on the application site. No on site storage of the CO<sup>2</sup> was proposed, just the equipment to capture it. The feasibility study states in its Executive Summary (no paragraph numbers, page 1):

*“there is sufficient space on the Development site to accommodate the carbon capture equipment. No on site storage of compressed carbon dioxide is proposed and it is intended that it would be piped off site via the Firth of Forth. Based on current understanding and economic information, it is envisaged that the carbon dioxide from the Development will be pumped to a centralised pipeline network for eventual transfer to an appropriate geological storage location.”*

As such, the capture and export equipment could have been accommodated within the application site boundary. The ‘worst case’ for the footprint of the requirements for the CCS plant was 40,000m<sup>2</sup> within the space available on site, though may be made less by installing some of the vertically. Around 15,000m<sup>2</sup> of this equipment could have been accommodated within the then existing turbine and boiler halls – it was envisaged that it could be located within the southwest part of the building which is no longer there - and 25000m<sup>2</sup> externally on site.

Notwithstanding this lapsed deemed planning permission, the Cockenzie site remains a location of national importance for thermal energy generation and carbon capture and storage facilities ***in the longer term***. These long term aspirations, and the potential of the Cockenzie site as part of the wider Forth area, to become a world leading location for delivering thermal energy stations and CCS facilities, can now only be realised by a new proposal for such development at the ‘Cockenzie’ site. Importantly, such a proposal may not fit within the same site boundaries as promoted for the original and now lapsed planning permission.

NPF3 continues to safeguard Cockenzie for future thermal generation and carbon capture and storage facilities, in accordance with National Development 3.

#### **National Development 4**

##### *General Description*

An Enhanced High Voltage Energy Transmission Network is needed to facilitate renewable electricity development and its export. The specific projects required for this network are set out in the Electricity Networks Strategy Group, and will continue to evolve as new opportunities emerge. Key connections include links to Orkney, Shetland and the Western isles, and interconnectors to emerging international grid networks. Improvements to the distribution network are also important to many remote rural areas. The provision of new infrastructure is supported, while acknowledging that full consideration of routes and development components will be required at the consenting stage. The map of national developments provides an indicative picture of key electricity grid upgrades, although these may change in future. As part of this national development, we want to see planning enabling development of on-shore links to support off-shore renewable energy development. A strategy for the marine grid, connecting to the on-shore network, will help provide greater clarity on the offshore projects required.

#### *Classes of National Development*

National Development 4 applies to locations throughout Scotland. The relevant classes of development can generally be described as new and/or upgraded on-shore electricity cabling of or in excess of 132 kilovolts and supporting pylons; new and/or upgraded substations directly linked to electricity transmission cabling of or in excess of 132 kilovolts; new and/or upgraded on-shore convertor stations directly linked to on-shore and/or off-shore electricity transmission cabling of or exceeding 132 kilovolts; new and/or upgraded off-shore electricity transmission cabling of or exceeding 132 kilovolts. This is needed to meet national targets for electricity generation, statutory climate change targets, and security of energy supplies.

#### *Discussion on National Development 4*

National Development 4 includes upgrades to, or replacements of, existing grid infrastructure associated with on-shore or off-shore renewable energy developments, including wind farms. Importantly, the National Development 4 designation (see NPF3 page 73) includes some of the classes of development needed to facilitate a power station at Cockerzie. Yet the purpose of National Development 4 is to facilitate renewable electricity development and its export (see NPF3 page 63), not low carbon thermal energy generating stations.

Accordingly, the identification of National Development 4 potential at the Cockerzie site exists by virtue of it being included within an 'Area of Coordinated Action' (which itself does not have National Development status, nor is it specific that enhanced grid infrastructure must be delivered at Cockerzie). As such, the delivery of any development associated with National Development 4 at the Cockerzie site is subject to the associated provisions for the 'Area of Coordinated Action' designation. This means that Cockerzie may (but need not) provide for enhanced high voltage energy transmission infrastructure (such as an interconnector for an off-shore wind farm) as discussed within the Area of Coordinated Action section below.

The Electricity Networks Strategy Group indicates two projects in respect of the offshore to onshore transmission network connections relevant to East Lothian:

- Project 3NHP Eastern HVDC Link to accommodate increase in generation (predominately on-shore & off-shore wind) in Scotland and to improve security of supply. The accompanying

notes state that the project is at 'Optioneering Stage' and that there is a possible requirement for the link by 2023. This connection is illustrated to be made near Torness.

- an on offshore to onshore connection at Cockenzie is 'under faster development sensitivity', and there are no accompanying notes to explain the status of the project or the transmission line owner. This project seems to have emerged between December 2012 and March 2013 updates from the group. There is no timescale for implementation set out. This connection is illustrated to be made near Cockenzie.

These status updates from the group do not prejudice any regulatory, planning or policy decisions and do not represent a Government plan for network development, as noted within the updates themselves. The maps and updates only provide a high level overview on general locations (or potential locations) of projects or where there is, or may be, a need case for potential new transmission infrastructure. They provide useful contextual information, but insofar as planning policy development is concerned they should carry limited weight compared to approved national or regional plans, policies or strategies.

Importantly, within the Area of Coordinated Action (see section below) NPF3 expects wind farm developers to work together to minimise the number and impacts of such developments **by combining infrastructure where possible.**

### ***Area of Co-ordinated Action***

NPF3 (at page 39 para 3.41, and on its spatial strategy diagram on page 29) describes the role of Cockenzie (and the Forth coast to Torness) as an 'Area of Coordinated Action', stating that:

*"Cockenzie, and the Forth coast extending to Torness, is also a potentially important energy hub. There are significant plans for off-shore wind to the east of the Firths of Forth and Tay. Proposals for grid connections for these projects are now emerging, requiring undersea cabling connecting with converter stations and substations. We want developers to work together to minimise the number and impacts of these developments by combining infrastructure where possible. **Whilst we have safeguarded Cockenzie as a site for future thermal generation, it may present opportunities for renewable energy-related investment. We expect 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 this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, we wish to see priority given to those which make best use of this location's assets and which bring the greatest economic benefits."***

### ***Discussion on the Area of Coordinated Action***

The extent and role of the Area Coordinated Action is described under the heading 'A flexible strategy for diverse places – areas of coordinated action'. The low carbon agenda is described as a crucial part of the national strategy, and plans are to promote a positive, planned approach to

facilitating low carbon infrastructure. This will require provision of efficient fossil fuel thermal power stations, progressively fitted with CCS technology (NPF3 para 3.10), as well as plans for onshore and offshore renewable energy development (para 3.9). Areas of coordinated action and master planning will be key to deliver this element of the national strategy.

**NPF3 identifies that the priority for the Cockenzie site is a location for National Development 3.**

NPF3 affirmatively *'safeguards'* Cockenzie as a site for future thermal generation and carbon capture and storage, in line with National Development 3. For the avoidance of doubt, the Council interprets the provisions of NPF3 in this regard as not limited only to the site of the deemed (now lapsed) planning permission for a gas fired power station at the Cockenzie site; rather, the Council interprets this 'safeguard' to relate to the wider site owned by Scottish Power, as this is the area within which there is now greatest potential for such a thermal energy generating station with proven carbon capture and storage facilities to be delivered in future.

**NPF3 notes that there are potential subsidiary benefits of the Cockenzie site.** This is why NPF3 passively indicates that the site *'may'* present significant opportunities for renewable energy-related investment, but NPF3 is not specific about what the nature of that investment might be. In view of the contextual discussion within NPF3, and the weighting it gives to such potential opportunities that may exist at Cockenzie, NPF3 may be referring to the following type of investment in the following order of priority:

1. On-shore grid connections for off-shore wind energy developments. This would be the type of investment that would meet the description of National Development 4, which promotes an enhanced high voltage energy transmission network. An Interconnector for the Inch Cape offshore Wind Farm would fall within this category.

Importantly, such investment would be in addition to any similar grid infrastructure enhancements needed in association with a new thermal energy generation station and CCS facilities at Cockenzie. This point needs to be clarified because the National Development 4 designation (see NPF3 page 73) includes some of the classes of development that may be needed to facilitate a power station at Cockenzie. However, this coincidence does not mean that National Development 3 and 4 have equal status at Cockenzie. The purpose of National Development 4 is to facilitate renewable electricity development and its export (see NPF3 page 63), not the development of low carbon thermal energy generating stations. There is already a grid connection point at Cockenzie, by virtue of the former power station there.

In spatial strategy terms, NPF3 illustrates Cockenzie as Area of Coordinated Action (see diagram on page 29). However, insofar as potential on-shore grid connection for off-shore renewable energy development is concerned, the associated text (see page 39) describes that the extent of the Area of Coordinated Action is much wider than only 'Cockenzie'. The relevant area extends along the Forth coast as far as Torness Nuclear Power Station where it connects to the grid. As explained above, it may also be appropriate to include the Crystal Rig Wind Farm grid connection in this area too, even though it is inland from Torness. For example, undersea cabling from Nearthna Gaoithe off-shore wind farm (Ref: 12/00922/PM and 15/00634/PM)) is proposed to make landfall near Torness, and from there it is to be undergrounded before connecting with the grid at the Crystal Rig connection point.

In policy terms there are options for offshore wind farms to secure connections to the grid in line with National Development 4 within the Area of Coordinated Action; the potential for this is not limited only to 'Cockenzie' – the strategy is flexible. Importantly, within the Area of Coordinated Action NPF3 expects wind farm developers to work together to minimise the number and impacts of these developments **by combining infrastructure where possible**.

2. Investment in the marine renewable energy industry and manufacturing, as set out at page 37 paragraph 3.34, potentially including associated new build port and harbour facilities. Whilst the National Renewable Infrastructure Plan (N-RIP) and NPF3 (at page 14) identifies Leith Port as a key location in the region (within the Low Carbon/Renewable East Enterprise Area), NPF3 refers to Cockenzie and Torness as locations in East Lothian that have potential for significant investment in energy-related business development. Scottish Enterprise's proposals for an Energy Park were a reflection of this potential investment opportunity, but the Key Agency has announced it will not proceed with that scheme. This does not mean that another alternative scheme will not emerge.

As such, for the avoidance of doubt, the Council is of the view that NPF3 **does not** limit the potential for new build port or harbour facilities at Cockenzie to only the marine renewable energy industry. Paragraph 3.34 of NPF3 highlights that 'future infrastructure provision, **combined with** new business and industrial development, will reinforce the importance of key locations including Hunterston, Peterhead and Cockenzie'. Accordingly, NPF3 could be envisaging a situation where new infrastructure provision in the form of a new thermal power generating station at Cockenzie, combined with other business opportunities such as the construction and / or servicing of off-shore wind farms, could justify new build port or harbour at Cockenzie. For example, the construction of any power station, new port / harbour at Cockenzie would avoid transporting large plant and materials overland very close to existing communities. As such, the Council is of the view that the potential for new build port or harbour facilities at Cockenzie should relate to 'energy' development, and not be restricted only to 'marine renewable energy related development'. In terms of the ecological impacts of such a port development, this would need to be assessed fully at project level, potentially through an environmental impact assessment if necessary. If acceptable the matter of on-going management and maintenance of any dredging, including its ongoing costs, is not a matter for the Council to consider, but for any operator.

**Within the Area of Coordinated Action NPF3 expects joint working.** Along the Forth coast, NPF3 expects off-shore wind farm developers to work together to minimise the number and impacts of their developments by combining infrastructure where possible. At Cockenzie, developers, East Lothian Council and the Key Agencies, including Scottish Enterprise are to work together to ensure best use is made of existing land and infrastructure in the area. NPF3 goes on to state that, given the particular assets of Cockenzie, and in the context of the committed (see NPF3 para 3.19) thermal power station in place at the time NPF3 was published (albeit without confirmed commercial scale CCS or a known associated footprint), if there is insufficient room for competing proposals at Cockenzie, priority is to be given to those that make the best use of this (i.e. Cockenzie's) location's assets and which will bring the greatest economic benefits.

The Council notes that NPF3 promotes the power station proposal at Cockenzie since this would 'make the best use of existing infrastructure' (NPF3 para 3.19) and that in the long term a world leading (NPF para 3.11) CCS network around the Forth could be connected beyond national boundaries, and generate significant employment and business opportunities for Scotland (para 3.20).

### **Overall Discussion on the Content and Direction of NPF3**

The first point to note is that deemed planning permission was in place for a thermal power generating station at Cockenzie before NPF3 was published. The NPF3 drafting reflects the circumstances and opportunities at that point in time. Nonetheless, its provisions in respect of National Development 3 being the priority for the Cockenzie site still stand irrespective of any changes in circumstance.

Importantly, because of the sequence of project level decisions in the area when NPF3 was being drafted, Ministers knew how much land was needed to accommodate the consented power station (although chose not to identify a specific site for National Development 3), and that there *may* be surplus land available around that site for other potential projects. NPF3 acknowledges that proposals might 'compete' with one another for land in the area.

When the Council took its decision to approve the on-shore interconnector for Inch Cape off-shore wind farm, the consent for the thermal power station was in place at the Cockenzie site, and it could be justified that such an additional planning permission could be approved without undermining the ability to deliver National Development 3 at the Cockenzie site. Permission for the interconnector was approved before the boundary or economic benefits of any other project were fully known, albeit Scottish Enterprise had lodged a PAN for an Energy Park around two months before permission for the interconnector was approved by the Council. Scottish Enterprise has since confirmed to the Council that it does not intend to continue with its Energy Park proposals, so no associated planning application was submitted to the Council.

As such, at the time NPF3 was drafted the term 'competing proposals' was likely only intended to apply to proposals for land outwith the consented power station site boundary, including the installation of CCS technology at commercial scale as required by National Development 3. However, there is no longer consent for a thermal power station at Cockenzie, and it is now not known how much land would be needed to deliver one there, including the necessary commercial CCS plant.

Importantly, it is not clear if National Development 3 could be delivered if the configuration of it is limited only to the land within the original gas power station application site boundary, or to the land that would remain after the site for the Inch Cape off-shore wind farm interconnector is removed from the wider Cockenzie site – that assumption might undermine the ability to deliver National Development 3.

On the basis that National Development 3 at Cockenzie would 'make the best use of existing infrastructure' (NPF3 para 3.19) and the Scottish Government's ambition is to secure, in the longer term, a world leading CCS network around the Forth that could generate significant employment and

business opportunities for Scotland (NPF para 3.20) the term ‘competing proposals’ within NPF3 should now be interpreted to mean:

1. proposals that compete with the ‘safeguard’ for the power station and CCS facilities; or
2. once the land required to deliver a new power station and CCS facilities at Cockerzie is confirmed, proposals that ‘compete’ for any surplus land outwith any such site.

Overall, NPF3 is anticipating a situation where a range of potential projects seek to locate at Cockerzie. However, as a first principle, NPF3 wants to ensure that any potential subsidiary opportunities at the site do not undermine the ability to deliver the priority ‘safeguard’ for National Development 3. This is why NPF3 acknowledges that a wider range of subsidiary uses / development may be accommodated there, if they do not undermine the primary objective for the site. In that context, a collaborative approach to master planning is expected to maximise the opportunities at the site. **However, the preparation of such a shared masterplan is dependent on the ability to assess the site requirements and planning merits of separate projects at the same time or in an appropriate sequence.**

### **Strategic Development Plan for Edinburgh and South East Scotland**

The SDP identifies on Figure 2 – Strategic Infrastructure Diagram New Non-Nuclear Baseload Capacity at the existing Cockerzie site (National Development 3). It also refers to, but does not illustrate, electricity grid reinforcements across the SESplan area (National Development 4).

The pre-amble (para 124) to SDP Policy 10: Sustainable Energy Technologies, notes that there is a need to derive a higher proportion of heating and energy requirements from renewable sources and to reduce overall energy consumption. LDPs should promote the use of renewable energy and should encourage development that would contribute towards the following national renewable energy targets: 100% electricity demand equivalent from renewables by 2020; 11% heat demand from renewables by 2020; at least 30% overall energy demand from renewable by 2020; 500 MW community and locally owned renewable energy by 2020. LDPs should promote energy efficiency and encourage development which will contribute to the reduction of Scottish energy consumption by 12% by 2020. However, it also notes (at para 125) that the potential for *low carbon* and renewable energy developments encompass a range of technologies with varied impacts, which will require careful consideration. Policy 10 states:

#### *“SUSTAINABLE ENERGY TECHNOLOGIES*

*The Strategic Development Plan seeks to promote sustainable energy technologies. Local Development Plans will:*

- a. **Support the future development and associated infrastructure requirements of Longannet and Cockerzie power Stations in relation to their role as non-nuclear baseload capacity generators and the reuse of waste heat from these developments. Support Energy Park Fife at Methil and developments connected with offshore renewable energy at Leith and Rosyth; and**



- b. **Set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking account of relevant economic, social, environmental and transport considerations, and to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks.**

In accordance with NPF3, SDP Policy 10 prioritises thermal power generation with CCS plant at Cockenzie. However, no specific site is identified for this by the SDP, as it is not a site specific plan. General support is offered in relation to the encouragement of renewable energy proposals, but Cockenzie is not mentioned as a specific site where that support must be given, in accordance with NPF3s wider Area of Coordinated Action.

### **Implications for the LDP from NPF3 and SDP**

The LDP must define an appropriate site at Cockenzie to which National Development 3 shall relate. The Council submits that the area of land within Scottish Power ownership is an appropriate site to define for this purpose. This is because it is now the the area within which there is greatest potential to deliver the Scottish Government’s aspirations for a low carbon thermal energy generating station with proven carbon capture and storage facilities in future in accordance with National Development 3, along with any other uses that may be able to coexist with any such facility in line with NPF3s ‘Area of Coordinated Action’. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan.

The LDP must set out an appropriate policy context for the prioritisation and coordination of project level decisions within the Cockenzie site. This context must acknowledge that circumstances have changed through time since NPF3 was published. It must guard against piecemeal incremental project level decisions that would undermine the ability to deliver National Development 3 at the Cockenzie site; importantly, to secure this objective, the LDP must ensure that such decisions are also taken in the correct sequence.

The Council submits that, in view of there no longer being an implementable section 36 consent and deemed planning permission in place at the Cockenzie site for a proposal that would deliver National Development 3, and thus no basis against which to identify any residual land for any subsequent decisions, the only way that the LDP can now secure the long term opportunity to deliver National Development 3 at the Cockenzie site is to safeguard the entire site for National Development 3. For the avoidance of doubt, the potential for new build port or harbour facilities at the site should relate to National Development 3 as well as ‘marine renewable energy related development’. To fully comply with NPF3, the LDP must prevent ‘competing proposals’ from occurring at the Cockenzie site unless and until a thermal power generating station is implemented and the extent of any residual land at Cockenzie for other proposals has been confirmed.

However, in the circumstances of this case, the LDP seeks to introduce some pragmatism, flexibility and future-proofing in terms of accommodating any future changes in the national policy approach to the Cockenzie site that may occur when the LDP is operative. This is in recognition of the:

- complex site conditions;

- complex planning history;
- brownfield character of the site, and the need to remediate land;
- need for an appropriate alternative viable use, that will provide for restoration of the site;
- need to allow for some interim environmental improvement;
- potential for further changing landowner intentions as well as the community's aspirations;
- fact that that circumstances may change again, for example in terms of ownership, landowner intentions, technological development and national and regional policy intent.

Consequently, the LDP provides for the policy position in respect of the site to be reviewed when the LDP is operative. This could be achieved in the preparation and adoption of statutory Supplementary Guidance in respect of the Cockszie site, which could take the form of a masterplan. Such a masterplan could be triggered if the national policy approach changes or if a thermal power station proposal is implemented and there is surplus land remaining. This provides for an earlier review of the policy position than would be possible through a review of the LDP itself. This approach would be consistent with NPF3 in terms of the prioritisation of National Development 3 and the expectation for collaborative master planning at Cockszie expressed in the description of the Area of Coordinated Action. It may be that, should the Scottish Government's aspirations of the site change in any future National Planning Framework that any masterplan / supplementary guidance may be more closely aligned with community aspirations for the redevelopment of this site.

The LDP should also, as part of its spatial strategy, define the general extent of the Area of Coordinated Action. It should highlight where there may be opportunities to secure grid connections either for a new thermal power generating station at Cockszie or onshore or offshore renewable energy projects. The Council submits that LDP Strategy Diagram 3: Energy Generation, Distribution and Transmission and Waste Facilities appropriately secures this objective.

Importantly, the Council submits that the representations to the LDP which seek an alternative policy approach here would result in an imprecise policy position in respect of consenting project level activity within the Cockszie site. The Council further submits that this would not be appropriate because it would:

- not be clear which area is safeguarded for National Development 3;
- not be possible for the Council to manage incremental proposals appropriately, and in the correct sequence, and this could undermine and prejudice National Development 3 as a result of piecemeal decisions.

Competing proposals cannot be managed if there is no clear priority or basis against which to determine them, if necessary in an appropriate sequence. The Council submits that a 'first come first served' approach to delivering national priorities at the Cockszie site is not the correct approach to follow. This would inevitably be the outcome if a more 'pragmatic' interpretation of NPF3 than that which has been set out in the proposed LDP.

As such, in the circumstances the Council submits that the approach set out in the proposed LDP is consistent with national and regional planning policy, and that no change to the proposed LDP is necessary.

#### **Note in Respect of the Scottish Government Representation to the LDP**

The Council notes that NPF3 is to be a material consideration in plan making, rather than a higher level plan, policy or strategy that must be conformed to in plan making. The Council notes representations 0389/7 and 0389/8 from the Scottish Government in respect of the Cockenzie site. The Council also notes there are some representations that raise issues in respect of the future of planning applications within the area (e.g. 0212). However, for the reasons given above the Council considers that the terms of NPF3 need to be reflected within the LDP in the manner proposed.

Yet the fact that NPF3 is a material consideration, rather than a higher tier plan policy or strategy that must be conformed to, may mean there is some scope to consider an alternative policy position in respect of the Cockenzie site to that set out in NPF3, SDP1 and the LDP. If the safeguard of the Cockenzie site for the delivery of National Development 3 is no longer the national priority it once was, the Reporter may see merit in an alternative policy approach that would reflect this.

However, for the reasons given above, any such alternative policy approach would need to be clear as to how any determining authority should treat proposals promoted by NPF3 at the Cockenzie site that may compete for the site through time.

As such, the Scottish Government should make clear:

- a) if the delivery of a thermal power generating station with carbon capture and storage facilities at the Cockenzie site remains its priority aspiration;
- b) in circumstances where a) is no longer the case, it should also clarify what alternative uses ought to be prioritised in the national interest there, and
- c) should there be any residual land following the delivery of its priority aspirations for the site, if it has a view on what land uses the balance of the site may be used for, provided any such other uses do not undermine any remaining priority national aspiration(s) for the site.

The Council further submits that if it had promoted a more pragmatic approach for the Cockenzie site from the outset through its LDP, of the nature suggested in these representations, then it is possible that representations against such a more pragmatic alternative approach could have requested that the Council follow the approach currently proposed. The Council submits that a reasonable reading of NPF3 taken together with SDP1 and other material considerations (such as the planning history of the site) on balance, leads to the conclusion reached in the preparation of the proposed LDP. In that context, a more pragmatic approach towards the site could not have been justified by the Council, and a 'notifiable' modification of the plan may have been necessary in light of any such representations.

Overall, the policies, planning history and circumstances surrounding the Cockenzie site are complex. It remains the Council's view that the future policy position for the Cockenzie site, if it is to be

different from that articulated in NPF3 and SDP1, would best be dealt with in an open, transparent and collaborative way. The Council submits that the preparation of statutory Supplementary Guidance whilst the plan is operative would be an appropriate vehicle for this, whether a thermal power generating station is approved at the site or not. Such an approach would allow the site's future to be 'settled on' earlier than a review of the LDP.

<b>Issue 22a</b>	<b>Energy Generation and Transmission: Proposal EGT1: Land at Former Cockenzie Power Station</b>	
<b>Development plan reference:</b>	Our Infrastructure and Resources	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Alan Eeles (0002) Nicola and Barry Spence (0115) Bourne Leisure Ltd (0155) Yvonne Addison (0168) Martine Robertson (0169) Colin Addison (0171) E Macdonald (0176) Forth Ports Ltd (0180) Royal Society for the Protection of Birds (0185) Inch Cape Offshore Limited (0212) Scottish Environment Protection Agency (0252) Scottish Natural Heritage (0280)	Fred Olsen Renewables Ltd (0313) Brian Hall (0314) Coastal Regeneration Alliance (0331) Shona Brash (0335) Margaret Reid (0364) Ross Glanville (0371) Sarah Lindsay (0373) The Scottish Government / Transport Scotland (0389) Scottish Power Generation (0391) E Dickson (0404) Ed Bethune (0406) Gail Scott (0410) Yvonne Addison (0417) Peter Wilson (0441)	
<b>Provision of the development plan to which the issue relates:</b>	Proposal EGT1: Land at Former Cockenzie Power Station (page 108) Paragraphs 4.62 – 4.66/4.67 (page 101) Paragraphs 4.88 (pg 107) and 4.96 (pg 108)	
<b>Planning authority's summary of the representation(s):</b>		
<p>The Council has responded within this Schedule 4 form in the normal way to each of the representations raised. However, the Council has also prepared a Cockenzie Position Statement, which it has lodged to the Examination as a Core Document (Core Doc No. ??). The Cockenzie Position Statement should be read together with this Schedule 4 form as it fully explains the background and chronology of activity at the Cockenzie site. In that context it also sets out and how and why the Council has interpreted the aspirations of NPF3 in the way that it has. The Cockenzie Position Statement allows these considerations to be drawn together in a way not possible within the format of the Schedule 4 form itself. It therefore sets the Council's answers to the individual representations within the wider context that is necessary to fully understand how and why the Council's policy position has developed in respect of the Cockenzie site.</p> <p><b>Proposal EGT1: Land at Former Cockenzie Power Station</b></p> <p><u>Alan Eeles (0002)</u></p> <p>The representation acknowledges that site of former Cockenzie Power Station is safeguarded for thermal energy generation, in line with National Development 3.</p>		

Representation suggests that the Public Inquiry into Scottish Power Proposals inadequate. Representation raises concern about the adequacy of the Strategic Environmental Assessment Environmental Report that accompanies the proposed LDP, in particular with regard to the assessments impact of noise, traffic movement, toxic gasses or smoke, health and safety or other dangers. Representation also notes that the owners / occupiers of the site should acknowledge that their responsibilities extend outwith the site to the communities that surround it.

Nicola and Barry Spence (0115)

This representation comprises a standard pro-forma letter, which has within it a section where the respondent can add any additional points not covered by the standard letter. Standard Letter The standard letter objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans. The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with the current National Plan. The representation also raises additional points, namely that 1) a green belt is required between Prestonpans and Cockenzie, and 2) the area has been industrial for many years and another area should be the focus for this now, not this local area.

Bourne Leisure Ltd (0155/1)

The representation suggests an amendment to policy EGT1: Land at Former Cockenzie Power Station by introducing additional text at the final paragraph "Proposals must not cause an unacceptable impact upon the amenity of existing residential and tourism / leisure development in the local area." The justification for the suggested alterations is the need to protect the amenity of existing residential / tourism leisure development in East Lothian and the economic benefits associated.

Yvonne Addison (0168)

This representation comprises a standard pro-forma letter, which has within it a section where the respondent can add any additional points not covered by the standard letter. The standard letter objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans. The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with the current National Plan.

Martine Robertson (0169)

This representation comprises a standard pro-forma letter, which has within it a section where the respondent can add any additional points not covered by the standard letter. The standard letter objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity

and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans. The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with the current National Plan. The representation also raises an additional point, stating that the character and amenity of the land would be seriously changed for the worse making the area an unattractive place to live.

Colin Addison (0171)

This representation comprises a standard pro-forma letter, which has within it a section where the respondent can add any additional points not covered by the standard letter. The standard letter objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans. The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with the current National Plan.

E Macdonald (0176/14)

Opposed to Cockenzie Power Station Site being developed for heavy industry as proposed by ELC/Scottish Power. This area not suitable for construction/repair of wind turbines. The Health and well being of residents must be considered.

Forth Ports Ltd (0180/2)

Paragraph 4.88 of the proposed Plan notes the opportunities for renewable energy-related investment contained within NPF3. NPF3's support for port facilities specifically relates to



the marine renewable energy industry and not port related development which implies support for a broader range of port operations. The requirements of NPF3 need to be accurately reflected. Paragraph 4.96 of the proposed Plan makes reference to the provisions of NPF3 in relation to port-related development. This should be amended to “marine renewable energy related port development” to accurately reflect the requirements of NPF3.

#### Forth Ports Ltd (0180/3)

The representation states that deep water capabilities do not exist at Cockenzie, indeed Admiralty Chart ref: 0734 notes that water of a suitable depth lies between ¼ and 2 nautical miles from the former Power Station (5m depth contour located at ¼ nautical miles and 10m depth contour located at 2 nautical miles). To create the deep water required to support marine renewable energy requirements there will be a need to undertake a significant capital dredge which will require ongoing maintenance. Both the initial capital and ongoing maintenance dredge will be a costly exercise. Ecologically, the necessary dredging will have the potential to create a significant impact on the existing Firth of Forth SPA and the proposed marine SPA - Outer Firth of Forth and St Andrews Bay Complex.

#### Forth Ports Ltd (0180/4)

The representation states that the site lies in a location which is exposed to poor weather conditions. Loading and unloading and other port related activities and especially those related to the movement of heavy items will be challenging and is likely to prove unattractive to potential operators.

#### Inch Cape Offshore Limited (0212/3)

Proposal EGT1 misinterprets NPF3 and leaves Inch Cape Offshore Limited with significant uncertainty about how future planning applications within the PROP EGT1 site will be treated by ELC. Objector notes that planning permission was approved for the Onshore Transmission Works under NPF3, and the report to planning committee accepted that there was an operational requirement for the facility there; that the proposals would not undermine the then consented power station proposals or the use of the remaining land for an Energy Park. Proposal EGT1 should therefore be modified to be consistent with NPF3 as suggested by the objector. Objector also points to inconsistencies between EGT3 and EGT1, where EGT3 seeks to prioritise connection to existing infrastructure at Cockenzie and Torness but this is not allowed for by EGT1. Objector also points to SESplan’s second proposed SDP as adding further weight to their view and suggested modifications.

#### Fred Olsen Renewables Ltd (0313/7)

Proposals EGT1 should be modified to require the same degree of assessment as wind farms.

#### Brian Hall (0314/1)

Objects to Proposal EGT1: Former Cockenzie Power Station Site. As a former industrial site the objector has suffered noise and dirt pollution consequent on the previous use of the site. Site of former Cockenzie power station should be used to provide non-industrial

uses, such as leisure, education and tourism. The coastal area should be exploited to generate revenues and employment via businesses such as leisure, education and tourism.

#### Coastal Regeneration Alliance (0331)

The Coastal Regeneration Alliance objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans.

The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with NPF3 and SPP (2014).

The Coastal Regeneration Alliance requests to be represented and heard at the examination.

#### Shona Brash (0335)

Objection is made to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses,

manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Margaret Reid (0364)

The objector objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Ross Glanville (0371)

Objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. The area should be made available for community use. There is a community orchard gifted to the community by Scottish Power some years ago. The site is also part of the Battle of Prestonpans site. There are ample opportunities for the community to think big. Training opportunities, educational uses and community space. Overdevelopment of the land will take away from the enjoyment of living in this part of East Lothian.

Sarah Lindsay (0373)

The objector objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building,

coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

#### The Scottish Government / Transport Scotland (0389/8)

Prop ETG1: Land at former Cockenzie power station does not allow for other uses of the site beyond thermal generation in the life time of NPF3 or until a thermal plant is developed and surplus land identified. This does not accord fully with the aspiration of National Planning Framework 3 for the area.

#### Scottish Power Generation (0391/4)

Scottish Power Generation seeks to modify paragraph 2.51 by deleting the sentence which reads: "To avoid prejudicing the National Development status safeguarding the Cockenzie 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." Scottish Power Generation considers that this text misrepresents NPF3. Scottish Power Generation considers that NPF3 anticipates a situation where forms of development other than National Development 3 can be supported within the EGT1 site. Scottish Power Generation quote page 39 of NPF3, which states that Cockenzie: '... may present significant opportunities for renewable energy-related investment. We expect developers, East Lothian Council and the key agencies, including Scottish Enterprise to work together to ensure that the best use is made of the existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, we would wish to see priority given to those which make the best use of this location's assets and which bring the greatest economic benefits.' Scottish Power Generation considers that to resist proposals for development other than that which is specifically compliant with national development number three would be inconsistent with NPF3s more general aspiration that the economic potential of the site be realised, and would risk the non-delivery of development consistent with such aspirations and which could contribute positively on both macro and micro levels.

#### Scottish Power Generation (0391/8)

Scottish Power Generation seeks changes to paragraph 4.92 and Proposal EGT1 that, in its view, would bring the plan in line with NPF3 in respect of the Cockenzie site.

#### E Dickson (0404/2)

The objection is to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that

the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Ed Bethune (0406)

The objection is to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Gail Scott (0410)

The objection is to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power

station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Yvonne Addison (0417)

The objection is to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Peter Wilson (0441)

The representee would like information on the effect of this proposal on his business unit (Unit 17 Whin Park Industrial Estate) and in particular the extent of any proposed demolitions and what impact this will have on passing business.

### **Proposal EGT1 Miscellaneous**

Royal Society for the Protection of Birds (0185/6)

RSPB commend the inclusion of targets for energy generation by renewables to address climate change. RSPB also welcome the section on heat and would like to see the Council's heat map published as soon as possible.

Royal Society for the Protection of Birds (0185/7)

4.63, and 4.88-92 and Prop EGT1. Clarification of the future use of the site of the Cockenzie Power Station will be required. Future development here will require consideration of potential impacts on the adjacent Firth of Forth SPA and a Habitats Regulations Appraisal (HRA) should be undertaken at an early stage.

Royal Society for the Protection of Birds (0185/8)

All new public build (notably schools) should include solar panels and other appropriate renewable forms of energy generation. A more affirmative statement by the Council in this section is required in this regard. Reduced travel remains a separate issue in reducing energy demand, but one that we would support.

### **Proposal EGT1 Support**

#### Scottish Environment Protection Agency (0252/39)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. The predicted 200 year still water level is 3.96mAOD. A FRA was undertaken for residential development off Avenue Road which was at risk of surface water flooding.

The level of detail required in the FRA will depend on the location of any proposed development.

#### Scottish Natural Heritage (0280/13)

SNH note and welcome the redrafting of the Proposal to include a Natura caveat. SNH note and welcome the intention to prepare SG.

### **Modifications sought by those submitting representations:**

#### **Proposal EGT1: Land at Former Cockenzie Power Station**

##### Alan Eeles (0002)

No modification sought.

##### Nicola and Barry Spence (0115)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

##### Bourne Leisure Ltd (0155/1)

Amendment to Policy EGT1: Land at Former Cockenzie Power Station to include additional text: "Proposals must not cause an unacceptable impact upon the amenity of existing residential and tourism / leisure development in the local area."

##### Yvonne Addison (0168)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

##### Martine Robertson (0169)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area

of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

Colin Addison (0171)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

E Macdonald (0176/12)

No modification sought.

Forth Ports Ltd (0180/2)

Representation seeks amendment of paragraphs 4.88 and 4.96 by replacing the phrase "port related development" with "marine renewable energy related port development."

Forth Ports Ltd (0180/3)(0180/4)

No modification sought.

Inch Cape Offshore Limited (0212/3)

PROP EGT1 should be modified as follows: "The site of the former Cockenzie 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 Development 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 the best use of the locations assets and which bring the greatest economic benefits, consistent with National Planning Framework 3."

Fred Olsen Renewables Ltd (0313/7)

Reword PROP EGT1 to ensure that such developments are subject to the very same assessment that wind farm developments are subject to.

Brian Hall (0314/1)

No modification sought

Coastal Regeneration Alliance (0331)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these



take into consideration adjacent residential areas and the environment.

Shona Brash (0335)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments

Margaret Reid (0364)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

Ross Glanville (0371)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote training opportunities, educational uses and community space.

Sarah Lindsay (0373)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

The Scottish Government / Transport Scotland (0389/8)

PROP ETG1 should be re drafted to include the arrangements for Cockenzie as set out on page 39 of National Planning Framework 3 reflecting that there may be insufficient land for competing proposals and that priority should go to those that make best use of the location's assets and which bring the greatest economic benefits.

Scottish Power Generation (0391/4)

In paragraph 2.51 delete the sentence: "To avoid prejudicing the National Development status safeguarding the Cockenzie 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."

#### Scottish Power Generation (0391/8)

Point (a) Scottish Power Generation supports para 4.88 and reserves the right to make further representations in the event that third parties propose amendments to this paragraph as it relates to its assets. (b) In paragraph 4.92 from 'in such circumstances...' amend paragraph 4.92 to read as follows: "... notwithstanding, the existing drafting of NPF3 recognises that the Cockenzie site may present significant opportunities for renewable energy related investment. We expect developers, East Lothian Council and the key agencies, including Scottish Enterprise to work together to ensure that best use is made of existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, we wish to see priority given to those that make the best use of the locations assets and which will bring the greatest economic benefits. In such circumstances it would be appropriate for the Council to prepare Supplementary Guidance (in accordance with Policy PS3: Development Briefs) during the lifetime of this Plan to guide the redevelopment of the site for other purposes, in consultation with landowners, stakeholders and the community. It would also be appropriate to prepare Supplementary Guidance in the event that a thermal power generation proposal is implemented on the site during the lifetime of this plan to address the redevelopment of any surplus land." (c) In paragraph 4.93 amend second sentence to read as follows: "These assets will be considered as part of the aforementioned Supplementary Guidance for the wider EGT1 site, however, the Council would wish to resist built development that would adversely affect these assets. (d) PROP EGT1: Land at Former Cockenzie power station should be amended as follows: 'The site of the former Cockenzie Power Station is safeguarded as a site for future power generation and carbon capture and storage, consistent with National Development 3 in the Scottish Governments National Planning Framework 3. The Council will support, in principle, development consistent with national Development 3. Alternatively, NFF3 recognises: (i) the site's potential for renewable energy-related investment; and (ii) development which makes best use of the locational assets and which will ring the greatest economic benefits. In the event of there being no proposals for development consistent with National Development 3, proposals for development consistent with (i) and/or (ii) will be supported, in principle and in accordance with Policy EMP1, by the Council. (c) In the event that the National Planning Framework is updated or replaced during the lifetime of this Plan, the Council will support, in principle, proposals for development which are consistent with the updated NPF. (d) Any proposals for the site will be expected to: (i) be considered through Supplementary Guidance prepared in accordance with Policy PS3: Development Briefs; (ii) make best use of the location's assets and bring significant economic benefits; and (iii) be subject to a Habitats Regulations Appraisal, and if necessary, an appropriate Assessment under the Habitats Regulations."

#### E Dickson (0404/2)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

#### Ed Bethune (0406)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

Gail Scott (0410)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments

Yvonne Addison (0417)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

Peter Wilson (0441)

No Modification sought

**Proposal EGT1 Miscellaneous**

Royal Society for the Protection of Birds (0185/6) (0185/7) (0185/8)

No Modification sought

**Proposal EGT1 Support**

Scottish Environment Protection Agency (0252/39); Scottish Natural Heritage (0280/13)

No modification sought

**Summary of responses (including reasons) by planning authority:**

**Proposal EGT1: Land at Former Cockenzie Power Station**

Alan Eeles (0002)

The Council notes that the representation acknowledges that the site of former Cockenzie

Power Station is safeguarded for thermal energy generation, in line with the Scottish Governments National Planning Framework 3, National Development 3. The Council submits that the Public Inquiry into Scottish Power's proposals is beyond the scope of this Examination. The Council notes the concerns raised within the representation in terms of scope and level of detail set out in the Council's Strategic Environmental Assessment (SEA) Environmental Report (ER) that accompanies the proposed LDP. This Draft Environmental Report, including the associated site assessments, has been prepared by the Council in consultation with the Consultation Authorities (SEPA/HES/SNH). The Council submits that the SEA ER provides the necessary 'strategic' environmental assessment of the proposed LDP strategy, policies and sites. The Scottish Government's expectation that the SEA and ER is to be proportionate and focus on 'significant environmental effects of the plan' (PAN 2/2010 para 3.1 bullet 2); it is not to be a detailed assessment of project level impacts, as would be expected through a project level Environmental Impact Assessment (PAN 1/2010 para 6.5). If and when any proposals are advanced for the former Cockenzie Power Station site, they will be subject to the necessary screening and if necessary scoping procedures that need to be followed to determine whether or not a proposal should be accompanied by an Environmental Impact Assessment, in line with the Town and County Planning (Environmental Impact Assessment) (Scotland) Regulations 2011. The assessment of any such proposal against these regulations is only possible once the nature and scale of a project level proposal is known in sufficient detail to make such an assessment, which is not possible at LDP stage. Similarly, the proposed LDP within Proposal EGT1 identifies that a Habitats Regulation Appraisal would be required to accompany any specific development proposals for the site, but does not anticipate the scope or outcome of that assessment. Such environmental and ecological assessments will consider the impact of any proposed development on the environment and any relevant receptors within and outwith the site boundary. However, the Reporter may see merit in a modification to the proposed LDP that requires the impacts of development associated with Proposal EGT1 on adjoining communities and the environment to be assessed and appropriate mitigation provided as part of any proposals (See ELC response to representation 0441 elsewhere in this schedule 4 form). **The Council submits that a modification of the LDP is not necessary.**

Nicola and Barry Spence (0115)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces and connections between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. This could provide the opportunity to seek targeted enchantments of green network assets in the area, such as footpaths and / or green spaces. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Borne Leisure Ltd (0155/1)

The Council submits that impact on the environment and infrastructure in the local area, as well as on the health and wellbeing of communities is a matter that would be considered in the assessment of any planning application for this site at project level, if necessary including submission of an Environmental Impact Assessment. The Council submits that paragraph 4.93 of the LDP adequately addresses this point in that context. **The Council submits that a modification of the LDP is not necessary.**

Yvonne Addison (0168)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. **The Council submits that a modification of the LDP is not necessary.**

Martine Robertson (0169)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land.

In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is one reason why the LDP proposes to introduce Policy DC8:

Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopt as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Colin Addison (0171)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. **The Council submits that a modification of the LDP is not**



**necessary.**

E Macdonald (0176/12)

The Council submits that the Cockenzie site is not specifically identified for wind turbine repair or manufacturing, it is safeguarded for National Development 3. Only if there is residual land remaining after National Development 3 is delivered, could the possibility of other such development of the nature described within the representation be considered there. However, this would also need to be considered both in the context of NPF3's other Scottish Government aspirations for the site as well as the impact on the environment and infrastructure in the local area, as well as on the health and wellbeing of communities. The Council submits that paragraph 4.93 of the LDP adequately addressed this point. **The Council submits that a modification of the LDP is not necessary.**

Forth Ports Ltd (0180/2)(0180/4)

NPF3 (at page 37 para 3.34) refers to major infrastructure investment providing the marine renewable energy industry with upgraded and new build port and harbour facilities. Manufacturing commitments from major inward investors are expected, and planning is to enable development in key locations. The expectation is that future infrastructure provision, **combined with** new business and industrial development, will reinforce Cockenzie as a key location. Accordingly, NPF3 could be envisaging a situation where new infrastructure provision in the form of a new thermal power generating station at Cockenzie, combined with other business opportunities such as the construction and / or servicing of off-shore wind farms, could justify new build port or harbour at Cockenzie. For example, the construction of any power station, new port / harbour at Cockenzie would avoid transporting large plant and materials overland very close to existing communities. As such, the Council is of the view that the potential for new build port or harbour facilities at Cockenzie should relate to 'energy' development, and not be restricted only to 'marine renewable energy related development'. Operational matters are not a matter for the Council to consider, but for any operator. **The Council submits that a modification of the LDP is not necessary.**

Forth Ports Ltd (0180/3)

NPF3 (at page 37 para 3.34) refers to major infrastructure investment providing the marine renewable energy industry with upgraded and new build port and harbour facilities. Manufacturing commitments from major inward investors are expected, and planning is to enable development in key locations. The expectation is that future infrastructure provision, **combined with** new business and industrial development, will reinforce Cockenzie as a key location. A coordinated approach is expected to guide development in these locations to make the most efficient use of resources, reduce environmental impacts and support high quality development. In terms of the ecological impacts of such a port development, this would need to be assessed fully at project level, potentially through an Environmental Impact Assessment if necessary. If acceptable the matter of on-going management and maintenance of any dredge, including its ongoing costs, is not a matter for the Council to consider, but for any operator. **The Council submits that a modification of the LDP is not necessary.**

Inch Cape Offshore Limited (0212/3)

The Council submits that because previous decisions in respect of the Cockenzie site

were taken in an appropriate sequence it could be demonstrated that the NPF3 priority for a power station safeguard at Cockenzie would not be undermined by subsequent proposals. This is because the consent and land take for the power station was known before the Inch Cape Interconnector was approved. These proposals were not competing at that stage because the land take for each was known. Importantly, there is no mechanism that would require or allow 'competing proposals' to be assessed against one another unless they come forward and are determined at the same time (e.g. to establish if they compete with one another for land and what each of their economic benefits would be relative to the other); otherwise each proposal would be assessed on its own merits at the point it is made. As such, unless there is a clear planning policy framework that sets out the priority for the Cockenzie site, it is possible that piecemeal decisions within the Proposal EGT1 site could undermine the ability to deliver National Development 3. Accordingly, in the circumstances, the Council submits that proposed LDP Proposal EGT1 provides appropriate controls and clarity. The Council submits that the LDP recognises at paragraph 4.89 the extant planning permission in principle for the Inch Cape Interconnector (Ref: 14/00456/PPM), and in the circumstances this is as far as the plan can go in offering support of that proposal. The Council further submits the planning permission in principle could be followed up by an Approval of Matters Specifies in Condition application. The Council should limit its consideration of such an AMSC application to the approval of matters specified in conditions; it should not revisit the principle of development already approved. In respect of a renewal application however, the principle of such a proposed development would need to be reconsidered, in particular given that circumstances have changed over time. A significant material consideration in this would be that deemed planning permission for National Development 3 at the Cockenzie site no longer exists, and so the site boundaries needed to deliver such a new proposal there are not now known. As such, it is not known whether a renewal of planning permission 14/00456/PPM would undermine the safeguard for National Development 3 at Cockenzie. In this respect the Council notes the terms of representation 0391/3 (dealt with at Issue 22b) from Scottish Power Generation in respect of Strategy Diagram 3 / extent of the Cockenzie site which suggests part of the application site for planning permission 14/00456/PPM crosses the 'Greenhills', which is an area that would have been 'key for infrastructure to support the development of the main site and thus a thermal generating power station at Cockenzie; it is also there where underground cabling would be routed for the Inch Cape Interconnector proposal 14/00456/PPM. Although the original thermal power station proposal was to use the 'Greenhills' area for temporary constructions works and car parking, it is not clear what role this land may need to have in respect of any new power station proposal. In terms of there being inconsistencies between Proposal EGT3 and Proposal EGT1, the Council submits that Proposal EGT3 seeks to prioritise connection to existing infrastructure at Cockenzie and Torness but this is to be considered in the context of the provisions of the location specific Proposal EGT1 – i.e. only if and when there is known to be any residual land for a proposal within the EGT1 site beyond that needed there for National Development 3. LDP proposals EGT1 and EGT3 can therefore be read together and do complement one another. It should also be noted that Proposal EGT3 refers to existing infrastructure at Cockenzie, not extant planning permissions – i.e this statement is not specific to permission 14/00456/PPM. The Council submits that SESplan's SDP2 is at proposed plan stage, but East Lothian's proposed LDP1 is to 'be consistent' with SESplan's SDP1. The Council submits that its proposed LDP1 is consistent with SESplan's SDP1 in respect of the Cockenzie site. Whilst SESplan's proposed SDP2 changes the SDP1 approach, and reflects the settled view of the SESPlan authorities on the next development plan in relation to the Cockenzie site, it may not reflect the view of Scottish Ministers. SESplan's SDP2 once approved will provide the statutory basis to review the policy approach in respect of the Cockenzie site at a more

local level. **The Council submits that a modification of the LDP is not necessary.**

Fred Olsen Renewables Ltd (0313/7)

EGT1 will be subject to Section 36 consents under the Electricity Act (1989), and whilst the development plan is normally taken into account in such cases, these decisions are for Scottish Ministers. This is not the case for all wind farms. However, the suggestion made in the representation may have some merit. Proposals EGT1 in particular could refer to mitigating impacts on communities and character of the local area and ensure that this is considered in respect of proposals for decommissioning of any thermal power station at the site (see ELC response to representations 0155/1 and 0441 dealt with at Issue 22a). **The Council submits that a modification of the LDP is not necessary.**

Brian Hall (0314/1)

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. The Scottish Government's intentions for the site is a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the uses that can be accommodated within the Cockenzie site for the purposes of the proposed Local Development Plan. **The Council submits that a modification of the LDP is not necessary.**

Coastal Regeneration Alliance (0331)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's

intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. **The Council submits that a modification of the LDP is not necessary.**

Shona Brash (0335)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site.

The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses,

including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Margaret Reid (0364)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site.

The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is

out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a**

**modification of the LDP is not necessary.**

Ross Glanville (0371)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's aspiration for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. The Council notes the objector's comments in respect of the potential for community uses here, but submits that the NPF3 priority aspiration for the site include National Development 3 and potentially National Development 4 as well as potentially new business, manufacturing and industrial development and potentially energy related port development. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's aspirations for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council notes the objector's comments in respect of the community orchard, which remains in Scottish Power's ownership. Nonetheless, the Council submits that paragraph 4.93 of the plan seeks to safeguard such assets from built development. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and built development there should be avoided.

The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. **The Council submits that a modification of the LDP is not necessary.**

Sarah Lindsay (0373)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site.

The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield,



the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

The Scottish Government / Transport Scotland (0389/8)

The Council submits that the representation does not acknowledge the 'safeguarded' status of the Cockenzie site within NPF3 for National Development 3. The Council has explained in its Cockenzie Position Statement (Core Doc ??) how it has interpreted the provisions of NPF3 in this regard, and how this has shaped the policy position set out in Proposal EGT1. The Council submits that the suggested changes to the plan would be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

Scottish Power Generation (0391/4)

The Council submits that the representation does not acknowledge the 'safeguarded' status of the Cockenzie site within NPF3 for National Development 3. The Council has explained in its Cockenzie Position Statement (Core Doc ??) how it has interpreted the provisions of NPF3 in this regard, and how this has shaped the policy position set out in Proposal EGT1. The Council submits that the suggested changes to the plan would be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

Scottish Power Generation (0391/8)

In respect of point (a) the Council submits that the suggested changes to the pre-ambule of Policy EGT1 repeat the terms of NPF3, which is unnecessary. (b) Again, these are unnecessary changes because the LDP seeks to safeguard these natural and cultural heritage assets and the communities around the site so too must any Supplementary Guidance associated with the LDP. The Council submits that the current drafting of Proposal EGT1 is appropriate, whereas the suggested rewording EGT1 would be inappropriate. The suggested new criterion (b) of Proposal EGT1 would be inconsistent with NPF3, as it is not drafted in terms of there being an alternative to National Development 3 at Coceknzie. NPF3 'safeguards' the Cockenzie site for National Development 3, and states that there 'may' be potential for other proposal that

complement National Development 3, but which might complete within one another. Additionally, since NPF3 was drafted, circumstances have changed in that it is now not known how much land at the Cockenzie site would be required to deliver a new proposal for National Development 3. Until this is known, other proposals for the site could undermine National Development 3. A full explanation for the Council's interpretation of this position is provided in the main body of this schedule 4. It is also not clear when one would take a view on whether there is 'no proposal for National Development 3' since NPF3s aspiration is to safeguard the site for such a proposal whether one exists at a point in time or not. (c) The Council does not support the inclusion of a criterion within the LDP that offers support in principle to an as yet to be drafted NPF – i.e. without knowing what it is offering support in principle for. (d) The Council's intention is not to prepare Supplementary Guidance for a power station proposal before such a proposal could be consented, as seems to be implied by the suggested modification to Proposals EGT1 (new criterion (d(ii))). In any event, East Lothian Council would not be the consenting authority for such a proposal. In terms of the Council's Proposal EGT1, the purpose of preparing Supplementary Guidance would be to comply with NPF3s desire for collaborative working (see page 39 and the need for master planning within Areas of Coordinated Action etc) and to ensure that the future of the site is discussed openly and transparently and is consulted on, as required in the preparation of Supplementary Guidance. Policy PS3 is not relevant in the circumstances, as explained in response to representation 0391/5. The Council submits the future of the Cockenzie site should not be decided solely by way of a planning application. The Council submits that the suggested changes to the plan would be unnecessary and inappropriate. **The Council submits that a modification of the LDP is not necessary.**

#### E Dickson (0404/2)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site.

The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the

uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

#### Ed Bethune (0406)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site.

The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site

has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside

Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopt as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Gail Scott (0410)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site.

The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the

Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Yvonne Addison (0417)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site.

The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to

reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out in National Planning Framework 3 (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopt as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Peter Wilson (0441)

The Council submits that impact on the environment and infrastructure in the local area,

as well as on the health and wellbeing of communities is a matter that would be considered in the assessment of any planning application for this site at project level, if necessary including submission of an Environmental Impact Assessment. The Council submits that paragraph 4.93 of the LDP adequately addressed this point in that context. However, the Reporter may see merit in some modification of the LDP and may consider including within Proposal EGT 1 a final paragraph similar to the following: "*Any proposals for the development of this site must not cause an unacceptable impact upon the amenity of the surrounding area, including existing or proposed residential development.*" **The Council submits that a modification of the LDP is not necessary.**

### **Miscellaneous Comments**

#### Royal Society for the Protection of Birds (0185/6)

Support welcomed. The Council has been working with the Heat Network Partnership to prepare a heat strategy for the area. Outcomes of this work with relevance to planning may be reflected in supplementary planning guidance or in a review of the LDP as appropriate. The Council therefore submits that paragraph 4.71 of the LDP already satisfactorily addresses the representation. **The Council submits that a modification of the LDP is not necessary.**

#### Royal Society for the Protection of Birds (0185/7)

Future development at Cockenzie in accordance with Proposal EGT1 will require consideration of potential impacts on the adjacent Firth of Forth SPA and a Habitats Regulations Appraisal (HRA) will be required (see LDP Proposal EGT1). **The Council submits that a modification of the LDP is not necessary.**

#### Royal Society for the Protection of Birds (0185/8)

Comments are noted and support welcomed. The Council's full response to related issues is addressed in Issue 20 (see in particular 0252/8 and 0419/2). **The Council submits that a modification of the LDP is not necessary.**

### **Proposal EGT1 Support**

#### Scottish Environment Protection Agency (0252/39); Scottish Natural Heritage (0280/13)

Support noted. Advice welcomed.

#### **Reporter's conclusions:**

#### **Reporter's recommendations:**



<b>Issue 22b</b>	<b>Energy Generation and Transmission: Other Matters</b>	
<b>Development plan reference:</b>	Our Infrastructure and Resources	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>National Grid (0021)  Bourne Leisure Ltd (0155)  Royal Society for the Protection of Birds (0185)  Scottish Natural Heritage (0280)  Fred Olsen Renewables Ltd (0313)  Scottish Power Energy Networks (0338)  Near na Gaoithe Off-shore Wind Ltd (0386)  Scottish Power Generation (0391)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Strategy Diagram: Energy and Waste  Energy Generation and Transmission (pages 107-109)  Proposal EGT2: Torness Power Station  Proposal EGT3: Forth Coast Area of Co-ordinated Action  Proposal EGT4: Enhanced High Voltage Electricity Transmission Network</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Strategy Diagram: Energy and Waste</b></p> <p><u>Scottish Power Generation (0391/3)</u></p> <p>Scottish Power Generation supports the EGT1 site boundary shown on the strategy diagram map, which largely relates to the area of the former power station site and adjacent Scottish Power Generation assets. The proposed LDP should ensure that the EGT1 allocation is not prejudiced through incompatible development on adjoining land. Scottish Power Generation acknowledges that the EGT1 allocation incorporates a section of the 'Greenhills' which is recognised as public space. Scottish Power Generation considers this area to be key for infrastructure to support development on the main site which is consistent with the corresponding proposal (EGT1: Land at Former Cockenzie Power Station), which promotes the use of Supplementary Guidance in the event of baseload generation development not being forthcoming on the site, a position supported by Scottish Power Generation.</p> <p><b>Proposal EGT2: Torness Power Station</b></p> <p><u>Fred Olsen Renewables Ltd (0313/8)</u></p> <p>Proposals EGT2 should be modified to require the same degree of assessment as wind farms.</p>		

### **Proposal EGT3: Forth Coast Area of Co-ordinated Action**

#### Bourne Leisure Ltd (0155/2)

The representation suggests an amendment to policy EGT3: Firth Coast Area of Co-ordinated Action by introducing the word “tourism” to the second last sentence of the policy to read "Proposals should minimise the landscape and visual impact, as well as impacts on communities, tourism and the natural and built heritage." The justification for the suggested alterations is the need to protect the amenity of existing residential / tourism leisure development in East Lothian and the economic benefits associated.

#### Royal Society for the Protection of Birds (0185/15)

Forth Coast Area of Co-ordinated Action. We support the measures/restrictions detailed here, notably the need to take cognisance of the Firth of Forth SPA (which does not extend to Torness) and to combine infrastructure wherever possible.

#### Scottish Natural Heritage (0280/14)

SNH note that the Proposal has been updated to include a Natura caveat. As the current wording appears to pre-suppose that there will be a likely significant effect, this caveat should be re-drafted: Proposals must be accompanied by project specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations. The supporting text at paragraph 4.97 requires a change of tense to communicate that two developments are consented.

### **Proposal EGT4: Enhanced High Voltage Electricity Transmission Network**

#### National Grid (0021)

National Grid has reviewed the Proposed Local Development Plan and has no comments to make.

#### Royal Society for the Protection of Birds (0185/10)

Enhanced High Voltage Electricity Transmission Network. New overhead lines that traverse areas known to be feeding grounds or regular flight paths for birds such as geese and swans should be marked with high visibility reflectors to minimise bird collision risk.

#### Scottish Power Energy Networks (0338/2)

Policy EGT4: Enhanced High Voltage Electricity Transmission Networks should be redrafted as suggested by the representation. This essentially includes reference to routes / sites being safeguarded and there being an operational requirement for such development. The suggested policy approach is that other proposals should be resisted where these would prejudice National Development 4. Also subject to representation is the desire for cross-reference to a modified Strategy Diagram 3 to show spatially where there is likely to be an element of upgrading to such networks during the lifetime of the plan, and to bring read-across between the policy and strategy diagram. Scottish Power Energy Networks offers a plan to show the relevant routes / sites, but none is provided with the representation.

Neart na Gaoithe Off-shore Wind Ltd (0386/2)

Policy EGT4: Enhanced High Voltage Electricity Transmission Networks should be redrafted as suggested by the Neart na Gaoithe Off-shore Wind Ltd representation. This essentially includes reference to routes / sites being safeguarded and there being an operational requirement for such development. The suggested policy approach is that other proposals should be resisted where these would prejudice National Development 4. Also subject to representation is the desire for cross-reference to a modified Strategy Diagram 3 to show spatially where there is likely to be an element of upgrading to such networks during the lifetime of the plan, and to bring read-across between this and Policy EGT4 and the strategy diagram. Specific mention is made of the desire to include reference to the approved grid connection for the Neart na Gaoithe Off-shore Wind Farm, which makes landfall at Torness and will connect to the grid via a new substation in the Lammermuirs adjacent to Crystal Rig.

**Modifications sought by those submitting representations:**

**Strategy Diagram: Energy and Waste**

Scottish Power Generation (0391/3)

No Modification sought

**Proposal EGT2: Torness Power Station**

Fred Olsen Renewables Ltd (0313/8)

Reword PROP EGT2 to ensure that such developments are subject to the very same assessment that wind farm developments are subject to.

**Proposal EGT3: Forth Coast Area of Co-ordinated Action:**

Bourne Leisure Ltd (0155/2)

Modify Policy EGT3: Firth coast area of Co-ordinated Action by introducing the word "tourism" to the second last sentence of the policy to read "Proposals should minimise the landscape and visual impact, as well as impacts on communities, tourism and the natural and built heritage."

Royal Society for the Protection of Birds (0185/15)

No modification sought.

Scottish Natural Heritage (0280/14)

Proposal EGT3: Forth Coast Area of Co-ordinated Action should be re-drafted as follows: "Proposals must be accompanied by project specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations." The supporting text at paragraph 4.97 requires a change of tense to communicate that two developments are consented.

**Proposal EGT4: Enhanced High Voltage Electricity Transmission Network**

National Grid (0021); Royal Society for the Protection of Birds (0185/10)

No Modification sought

Scottish Power Energy Networks (0338/2)

Delete Policy EGT4: Enhanced High Voltage Electricity Transmission Network and replace with the following: “(a)The Council supports enhancement of the high voltage electricity transmission network in locations defined by operational requirements, subject to acceptable impacts on the landscape, visual amenity, communities, natural and cultural heritage and the provision of appropriate mitigation where required. (b) Strategy diagram 3 identifies sites of large scale electricity transmission infrastructure, including the existing transmission network which will be the subject of some upgrading during the lifetime of this plan. Reinforcement works, which will include the provision of new overhead line routes and new substations, development of which falls within the scope of National Planning Framework and National Development 4, are also likely during the lifetime of this LDP. The Council will safeguard these sites for such development and will not support proposals for development which might negatively impact upon the delivery of developments within the scope of national development number 4, or any subsequent national development designation in the event of a review of the national planning framework during the lifetime of this plan.” (b) Strategy Diagram 3: Energy generation, Distribution and Transmission and Waste Facilities: Reference to the amended Policy EGT4 should be included and new sites routes or locations should be added where the safeguarding provisions of that new policy would apply. (c) Paragraph 4.99: amend the sentence that reads: ‘The Council supports this in principle in appropriate locations’ to read: “The Council supports this in principle in appropriate locations and will seek to safeguard sites with planning permission, including that which relates to development which is within the scope of NPF3s national development 4 (or any subsequent relevant national development designation in the event of a review of NPF3 during the lifetime of this Plan), against proposals for development which could prejudice the delivery of such nationally significant infrastructure.”

Near na Gaoithe Off-shore Wind Ltd (0386/2)

Delete Policy EGT4: Enhanced High Voltage Electricity Transmission Network and replace with the following: “(a)The Council supports enhancement of the high voltage electricity transmission network, subject to acceptable impacts on the landscape, visual amenity, communities, natural and cultural heritage and the removal of power lines that would become redundant as a consequence of the implementation of the proposal. (b) Inset map 3 identifies sites of large scale electricity transmission infrastructure which fall within the scope of the National Planning Framework national development 4. The Council will safeguard these sites for such development and will not support proposals for development which might negatively impact upon the delivery of development within the scope of national development 4, or subsequent national development designation.” (b) Strategy Diagram 3: Energy generation, Distribution and Transmission and Waste Facilities: Reference to the amended Policy EGT4 should be included. (c) Paragraph 4.97: add a new third sentence: “For example, landfall for the approved onshore transmission infrastructure associated with Near na Gaoithe Off-shore Wind Farm is adjacent to Torness, with its grid connection via a new substation in the Lammermuirs adjacent to Crystal Rig.” (d) Paragraph 4.99 amend the sentence that reads ‘The Council supports this in principle in appropriate locations’ to read: “The Council supports this in principle in appropriate locations and will seek to safeguard sites with planning permission for

development which is within the scope of NPF3s national development number 4 against proposals for development which could prejudice the delivery of such nationally significant infrastructure.”

### Summary of responses (including reasons) by planning authority:

#### Strategy Diagram: Energy and Waste

##### Scottish Power Generation (0391/3)

The Council notes that Scottish Power Generation supports the Proposal EGT1 Cockenzie site boundaries. The Council also notes that Scottish Power Generation considers that the part of the ‘Greenhills’ included within the Proposal EGT1 site ‘to be key for infrastructure to support development on the main site’ although no description is provided as to what that means – the Council also notes that this area formed part of the original application site for the power station. The Council notes with interest that this also forms part of the site boundary of application Ref: 14/00456/PPM for the Inch Cape Offshore Wind Farm Interconnector, which is proposed to make landfall at Cockenzie and pass through adjoining land (see also 0212/3 dealt with at Issue 22a) before routing inland through the Cockenzie site. The Council notes that Scottish Power Generation wants the proposed LDP to ensure that the EGT1 allocation is not prejudiced by incompatible development on adjoining land. The Council notes that Scottish Power does not suggest any modification of the LDP in respect of the Cockenzie site boundaries. **The Council submits that a modification of the LDP is not necessary.**

#### Proposal EGT2: Torness Power Station

##### Fred Olsen Renewables Ltd (0313/8)

EGT2 will be subject to Section 36 consents under the Electricity Act (1989), and whilst the development plan is normally taken into account in such cases, such decisions are for Scottish Ministers. This is not the case for all wind farms. However, should the Reporter see merit in the representation, Proposals EGT2 may refer to mitigation of impacts on communities and character of the local area and ensure that this is considered in respect of proposals for decommissioning of any thermal power station at the site (see ELC response to representations 0155/1 and 0441 dealt with at Issue 22a). **The Council submits that a modification of the LDP is not necessary.**

#### Proposal EGT3: Forth Coast Area of Co-ordinated Action:

##### Bourne Leisure Ltd (0155/2)

The Council submits that impact on the environment and infrastructure in the local area, as well as on the health and wellbeing of communities is a matter that would be considered in the assessment of any planning application at project level, if necessary including submission of an Environmental Impact Assessment (see LDP paragraphs 4.96 – 4.98). The Council submits that the LDP adequately addresses the objectors point in this context. **The Council submits that a modification of the LDP is not necessary.**

##### Royal Society for the Protection of Birds (0185/15)

Support welcomed.

#### Scottish Natural Heritage (0280/14)

The Council submits that all proposals for onshore interconnectors for off shore wind farms will require assessment under the Habitats Regulations, and for an Appropriate Assessment to be carried out if necessary. As such the Council submits that Proposal EGT3 should be read in this context – i.e. Appropriate Assessment will be required if it is necessary. The primary LDP policy in relation to these matters is Policy NH1, including its pre-ambles, which fully explains the legislative context. However, the wording of Proposal EGT3 as drafted might be taken to pre-suppose that an Appropriate Assessment is required before the specific nature of the relevant project is known. Whilst the associated procedural requirements are fully specified in the Habitats Regulations themselves (which would override the Local Development Plan policies in any case), should the Reporter be so minded to give further clarification in this way the LDP could be modified to reflect SNH's comments. **The Council submits that a modification of the LDP is not necessary.**

#### **Proposal EGT4: Enhanced High Voltage Electricity Transmission Network**

##### National Grid (0021)

National Grid's comment on the proposed LDP is noted and welcomed.

##### Royal Society for the Protection of Birds (0185/10)

The Council notes the comments from RSPB. However, the Council submits that such detailed matters are best addressed at project level rather than plan level. **The Council submits that a modification of the LDP is not necessary.**

##### Scottish Power Energy Networks (0338/2)

The Council submits that NPF3 does not require planning authorities to safeguard sites or routes where there may be aspirations to provide enhancements to the High Voltage Electricity Transmission Network. The Council notes that the terms of this representation would also seem to seek to introduce modifications to the plan that would support potential projects that may not fall within the definition of National Development 4. The provision of a plan from the objector showing these routes / sites is noted, but it does not form part of the representation. In that context, the Council submits that at this stage there is more benefit in leaving the policy and strategy position more flexible within the Local Development Plan. At project level, any such proposals would be subject to the other provisions of NPF3 as well as relevant policies of the Development Plan: for example, in respect of the priority for National Development 3 at Cockszie and ensuring that policies that seek to protect European protected sites / species are complied with etc. As such, affording too much weight to the general aspirations of NPF3 through the policies and strategy diagrams of the LDP by illustrating specific routes, sites or projects across East Lothian would be inappropriate, even if they may be subject to National Development 4 status. It should also be noted that NPF3 expects offshore wind farm developers to share infrastructure where possible within the Area of Co-ordinated Action. For similar reasons safeguarding of such routes / sites with planning permission would not seem to be appropriate at this stage, as the strategy for the provision of such infrastructure, for example at the Cockszie site, is to be flexible and may need to change over time. Where there are existing routes, and / or consented sites / routes for such enhancements, the existence of these will be a material

consideration in the determination of any planning application / agricultural notification. Identifying and safeguarding such routes may also have the unintended consequence of identifying the maximum or limiting the projects that decision makers and stakeholders anticipate coming forward within the lifetime of the LDP. Overall, the Council submits that NPF3's definition of National Development 4 is sufficiently flexible to meet the intended purpose of that national development; the principle of such development being based on an operational requirement for a particular location is implicit to this. Policy EGT4 taken together with other relevant policies of the plan will be sufficient to assess such proposals. The Council submits that the suggested change to the plan is unnecessary, and may be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

Neart na Gaoithe Off-shore Wind Ltd (0386/2)

Whilst NPF3 is clear that the Cockenzie site is to be safeguarded for National Development 3, the Council submits that NPF3 does not expect planning authorities to safeguard sites or routes where there may be aspirations to provide enhancements to the High Voltage Electricity Transmission Network – i.e. for projects that fall within the scope of National Development 4. The Council supports the principle of National Development 4, but submits that at this stage there is more benefit in leaving the policy and strategy position more flexible within the Local Development Plan. National Development 4 does not relate only to the Neart na Gaoithe Off-shore Wind Farm transmission infrastructure. At project level, such proposals would be subject to the other provisions of NPF3 as well as relevant policies of the Development Plan: for example, in respect of the priority for National Development 3 at Cockenzie and ensuring that policies that seek to protect European protected sites / species are complied with etc. As such, affording too much weight to the general aspirations of NPF3 through the policies and strategy diagrams of the LDP by illustrating specific routes, sites or projects across East Lothian would be inappropriate at this stage, even if they may be subject to National Development 4 status. It should also be noted that NPF3 expects offshore wind farm developers to share infrastructure where possible within the Area of Co-ordinated Action. As such, safeguarding specific routes / sites with planning permission would not seem to be appropriate at this stage, as the strategy for the provision of such infrastructure is to be flexible and may need to change over time. Where there are existing routes, and / or consented sites / routes for such enhancements, the existence of these will be a material consideration in the determination of any planning application / agricultural notification. Identifying and safeguarding such routes may have the unintended consequence of identifying the maximum or limiting the projects that decision makers and stakeholders anticipate coming forward within the lifetime of the LDP. Overall, the Council submits that NPF3's definition of National Development 4 is sufficiently flexible to meet the intended purpose of that national development; the principle of such development being based on an operational requirement for a particular location is implicit to this. Policy EGT4 taken together with other relevant policies of the plan will be sufficient to assess such proposals. The Council submits that the suggested change to the plan is unnecessary, and may be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

**Reporter's conclusions:**

**Reporter's recommendations:**





<b>Issue 23</b>	<b>Waste</b>	
<b>Development plan reference:</b>	Waste (pg111-112)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438) Scottish Environment Protection Agency (0252)		
<b>Provision of the development plan to which the issue relates:</b>	Policy W1: Waste Management Safeguards Policy W2: Waste Management Developments Policy W3: Waste Separation and Collection Policy W4: Construction Waste	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy W4: Construction Waste</b></p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438/15)</u></p> <p>The representor does not support the requirement for a waste management plan to be provided with all planning applications as this can be dealt with by a planning condition.</p> <p><b>Waste Support</b></p> <p><u>Scottish Environment Protection Agency (0252/18); Scottish Environment Protection Agency (0252/19); Scottish Environment Protection Agency (0252/20); Scottish Environment Protection Agency (0252/21)</u></p> <p>Scottish Environment Protection Agency support policies W1, W2, W3, and W4 as set out in the Proposed Plan.</p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/16); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438/14)</u></p> <p>The representors support Policy W3 which requires new development to provide appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.</p>		
<b>Modifications sought by those submitting representations:</b>		
<b>Policy W4: Construction Waste</b>		

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/15)

Amend wording of policy to state that submission of waste management plans can be dealt with by an appropriately worded planning condition.

### **Waste Support**

Scottish Environment Protection Agency (0252/18); Scottish Environment Protection Agency (0252/19); Scottish Environment Protection Agency (0252/20); Scottish Environment Protection Agency (0252/21); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/16); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/14)

No Modification sought

### **Summary of responses (including reasons) by planning authority:**

#### **Policy W4: Construction Waste**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/15)

The Council has been advised by SEPA to include a policy that seeks to minimise waste production, encourage a waste hierarchy and safeguard existing waste sites. This has been incorporated within Policy W4 and gives greater certainty to the safe disposal of construction waste methods. The Council submits that the manner in which such management plans are secured, and the timing for this, will be a matter to be addressed at project level and planning application stage. It may be that the need to submit such accompanying reports feature as planning conditions, or they may need form part of a proposal, such as where an Environmental Impact Assessment is required and provision for waste management is an issue to be addressed within any environmental report. **The Council submits that no modification is necessary.**

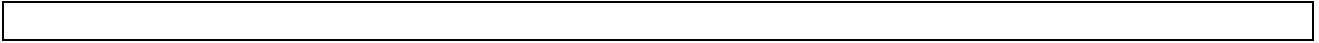
### **Waste Support**

Scottish Environment Protection Agency (0252/18); Scottish Environment Protection Agency (0252/19); Scottish Environment Protection Agency (0252/20); Scottish Environment Protection Agency (0252/21); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/16); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/14)

Support Noted

### **Reporter's conclusions:**

### **Reporter's recommendations:**



<b>Issue 24</b>	<b>Minerals</b>	
<b>Development plan reference:</b>	Minerals Pg 113-117	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Scottish Natural Heritage (0280)  Francis Ogilvy (0419)  Borne Leisure Ltd (0155)  Royal Society of Protection of Birds (0185)  The Coal Authority (0089)  Midlothian Council (0348)  Scottish Environment Protection Agency (0252)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Minerals Pg 113-117	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries</b></p> <p><u>Scottish Natural Heritage (0280/15)</u></p> <p>There is no recognition in either PROP MIN4 or the supporting text that part of Bangley Quarry is a Site of Special Scientific Interest (SSSI). This should be added to the Proposal to ensure that reopening of the site does not conflict with management of the SSSI.</p> <p><b>PROP MIN5: Mineral Resources</b></p> <p><u>Francis Ogilvy (0419/3)</u></p> <p>There are no signs that representations to the Main Issues Report have been taken into account. In particular recognition that there is a legal requirement for a land bank of resources for sand and gravel extraction which the current allocation falls far short of. The proposed LDP action programme completely fails to address the issues raised in respect of both land bank or facilitating the potential to bring forward reasonable proposals for mineral development. In many cases there are opportunities for employment created as a consequence of mineral extraction linked with quality of after use. The location of sand and gravel reserves at Pencaitland to leave behind a water resource for tourism and wildlife and flood mitigation measures for property downstream has been ignored.</p> <p><b>Policy MIN8: Mineral Extraction Criteria</b></p> <p><u>Bourne Leisure Ltd (0155/3)</u></p> <p>The representation suggests an amendment to policy MIN8: Mineral Extraction Criteria by including an additional criterion under section 1 "g. tourism."</p>		

The justification for the suggested alterations is the need to protect the amenity of existing residential / tourism leisure development in East Lothian and the economic benefits associated.

#### Royal Society of Protection of Birds (0185/11)

RSPB do not believe that any proposal for open-cast coal mining in East Lothian can be considered acceptable or sustainable. RSPB note that the restoration of mineral extraction sites covers financial guarantees. RSPB recommend that financial guarantees should be secured via planning condition/planning obligations for all developments with significant restoration, decommissioning, aftercare or mitigation liabilities. The type of guarantee should be chosen carefully to minimise the risk that restoration will not take place or costs fall to the taxpayer. The costs of ongoing monitoring should also be considered as part of the overall costs. RSPB would welcome further guidance on financial guarantees as part of East Lothian Council's proposed plan / supplementary guidance. Notwithstanding our objection to any new open-cast coal mining in the Council area, RSPB support the criterion listed in this policy.

#### Scottish Environment Protection Agency (0252/9)

The representation states that criterion 5 of the policy provides an exemption for "material risk of disturbance or environmental damage" which cannot be accepted. The LDP Proposed Plan should provide a framework for avoiding environmental damage. The potential for damage to the environment from mineral extraction, including the abstraction of "onshore oil or gas or coalbed methane" is considerable and the damage could be significant rather than material. SEPA consider that this criterion provides an explicit exemption for development which could cause significant damage, and it should be excluded from the Local Development Plan.

#### The Coal Authority (0089/1)

Representation notes that around 10% of the Council area contains coal resources, concentrated in the west of East Lothian in the Musselburgh, Prestonpans, Blindwells and Tranent clusters. This has left a legacy of previous mine workings, which must be positively addressed by new development. Planning authorities are to consider such matters to ensure site allocations, policies or programmes will not lead to public safety hazards. New development should not take place over mine entries even when treated. However, instability and mining legacy is not always a complete constraint to new development, rather when these issues have been addressed new development can be considered safe, stable and sustainable. The Coal Authority makes 9 separate representations, of which 7 are in support of the plan. In support of the plan, The Coal Authority makes the following representations: Representation 1: support for Policy MIN1: Protection of Mineral Reserves; Representation 2: support for Strategy Diagram 4 (although not a formal representation further annotation of the diagram is suggested, such as the inclusion of cluster boundaries or settlement names); Representation 3: support for Policy MIN6: Opencast Coal Extraction, noting that whilst no formal area of search is identified (although the identification of one would be the Coal Authority's preference) this criterion based policy provides an appropriate balanced framework. Representation 4: support for Policy MIN7: Onshore Oil and Gas; Representation 6: support for Policy MIN10: Restoration and Aftercare; Representation 7: support for Policy MIN11: prior Extraction of Shallow Coal. The Coal Authority makes two representations that seek changes to the plan: Representation 5: seeks modifications to Policy MIN8: Mineral

Extraction Criteria, namely delete criterion 3; Representation 9: object to the omission of a Policy on 'Unstable Land'. The Coal Authority would welcome discussion in advance of any examination procedures to try and reach a negotiated position.

### **Policy MIN9: Supporting Information**

#### Royal Society of Protection of Birds (0185/12)

The requirement for mineral workings, when exhausted, to be restored to prime agricultural land where such existed before mining commenced, should be flexible in the case of the limestone extraction at Oxwell Mains (Barns Ness), Dunbar.

Ongoing, phased restoration of newly worked limestone deposits at Oxwell Mains should be undertaken for nature conservation interests. This would consolidate and extend the restoration for biodiversity that is being undertaken at North West Quarry, directly adjacent to the current active quarrying area.

The potential exists at Oxwell Mains to create a significant protected area for wildlife and a major asset for the residents of Dunbar and for visitors from within and outwith East Lothian.

### **Mineral Miscellaneous**

#### The Coal Authority (0089/2) – (Omission of Policy on Unstable Land)

Representation notes that around 10% of the Council area contains coal resources, concentrated in the west of East Lothian in the Musselburgh, Prestonpans, Blindwells and Tranent clusters. This has left a legacy of previous mine workings, which must be positively addressed by new development. Planning authorities are to consider such matters to ensure site allocations, policies or programmes will not lead to public safety hazards. New development should not take place over mine entries even when treated. However, instability and mining legacy is not always a complete constraint to new development, rather when these issues have been addressed new development can be considered safe, stable and sustainable. The Coal Authority makes 9 separate representations, of which 7 are in support of the plan. In support of the plan, The Coal Authority makes the following representations: Representation 1: support for Policy MIN1: Protection of Mineral Reserves; Representation 2: support for Strategy Diagram 4 (although not a formal representation further annotation of the diagram is suggested, such as the inclusion of cluster boundaries or settlement names); Representation 3: support for Policy MIN6: Opencast Coal Extraction, noting that whilst no formal area of search is identified (although the identification of one would be the Coal Authority's preference) this criterion based policy provides an appropriate balanced framework. Representation 4: support for Policy MIN7: Onshore Oil and Gas; Representation 6: support for Policy MIN10: Restoration and Aftercare; Representation 7: support for Policy MIN11: prior Extraction of Shallow Coal. The Coal Authority makes two representations that seek changes to the plan: Representation 5: seeks modifications to Policy MIN8: Mineral Extraction Criteria, namely delete criterion 3; Representation 9: object to the omission of a Policy on 'Unstable Land'. The Coal Authority would welcome discussion in advance of any examination procedures to try and reach a negotiated position.

#### Midlothian Council (0348/4)

Given the location of the East Lothian coal field along the boundary between Midlothian and East Lothian, Midlothian Council considers that it would be useful if the proposed LDP could indicate that impacts on communities, including haulage of material, is addressed. This could be included within the supporting text.

**Modifications sought by those submitting representations:**

**PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries**

Scottish Natural Heritage (0280/15)

SNH propose an amendment to policy MIN4 of the supporting text to clarify that part of the site is a Site of Special Scientific Interest.

**PROP MIN5: Mineral Resources**

Francis Ogilvy (0419/3)

Policy MIN5 should be deleted or reworded to make provision for minerals extraction / development where environmental assessment demonstrates that this can be undertaken within acceptable parameters.

**Policy MIN8: Mineral Extraction Criteria**

Borne Leisure Ltd (0155/3)

Amendment to Policy MIN8: Mineral Extraction Criteria.

Royal Society of Protection of Birds (0185/11)

No Modification sought.

Scottish Environment Protection Agency (0252/9)

SEPA objects to the inclusion of criterion 5 within Policy MIN 8: Mineral Extraction Criteria and seeks its removal from the plan.

The Coal Authority (0089/1)

Modification to Policy MIN8: Mineral Extraction Criteria, namely delete criterion 3. It should be noted that The Coal Authority supports the rest of the policy wording and so seeks no further change to it.

**Policy MIN9: Supporting Information**

Royal Society of Protection of Birds (0185/12)

The representation proposes that the LDP should be amended to support phased restoration of newly worked limestone deposits at Oxwell Mains.

## Mineral Miscellaneous

### The Coal Authority (0089/2) – ( Omission of Policy on Unstable Land)

Representation 9: object to the omission of a Policy on 'Unstable Land'. The Coal Authority suggests that the following policy be added to the LDP as a means to resolve the representation:

“Policy XXX: Unstable Land

Development that would be at unacceptable risk of land instability will not be permitted. Where remedial, treatment or mitigation measures are required to ensure that development is safe and stable, planning permission will only be granted where such remedial, treatment or mitigation measures can be secured without adversely affecting residential amenity, the water environment or landscape character.”

Midlothian Council (0348/4)

No Modification sought

### **Summary of responses (including reasons) by planning authority:**

#### **PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries**

##### **Scottish Natural Heritage (0280/15)**

The Council submits that it is not essential that the LDP be modified to note that there is a SSSI within Bangley Quarry, since this is noted on the Proposals Map (Inset 1) alongside the Geological Conservation Site. **The Council submits that no modification is necessary.**

#### **PROP MIN5: Mineral Resources**

Francis Ogilvy (0419/3)

The Council submits that the approach it has taken to mineral development is set out in Technical Note 6: Planning for Minerals. In respect of sand and gravel workings, it explains the position at paragraphs 2.4 – 2.5, 2.12, 2.14, 4.5 – 4.7, 4.13 – 4.18, 6.1 – 6.17. As such, the Council submits:

- a) that the proposed LDP has safeguarded sites where there are known viable reserves of sand and gravel as required by SPP,
- b) there is some doubt (based on the SESplan Minerals Technical Note) whether the SESplan area is the limit of the sand and gravel market area, which could be much wider than the SDP area,
- c) there is also some doubt based on current economic conditions (and SESplan's Minerals Technical Note) whether there is less than a 10 year land bank of permitted reserves of sand and gravel within the 'market area' - based on the SESplan area there could be up to 20 / 17 years supply based on SESplan construction rates at 2010 / 2011 or 4.5 years supply based on same figures for Scotland applied to the SESplan area,
- d) if it is demonstrated that a shortfall of permitted reserves exist, the presumption against such development set out in Policy MIN5 may not apply provided other LDP policies can be satisfied, including the preference to extend existing workings before opening new ones as expressed by Policy MIN5



e) it should be noted that Longyester sand and gravel quarry has planning permission to expand and this consent has only recently been implemented (2016),  
f) the LDP has not identified an area of search for sand and gravel resources within East Lothian because areas where permission for such workings might be approved cannot be identified with confidence by the LDP without significant technical study that is most appropriately carried out at project level; additionally, such minerals can only be worked where they are found so the basis for such a search would be the existence of a sand and gravel resource,  
g) the LDP contains criterion based policies (MIN5, MIN8, MIN9 and MIN10) against which proposals for sand and gravel extraction / working can be assessed should such proposals come forward over time. **The Council submits that no modification is necessary.**

### **Policy MIN8: Mineral Extraction Criteria**

#### Bourne Leisure Ltd 0155/3

Policy MIN8 seeks to assess proposals against a number of environmental criteria as well as impacts on the local community. The Council submits that Part 1 of the policy (criterion a) and criterion g)) would protect the amenity of the area and any other sensitive receptors. The Council submits that this would adequately safeguard the amenity of existing tourism / leisure development within East Lothian and that there is no need to modify the policy to make specific mention of these assets. **The Council submits that no modification is necessary.**

#### Royal Society of Protection of Birds (0185/11)

Comments are noted and support welcomed. With reference to further information on financial guarantees for the restoration of sites refer to the page 6 para. 2.20 of Technical Note 6: Planning for Minerals. **The Council submits that no modification is necessary.**

#### Scottish Environment Protection Agency (0252)

The Council submits that criterion 5 of Policy MIN8 does not allow outright for 'significant' disturbance or environmental damage; it would only allow consideration to be given to a material risk that some degree of such damage might be outweighed by significant local or community benefits related to the proposal, including when any mitigation measures are introduced. The Council submits that this does not mean unacceptable development could be justified in this way; rather it would allow some consideration to be given, on balance, to whether the overall benefits of a proposal outweigh the inevitable environmental impacts of minerals extraction. This part of the policy could therefore apply where there is a need to resist a proposal or where there is a need to take a balance view in support of a proposal. The Council further submits that SEPA would be a statutory consultee on such proposals in line with Town and Country Planning Development Management Procedure (Scotland) Regulations 2008 (Schedule 5 (7)). The Council submits that this is the most appropriate approach to follow. **The Council submits that no modification is necessary.**

#### The Coal Authority (0089/1)

This representation relates to a modification of Policy MIN8: Mineral Extraction Criteria, but it only seeks the deletion of criterion 3. Criterion 3 seeks to ensure that any proposed

mineral workings would not be 'conspicuous' if viewed from key transportation corridors or tourist routes, which are listed in the policy. The Council submits that the existence of criterion 3 does not preclude mineral extraction in locations nearby these routes: current examples of this include Oxwellmains limestone quarry or Skateraw sand and gravel quarry (See LDP Strategy Diagram 4: Minerals). The key issue here is that these workings are not 'conspicuous' – i.e. they are not obvious and do not attract attention – when viewed from these routes, rather they are inconspicuous. Mitigation of landscape and visual impacts is an important aspect of ensuring the relevant provisions of this policy can be met. It is important to ensure that minerals can be worked where they are found while ensuring that the area's attractive character and appearance is conserved, especially from these key public routes that help provide East Lothian's sense of place and contribute to its tourism economy. The Council therefore submits that this important part of Policy MIN8: Mineral Extraction Criteria should be retained. **The Council submits that no modification is necessary.**

### **Policy MIN9: Supporting Information**

#### Royal Society of Protection of Birds (0185/12)

The Council submits that this requirement of Policy MIN9 would need to be read together with Policy MIN10: Restoration and aftercare. The Council also notes that the land at Oxwellmains is Class 3.1, the lowest quality of prime quality agricultural land. It may be that in situations like this there are alternative restoration proposals that could deliver greater benefits, such as ecological benefits, than the restoration of the land to prime quality agricultural land. However, where there is prime quality agricultural land it is right for the Council to seek to restore the land to that quality once minerals operations have ceased, as stated in MIN9. The Council submits that this is the most appropriate approach to follow. **The Council submits that no modification is necessary.**

### **Mineral Miscellaneous**

#### The Coal Authority (0089/2) – (Omission of Policy on Unstable Land)

In respect of The Coal Authority objection to the omission of an LDP policy on 'unstable land', the Council submits that this matter is already adequately addressed through the Development Management process, and there is no need for a specific LDP policy on the matter. In accordance with the Town and Country Planning Development Management Procedure (Scotland) Regulations 2008 (Schedule 5 (7)), the Council is required to consult The Coal Authority on relevant planning applications. These regulations state that The Coal Authority is a statutory consultee on planning applications for built development. The Coal Authority identifies low risk and high risk consultation zones. In low risk areas coal mining took place at such a depth so as not to pose a risk to development and it has no known recorded risks, and no further information is required. In high risk areas, planning applications must be accompanied by a Coal Mining Risk Assessment (CMRA). The Coal Authority's publication 'Risk Based Approach to Development Management' (Version 2 (2013)) sets out in full how the Coal Authority wants to be consulted on planning applications. If the proposal is within a Development High Risk Area and is not on The Coal Authority's Exemptions List then a desk based CMRA must be submitted to the planning authority to support the application. The planning authority will send the CMRA to The Coal Authority for the statutory consultation period. The Coal Authority reviews the CMRA and provides a consultation response. The planning authority will impose any appropriate planning conditions on any planning permission as requested by The Coal

Authority. The Council would not approve planning permission if ground conditions constraints cannot be overcome for development, and it would not allow the proposed development to proceed unless and until any necessary ground conditions mitigation has been identified and is provided as appropriate. Additionally, the Council submits that the LDP, within the introductory text that describes the spatial strategy for each cluster area, makes reference to the need to identify and mitigate any ground conditions constraints in respect of any development (see proposed LDP paragraphs 2.18; 2.53; 2.66; 2.70; 2.87; 2.115; 2.133; and 2.156). The Council further submits that in taking planning decisions the LDP should be read and applied as a whole, and in accordance with the Town & Country Planning (Scotland) Act 1997 (as amended). When determining planning applications, this includes the need to take into account the provisions of the LDP that seek to ensure that development proposals identify and mitigate any ground conditions constraints as well as the need to take into account any other relevant material considerations, including any technical work or consultation responses from The Coal Authority in respect of such matters. In this context, the Council submits that the proposed LDP adequately addresses the issue of unstable land, and that it is not essential that the plan be modified in light of this representation. This is particularly the case in view of the pre-existing provisions which would allow these matters to be satisfactorily addressed through the Development Management process. **The Council submits that no modification is necessary.**

Midlothian Council (0348/4)

East Lothian Council submits that Policy MIN8 and MIN9 as drafted adequately address Midlothian Council's concerns and would allow the consideration of cross boundary impacts resulting from proposals for mineral workings. Midlothian Council could consider project level impacts related to minerals proposals at planning application stage and seek to ensure appropriate mitigation is justified and provided. Ultimately Midlothian Council could object to planning applications in East Lothian if concerns are not addressed. **The Council submits that no modification is necessary.**

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 25</b>	<b>Countryside and Coast</b>	
<b>Development plan reference:</b>	Diverse Countryside and Coastal Areas: Development in the Countryside (Pgs 118-122)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Hew Balfour (0057)  Historic Environment Scotland (0228)  Scottish Natural Heritage (0280)  Wemyss &amp; March Estates (0315)  Mr W A Dodd (0323)  Scottish Power Energy Networks (0338)  Cappoquin Properties Ltd. (0339)  Karting Indoors Ltd.(0342)  Fisherrow Waterfront Group (0344)  Homes for Scotland (0353)  David Campbell (0361)  Neart na Gaoithe Off-shore Wind Ltd (0386)  Scottish Government/Transport Scotland (0389)  Francis Ogilvy (0419)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy DC1: Rural Diversification Policy DC2: Conversion of Rural Buildings to Housing Policy DC3: Replacement Dwellings in the Countryside Policy DC4: New Build Housing in the Countryside Policy DC5: Housing as Enabling Development Policy DC6: Development in the Coastal Area	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DC1: Rural Diversification</b></p> <p><u>Wemyss &amp; March Estates (0315/1)</u></p> <p>Respondent has redrafted a new Policy DC1 that seeks to include economic need as a justification for development in the countryside without any caveat on its scale and character; any proposal that diversifies an existing business without any caveat as to what that existing business may be, provided it creates permanent employment; any tourist accommodation proposal in the countryside as long as there is no adverse impact on surroundings and neighbouring uses; to permit the principle of new build housing development to cross fund an employment, tourism or leisure use and any other business use where it is of appropriate scale or character for its proposed location in the countryside provided it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts; any leisure or tourism or infrastructure development that has a clear operational requirement for a countryside location if any potential detrimental impact can be outweighed by its social and economic benefits.</p> <p><u>Karting Indoors Ltd.(0342/4)</u></p>		

Policy DC 1 para 5.5-5.7 should be amended and state: Rural diversification in the countryside including changes of use or conversions of existing buildings will be supported in principle where it is for: a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses or: c) ***other non rural uses that have an operational requirement that cannot be met on a site within an existing urban area.*** Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6. Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan, character and designed in such a way that maintains or complements their layout and appearance.

### **Policy DC2: Conversion of Rural Buildings to Housing**

Wemyss & March Estates (0315/2)

Respondent has redrafted a new Policy DC2 that makes no significant change to the policy but includes a reference to the change of use of garden ground.

David Campbell (0361/8)

Recast final sentence of policy DC2: "In all cases, no demolition should be undertaken before planning approval is granted. As part of planning permission an archaeological record may be required. HES guidance on the conversion of historic agricultural buildings should be followed and all original features such as doors, windows, roofing materials and ground treatment preserved where possible. For new work, the external finishes "

### **Policy DC3: Replacement Dwellings in the Countryside**

Wemyss & March Estates (0315/3)

Respondent has redrafted a new Policy DC3 that adds new circumstances where a replacement house may be justified; to accommodate modern living where the carbon footprint is significantly lower than the original and the scale of the new house is broadly similar and original materials are reused as far as possible.

### **Policy DC4: New Build Housing in the Countryside**

Scottish Natural Heritage (0280/17)

Policy DC6 sets out constraints and requirements in relation to the coast. Policy DC4 should therefore refer to that policy in caveat (iii) rather than emphasise one particular definition of countryside and coast.

Wemyss & March Estates (0315/4)

Respondent has redrafted a new Policy DC4 to include references to Section 75 legal agreements to secure the occupation of a new house in the countryside and to tie its occupation to the business which justified it in the first place. It also introduces a new section allowing one/two new build or converted dwellings per plan period where there are

5 existing units or where the site is well related to an existing group of houses or buildings capable of conversion and where the cumulative impact of the whole development and the completed group of buildings does not adversely affect their character or that of their surroundings or area appropriate infill sites or is development on rural brownfield land or is a conversion or replacement of a redundant non domestic building.

#### Cappoquin Properties Ltd.(0339)

The representation seeks to amend Policy DC4 New Build Housing in the Countryside suggesting two stances which the LDP could adopt: Stance A – Remove the Affordable Requirement for Policy DC4 (iii) to allow market housing to be built in the East Lothian countryside, and Stance B – Accept and Continue Policy DC4 as per the Proposed LDP but provide further clarification as to how it should be applied in the future with specific reference to the identification of need as referred to in the policy. Suggests a small site at Liberty Hall near Gladsmuir would be suitable for residential development in the countryside. The site is effective and could be developed for affordable or mainstream housing.

#### Homes for Scotland (0353/10)

Policy DC4: New Build Housing in the Countryside is overly restrictive and does not include the necessary flexibility to allow small settlements to grow and change over time to add to the diverse mix of settlements in East Lothian. There is currently no mechanism to allow small settlement groups or clusters to grow incrementally over time to make use of existing infrastructure in place to serve these clusters.

#### Scottish Government/Transport for Scotland (0389/9)

The representation refers to and expands upon comments to an earlier draft of the proposed plan and note that no changes have been made in this regard.

The Scottish Government appreciates that paragraph 5.10 aims to set out the circumstances in which development outwith settlements may be appropriate so is partly in accordance with paragraph 81 of SPP. However, the second part of the paragraph sets out circumstances in which housing will be tied to businesses in every such circumstance. This would appear to require occupancy restrictions, so if this is not the case, this should be clearly explained. If this will require occupancy restrictions, it is contrary to SPP policy which states that occupancy restrictions should be avoided. Given that a policy such as this that requires them in every circumstance it is not considered that this can be considered 'avoiding the use of occupancy restrictions'.

### **Policy DC5: Housing as Enabling Development**

#### Historic Environment Scotland (0228/2)

The representation welcomes the policy support for the restoration of listed buildings or other designated features. Policy DC5 notes that enabling development will fund the restoration of an asset and Historic Environment Scotland recommends that a clear statement is made that it should be the only option to save an asset from loss or potential loss. Historic Environment Scotland welcomes the acknowledgement of the requirement to protect the setting of cultural heritage assets in this policy. The policy also states that enabling development must be on the same site as the main proposal. This may limit the

possibilities of protecting or enhancing the setting of an asset, and Historic Environment Scotland would therefore recommend that this is altered or clarified.

(The reporter may wish to note that Historic Environment Scotland has additionally provided a number of notes, advice and comments on a variety of sites across all cluster areas in the LDP many of which are on the development briefs and the Environmental Report. The Council submits that these are not representations to the LDP and has not therefore formally recorded these or responded to them. Where relevant, these will be taken into consideration at the time of finalising development briefs or at the time of a relevant planning application).

Wemyss & March Estates (0315/5)

Respondent has submitted a redraft of Policy DC5 but there are no changes to this policy.

Mr W A Dodd (0323/4)

The practice of allowing housing as enabling development is an abuse of the planning system and should no longer be tolerated. The Council should grant aid deserving development, to ensure development occurs in the right places.

**Policy DC6: Development in the Coastal Area**

Scottish Natural Heritage (0280/18)

The term "*Largely Unspoiled Coast*" used in Policy DC6 does not appear elsewhere in the Proposed Plan or Technical Note 7. SNH recommend it is changed to "*Unspoiled Coast*" to ensure clarity and consistency throughout the Proposed Plan and supporting documents. The Natura caveat used in Policy DC6 represents good practice. However, it does not align with caveats used elsewhere in the Proposed Plan. As the full caveat is used in Policy NH1 we suggest that the shorter caveat used in other Policies would be sufficient in Policy DC6.

Wemyss & March Estates (0315/6)

Respondent has submitted a redraft of Policy DC6 but there are no changes to this policy.

Fisherrow Waterfront Group (0344/2)

To counteract the loss of green space and green corridor, facilities that draw people to Musselburgh such as the harbour and waterfront should be enhanced – but the LDP does not mention these areas at all. The LDP should support appropriate economic activity at the countryside and coast but mentions of coast are limited and lacking completely in the tourism section. The council should do more to celebrate its coastal assets, support its coastal communities and recognise their potential for employment generation. Fisherrow and Musselburgh together have untapped potential to become a recreational hub with a sustainable visitor and community centre.

**Development in the Countryside Miscellaneous**

Scottish Natural Heritage (0280/16)

Review extent of “constrained and developed coast” shown in diagram 5.

Wemyss & March Estates (0315/8)

Welcomes changes to policies but considers they still require further flexibility to ensure rural business and development opportunities are not stifled by an unnecessarily cautious policy approach. Not asking for tacit planning permission to develop across huge swathes of countryside but to permit appropriately scaled and designed development to maintain rural populations enable farms and businesses to diversify or establish in the countryside.

Scottish Power Energy Networks (0338/3)

General amendments to policies for development in the countryside to protect and not prejudice Scottish Power Energy Networks ability to enhance the high voltage electricity transmission network within East Lothian. To this end, amendments to Policy DC1 are suggested to introduce a read across and acknowledgement of the positive stance of Policy EGT1 including the suggested modifications. Amendments to policy DC4 to ensure that new housing in the countryside does not prejudice the delivery of development covered by Policy EGT1 (b) including the suggested modifications. Similar changes are suggested in respect of Policy DC6 in respect of development in coastal areas, and in respect of paragraph 5.7 as a pre-amble to policy DC1.

Neart na Gaoithe Off-shore Wind Ltd (0386/3)

Neart na Gaoithe Off-shore Wind Ltd seek general amendments to policies for development in the countryside to protect and not prejudice its ability to enhance the high voltage electricity transmission network within East Lothian. To this end, amendments to Policy DC1 are suggested to introduce a read across and acknowledgement of the positive stance of Policy EGT1 including the suggested modifications. Amendments to policy DC4 to ensure that new housing in the countryside does not prejudice the delivery of development covered by Policy EGT1 (b) including the suggested modifications. Similar changes are suggested in respect of Policy DC6 in respect of development in coastal areas, and in respect of paragraph 5.7 as a pre-amble to policy DC1.

Francis Ogilvy (0419/1)

The reference to the countryside and the part it can play in the wellbeing and economic development of the county is welcomed, though greater emphasis on the contribution appropriate development can play is to be encouraged. In particular, there remains a presumption against new build housing in most circumstances in Policies DC1-3 and DC5. Is this necessary when there is a desire to see variety of good architectural design. When housing is expected in only large groups individuality will be stifled and the benefit for local contractors will not be won. Opportunities for self build affordable housing may also be lost.

**Development in the Countryside support**

**Policy DC4: New Build Housing in the Countryside**

Hew Balfour (0057/2)

Supports Policy DC4 - New Build Housing in the Countryside.



**Modifications sought by those submitting representations:**

**Policy DC1: Rural Diversification**

Wemyss & March Estates (0315/1)

Amendments to Policy DC1 Rural Diversification (refer to full representation for text)

Karting Indoors Ltd.(0342/4)

Add a third criteria to DC1 - Rural diversification in the countryside including changes of use or conversions of existing buildings will be supported in principle where it for: - a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses or: c) other non rural uses that have an operational requirement that cannot be met on a site within an existing urban area.

**Policy DC2: Conversion of Rural Buildings to Housing**

Wemyss & March Estates (0315/2)

Amendments to Policy DC2 Conversion of Rural Buildings to Housing (refer to full representation for text)

David Campbell (0361/8)

Recast final sentence of policy DC2: "In all cases, no demolition should be undertaken before planning approval is granted. As part of planning permission an archaeological record may be required. HES guidance on the conversion of historic agricultural buildings should be followed and all original features such as doors, windows, roofing materials and ground treatment preserved where possible. For new work, the external finishes "

**Policy DC3: Replacement Dwellings in the Countryside**

Wemyss & March Estates (0315/3)

Amendments to Policy DC3 Replacement Dwellings in the Countryside (refer to full representation for text)

**Policy DC4: New Build Housing in the Countryside**

Scottish Natural Heritage (0280/17)

Policy DC4 should be amended to refer to Policy DC6 rather than NH1.

Wemyss & March Estates (0315/4)

Amendments to Policy DC4 New Build Housing in the Countryside (refer to full representation for text)

#### Cappoquin Properties Ltd. (0339)

We would therefore propose that the policy wording should be amended or a new policy be formed to read as follows: Additions to clusters will be acceptable where: A. The proposal is sympathetic to the character and landscape setting of the existing cluster. Cappoquin Ltd East Lothian LPD – Proposed Plan Representation Development at Liberty Hall Site for Housing B. The development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster. C. The development has a clear relationship with the existing cluster by being physically connected with the cluster. D. The proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance. E. The proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to nearest single dwelling house) as at date of adoption of this policy (or supplementary guidance). Additions to clusters will not be acceptable where: • The cluster is located within the greenbelt. • The development results in the coalescence of settlements. • The development extends/creates a ribbon of development. • The development has an unacceptable impact on the character of the existing building group or its landscape setting and settlement. NOTE: In applying LDP Policy: Rural Housing, (or supplementary guidance), a 'cluster' is defined as a building group consisting of 2 or more houses forming a clearly identifiable 'group', with strong visual cohesion and sense of place.

#### Homes for Scotland (0353/10)

Policy DC4: New Build Housing in the Countryside should include a category to allow for the redevelopment of vacant rural brownfield land. Furthermore it should allow for the expansion of existing settlement groups or clusters of homes of 4 or more houses.

#### Scottish Government (0389/9)

Page 120, paragraph 5.10: change 'Housing permitted in these circumstances will be tied to the business for which it is justified',

To: 'Housing permitted in these circumstances may in exceptional circumstances be tied to the business for which it is justified'.

#### **Policy DC5: Housing as Enabling Development**

##### Historic Environment Scotland (0228/2)

Paragraph 5.12 of the plan should be altered to clarify Policy DC5 and the location of enabling proposals.

##### Wemyss & March Estates (0315/5)

No Modification sought

##### Mr W A Dodd (0323/4)

Suggested Replacement text to Policy DC5: "Due to advances in planning optimum provision of housing land, the practice of permitting the erection of housing as enabling

development, will no longer be supported.”

### **Policy DC6: Development in the Coastal Area**

#### Scottish Natural Heritage (0280/18)

Policy DC6 should be amended to refer to “*Unspoiled Coast*” rather than “*Largely Unspoiled Coast*”.

Policy DC6 has a more comprehensive Natura caveat than other policies and it is unclear why this detail is required in this particular case. To align with other Policy caveats, SNH recommend it is amended to:

*“Proposals must be accompanied by project specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations”.*

#### Wemyss & March Estates (0315/6)

No Modification sought

#### Fisherrow Waterfront Group (0344/2)

LDP should support appropriate economic development on the coast, specifically mention waterfront enhancement and a recreational hub at Musselburgh/Fisherrow.

### **Development in the Countryside Miscellaneous**

#### Scottish Natural Heritage (0280/16)

Spatial Strategy Diagram 5 should:

1. Separate out the different categories of ‘constrained’ and ‘developed’ coast to align with Policy DC6: Development in the Coastal Area;
2. Be updated to accurately reflect the extent of unspoiled coast.

#### Wemyss & March Estates (0315/8)

Modifications proposed in the form of redrafted policies as set out in the submission (0315)

#### Scottish Power Energy Networks (0338/3)

Replace second paragraph of policy DC1 as follows: Proposals must also satisfy the terms of policy NH1 and other relevant plan policies, including DC6 as well as taking account of Policy EGT4(b); add new criterion to Policy DC4 as follows: ‘the development does not prejudice the delivery of development covered by Policy EGT4(b).’; add new sentence after third bullet point of Policy DC6 as follows: ‘In all cases development will only be supported where it does not prejudice the delivery of development covered by Policy EGT4(b); at the end of paragraph 5.7 include: ‘Policies relating to development in the countryside or in coastal areas ensure that nationally significant electricity transmission

infrastructure developments will be facilitated and safeguarded against proposals which might prejudice their delivery.'

Neart na Gaoithe Off-shore Wind Ltd (0386/3)

Replace second paragraph of policy DC1 as follows: Proposals must also satisfy the terms of policy NH1 and other relevant plan policies, including DC6 as well as taking account of Policy EGT4(b); add new criterion to Policy DC4 as follows: 'the development does not prejudice the delivery of development covered by Policy EGT4(b).'; clarify in Policy DC4 whether 'and' or 'or' applies between the bullet points; add new sentence after third bullet point of Policy DC6 as follows: '(iv) In all cases development will only be supported where it does not prejudice the delivery of development covered by Policy EGT4(b); at the end of paragraph 5.7 include: 'Policies relating to development in the countryside or in coastal areas ensure that nationally significant electricity transmission infrastructure developments, such as on-shore infrastructure associated with the Neart na Gaoithe Offshore Wind Farm, will be safeguarded against proposals which might prejudice their delivery.'

Francis Ogilvy (0419/1)

No specific modification suggested, but implication is that a presumption against new build housing in the countryside should be removed from policies DC1 – 3 and DC5 which should be more permissive in this regard.

**Development in the Countryside support**

Hew Balfour (0057/2)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Policy DC1: Rural Diversification**

Wemyss & March Estates (0315/1)

The Council notes that the respondent has redrafted a new Policy DC1 that seeks to include economic need as a justification for development in the countryside, without any caveat on its scale and character; that seeks to permit any proposal that diversifies an existing business if it creates permanent employment, without any caveat as to what that existing business may be; that seeks to permit any tourist accommodation proposal in the countryside as long as there is no adverse impact on surroundings and neighbouring uses; that seeks to permit the principle of new build housing development to cross fund an employment, tourism or leisure use and any other business use where it is of appropriate scale or character for its proposed location in the countryside provided it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts; and seeks to permit any leisure or tourism or infrastructure development that has a clear operational requirement for a countryside location if any potential detrimental impact can be outweighed by its social and economic benefits.

The Council submits that Policy DC1 of the LDP is supportive in principle of countryside businesses but also has necessary and appropriate caveats which enable the planning

authority to ensure that appropriate economic benefits can be derived and countryside businesses prosper without undue negative impacts on the countryside. The Council considers that to change the policy in the way suggested would open the countryside of East Lothian to almost any development proposal as most could be argued to be of some economic benefit. The Council submits that while this might be an appropriate response in a remote part of the Scottish countryside that is in need of regeneration, it is not appropriate in a pressured area of countryside in close proximity to the city of Edinburgh as noted in the Council's Issue 25 Development in the Countryside Position Statement. For reasons of sustainability new housing development should be directed towards existing settlements rather than countryside locations. The Council also rejects the principle suggested that new build housing development should be permitted to cross fund an employment, tourist, leisure or business proposal. The Council submits that Policy DC5 allows for enabling development only in exceptional situations.

However, the Council also notes that the representation effectively seeks to clarify the text in para 5.5 that states that new business use may also seek to establish in East Lothian's countryside by suggesting that the Policy DC1 be amended by inclusion of support for business in the policy wording subject to the caveat that it is of an appropriate scale and character. The Council notes that this would remove the need to demonstrate an operational requirement for a countryside location. If the Reporter considers that there should be further scope for business as well as other uses, whether there is an operational requirement for a countryside location or not, the Policy may be amended to support proposals that are of an appropriate scale and character for the rural character and appearance of their proposed location and there are no significant traffic or other environmental impacts. Similarly an addition could be made to the end of line 6 of the policy after '..DC6', to read 'and have no adverse impact on the amenity of neighbouring uses'.

**The Council submits that no modification is necessary.**

#### Karting Indoors Ltd.(0342/4)

The Council submits that para 5.5 indicates support for new business use in the countryside but acknowledges that Policy DC1 seeks to restrict this to those that have an operational need for a countryside location only. The Council notes that this would remove the need to demonstrate an operational requirement for a countryside location. If the Reporter considers that there should be further scope for business as well as other uses, whether there is an operational requirement for a countryside location or not, the Policy may be amended to support proposals that are of an appropriate scale and character for the rural character and appearance of their proposed location and there are no significant traffic or other environmental impacts. Similarly an addition could be made to the end of line 6 of the policy after '..DC6', to read 'and have no adverse impact on the amenity of neighbouring uses'. The Council submits that this might clarify the text in para 5.5 as it relates to new business in the countryside with an appropriate caveat on its size and character to ensure that it is appropriate for its proposed countryside location. **The Council submits that no modification is necessary.**

#### **Policy DC2: Conversion of Rural Buildings to Housing**

##### Wemyss & March Estates (0315/2)

The Council notes the suggested changes but considers that the present wording in the Proposed LDP which incorporates these suggested changes is sufficient. The reference to

changes of use of garden ground is dealt with by the Proposed LDP in Policy OS2. **The Council submits that no modification is required.**

David Campbell (0361/8)

The Council submits that the comments made by this representation are not necessary to be included in the policy wording. Instead they would be more relevant to supplementary guidance. The LDP should be read as a whole. **The Council submits that no modification to the LDP is necessary.**

### **Policy DC3: Replacement Dwellings in the Countryside**

Wemyss & March Estates (0315/3)

The Council notes the redrafted policy wording submitted in this representation. The Council supports those parts of the redrafted policy that are included in Policy DC3 but does not support the new suggested section (iii). The Council submits that the phrase 'modern living' is too vague; that the introduction of a carbon footprint argument in favour of new housing would be unnecessarily complicated and the use of phrases such as 'broadly similar' and 'as far as possible' lack the precision to enable the policy to be clear. The Council submits that the policy as worded in the Proposed LDP is clear and notes that it is based on the consultation in the MIR which introduced the change to the policy by including like for like replacement of a dwelling rendered uninhabitable by unforeseen circumstances. The Council also submits that in respect of sub section (ii) of the LDP policy this adequately deals with the replacement of existing dwellings that are incapable of habitation due to the construction of the building to avoid such a building remaining derelict in the countryside. The Council submits that to extend the policy further in the way that is suggested by this representation would result in existing buildings of character in the East Lothian countryside being replaced with larger properties that may no longer relate to other buildings in the locality to the overall detriment of the East Lothian countryside. **The Council submits that no modification of the LDP is necessary.**

### **Policy DC4: New Build Housing in the Countryside**

Scottish Natural Heritage (0280/17)

The Council submits that the correct policy for Policy DC4 to be cross referenced to is Policy NH1: Protection of Internationally Designated Sites. Policy DC6 applies if a proposal is in one of the coastal areas to coastal areas. The plan needs to be read as a whole. **The Council submits that no modification of the LDP is necessary.**

Wemyss & March Estates (0315/4); Homes for Scotland (0353/10)

The Council notes that this representation redrafts the policy to include references to section 75 legal agreements to secure the occupation of a new house in the countryside and to tie its occupation to the business which justified it in the first place. The Council submits that such occupancy restrictions are no longer supported by SPP. The representation also suggests a new part b) to the policy that would permit new houses in the countryside in situations where there is a building group or in more rural areas where there would be tangible community, economic or environmental benefit. The Council submits that for the reasons noted in the Council's Issue 25 Development in the Countryside Position Statement, East Lothian is a pressured and growing area within easy

commuting distance of Edinburgh and for reasons of sustainability new houses should be directed towards existing settlements in line with paras 75,76 and 81. The Council continues to actively support the restoration and conversion of buildings of architectural or historic character in the countryside, which as noted in the MIR Monitoring Statement para 189, has resulted in the successful conversion of many traditional, vernacular and other buildings in the countryside to the benefit of the overall appearance of the East Lothian countryside. There are many more vacant and underused traditional buildings existing all over the East Lothian countryside that the Council submits should be considered for conversion to new uses, including housing. The Council submits that the market for this conversion work would be undermined by the introduction of policy amendment as suggested by this amendment that would open the countryside to new build market housing. The Council notes that there was very little support from members of the public and community councils to opening the countryside up to new housing in the submissions received to the MIR, though most of the landowners, agents and developers that responded were keen to see more development in the countryside.

The Council also consulted at MIR stage on whether to be more supportive towards new build affordable housing in the countryside. The position statement explains the reasons behind this. The Council submits that it has responded positively and appropriately in Policy DC4 to permit new build affordable housing proposals in the countryside and together with Policy DC2 this promotes an appropriate level of housing for East Lothian's particular circumstances. This will permit small settlement groups or clusters to grow incrementally. The Council submits that its approach to new housing development in the countryside is in line with SPP and is an appropriate policy response for its area. **The Council submits that no modification to the LDP is necessary.**

#### Cappoquin Properties Ltd. (0339)

As explained in LDP para 5.8, p52 Housing in the Countryside and in the Council's Issue 25 Development in the Countryside Position Statement, the East Lothian countryside and coast is not an area that requires regeneration, rather it is a pressured location within easy commuting distance of Edinburgh and larger East Lothian towns. The Council therefore considers that new housing should be located within existing towns and villages as identified on the Proposals Map. The remaining land between these settlements is countryside and is not suitable for new housing development except in limited circumstances. These include conversion of appropriate vernacular buildings in the countryside, in a manner which maintains the character of the East Lothian countryside. The Council has also considered the situation where some local workers or residents in the countryside are priced out of market housing in the countryside and sought to address this by allowing small scale affordable new build housing where there is an identified need in the local area as explained in para 5.10 and 5.11 on p 120 and 121. To open the countryside to speculative market housing could undermine the market for conversion of buildings of character in the East Lothian countryside, provide houses in unsustainable locations without access to public transport or services and do little to regenerate any rural economy. The proposed site at Liberty Hall is too small to merit allocation within the LDP. It should be dealt with by way of a planning application determined against plan policy and any other material considerations. To comply with the LDP it would have to be a small scale development affordable housing and the need for such a development would have to be established and the houses provided by a registered social landlord. The Council does not support its development for market housing. **The Council submits that no modification is required.**

Scottish Government (0389/9)

The Council submits that Policy DC4 does not explicitly refer to the need for occupancy restrictions either for single houses or for affordable housing, however it acknowledges that paragraph 5.10 does state that housing permitted in the circumstances of an operational requirement in conjunction with a business will be tied to the business for which it is justified. The Council considers that the removal of this would in itself undermine the policy. **The Council submits that no other modification is required.**

**Policy DC5: Housing as Enabling Development**

Historic Environment Scotland (0228/2)

The Council welcomes the support from Historic Environment Scotland for the restoration of listed buildings and other designated features offered by Policy DC5. However, the Council submits that the LDP should be read as a whole and that allowing enabling proposals off site may not be acceptable in terms of other policies in the plan. The Council submits that the final sentence in Policy DC5 adequately addresses the point made by the representation that enabling development should be the only option to save an asset from loss/potential loss. The Council acknowledges that enabling development on the same site can have an effect on the setting of the asset but that this requires to be considered in light of the development proposal as a whole; if it is unacceptable in terms of causing such harm to the asset because of its proximity or other impact it will not be acceptable and an alternative will need to be found. The Council will clarify the operation of this policy in supplementary guidance to be prepared after the Examination. **The Council submits that no modification is required.**

Wemyss & March Estates (0315/5)

Noted. **The Council submits that no modification is required.**

Mr W A Dodd (0323/4)

The Council submits that Policy DC5 would only support housing within the countryside as enabling development in exceptional circumstances. These are listed in the policy and the Council submits that the policy allows for this where it would contribute to rural diversification or the retention of cultural heritage assets, subject to the provisions of the policy. This will help sustain and diversify the rural economy and communities and allow positive reuse and / or restoration and enhancement of the cultural heritage assets. The Council submits that this is an appropriate approach to follow. There is little prospect of funding to allow grant aiding of proposals, regardless of the consideration of any appropriateness or assessment of it. **The Council submits that no modification is required.**

**Policy DC6: Development in the Coastal Area**

Scottish Natural Heritage (0280/18)

The Council is satisfied with the scope and wording of Policy DC6 as drafted in the Proposed Plan and is therefore not minded to modify it in response to this representation. Should the Reporter consider amendments are required for additional clarity this proposal could be considered. **The Council submits that no modification is required.**



Wemyss & March Estates (0315/6)

Noted. **The Council submits that no modification is required.**

Fisherrow Waterfront Group (0344/2)

The Council submits that the LDP protects open green space through Policy OS1 and in new development requires new green space to be provided see LDP paras 3.125 – 3.131. It also mitigates against the loss of green belt land by proposing a new green network (LDP para5.24-5.26 and Policy DC10) and by a new designation Countryside around Towns (paras 5.20-5.22 and Policy DC8). Fisherrow harbour in Musselburgh is an operational harbour which is referred to in LDP para 3.24 and Policy EMP2: Operational Harbours. Within the specific policy boundary uses related to fishing or other industry connected with the harbour are preferred with other uses considered provided they do not prejudice the fishing or other industrial uses. The Council considers that this would not preclude harbour recreational or other employment development in principle. The Fisherrow Links are protected by Policy OS1: Protection of Open Space. The LDP Proposals Map defines the coast at Musselburgh as Developed Coast adjacent to the town and Constrained Coast beyond the low water mark. Coastal Development is dealt with by Policy DC6: Development in the Coastal Area which guides development to suitable locations of the coast, subject to appropriate assessment as to whether it has a significant effect on a Natura 2000 or Ramsar site and under the Habitats Regulations Appraisal. Not all areas of coast are therefore suitable for development and each development proposal will require to be assessed individually. Para 3.26 of the Tourism section identifies that a balance has to be struck between encouragement of tourism and the protection of for example, important landscapes and nature conservation interests. The Council considers that it has the right balance to this in the LDP. **The Council submits that no modification is required.**

**Development in the Countryside Miscellaneous**

Scottish Natural Heritage (0280/16)

The Council submits that the spatial strategic diagram 5 indicates a number of different natural heritage and countryside issues and is a diagram not a map. The details of the coastal area are clearly shown on Inset Map 4. **The Council submits that no modification is required.**

Wemyss & March Estates (0315/8)

The Council submits that the policies that it proposes for the countryside in the LDP reflect the character of the East Lothian countryside and have been in operation for a number of years to the benefit of the character and appearance of the East Lothian countryside, which the Council considers is a major asset in a tourist area. The Council notes that the MIR Monitoring Statement provides information on how the policies worked since the East Lothian Local Plan 2008 was in operation and submits that it demonstrates that the policies of that plan continued to allow housing and non housing development throughout the rural area. The Council has considered and responded in an appropriate and measured way to the need for affordable housing in the countryside which should benefit some countryside workers who may at present commute out to the countryside for work because of the lack of affordable housing in the countryside. The Council submits that the

right balance for East Lothian is to continue to direct most housing to existing settlements, many of which are rural villages, to continue to encourage the conversion of vacant property in the countryside and to continue to support rural diversification of an appropriate scale and character for the countryside including tourist, countryside recreation and other business use. **The Council submits that no modification is required.**

#### Scottish Power Energy Networks (0338/3)

The Council submits that it is premature to safeguard routes for potential enhancements to the High Voltage Electricity Transmission Network for the reasons given in response to representation 0338/2. As such, the relevant modifications to policies that seek to control development within the countryside such that it does not undermine these routes are not supported either. The Council further submits that the LDP should be read and applied as a whole, and the manner in which this should be done is explained at para 1.8 of the plan – i.e. the decision maker will determine how much weight ought to be applied to the different policies of the plan in the circumstances of the case. The Council submits that it is therefore unnecessary to include specific cross reference to a modified Policy EGT4 in the terms of policies that seek to control development within the countryside. Where there are existing routes, and / or consented sites / routes for such enhancements, the existence of these will be a material consideration in the determination of any planning application / agricultural notification. The Council submits that part a) of policy DC1 supports the principle of 'infrastructure' provision within the countryside, subject to compliance with other relevant policies of the plan, so enhancement to the High Voltage Electricity Transmission Network would be supported in principle by Policy DC1. In circumstances where there is read across within Policy DC1, this is to highlight where there are other specific policy areas that overlap with policy DC1 designations, or where there is a need to consider international natural heritage designations, or development types that don't benefit from national development status but are so significant that a signpost within Policy DC1 to their own specific policy areas is justified. Overall, the Council submits that NPF3s definition of National Development 4 is sufficiently flexible to meet the intended purpose of that national development. **The Council submits that no modification is required.**

#### Neart na Gaoithe Off-shore Wind Ltd (0386/3)

The Council submits that it is premature to safeguard routes for potential enhancements to the High Voltage Electricity Transmission Network for the reasons given in response to representation 0386/2. As such, the relevant modifications to policies that seek to control development within the countryside such that it does not undermine these routes are not supported either. In terms of whether 'and' or 'or' applies between the criterion of Policy DC4, the Council submits that the policy is clear: there is an 'or' between criterion (i) and (ii); criterion (ii) uses the word 'other' to differentiate between proposals for single houses; and there is a full stop after criterion (ii), meaning that creation (iii) applies to all proposals. The Council further submits that the LDP should be read and applied as a whole, and the manner in which this should be done is explained at para 1.8 of the plan – i.e. the decision maker will determine how much weight ought to be applied to the different policies of the plan in the circumstances of the case. The Council submits that it is therefore unnecessary to include specific cross reference to a modified Policy EGT4 in the terms of policies that seek to control development within the countryside. Where there are existing routes, and / or consented sites / routes for such enhancements, the existence of these will be a material consideration in the determination of any planning application / agricultural

notification. The Council submits that part a) of policy DC1 supports the principle of 'infrastructure' provision within the countryside, subject to compliance with other relevant policies of the plan, so enhancement to the High Voltage Electricity Transmission Network would be supported in principle by Policy DC1. In circumstances where there is read across within Policy DC1, this is to highlight where there are other specific policy areas that overlap with policy DC1 designations, or where there is a need to consider international natural heritage designations, or development types that don't benefit from national development status but are so significant that a signpost within Policy DC1 to their own specific policy areas is justified. Overall, the Council submits that NPF3s definition of National Development 4 is sufficiently flexible to meet the intended purpose of that national development. **The Council submits that no modification is required.**

Francis Ogilvy (0419/1)

The Council submits that the right balance for East Lothian is to continue to direct most housing to existing settlements, many of which are rural villages, to continue to encourage the conversion of vacant property in the countryside and to continue to support rural diversification of an appropriate scale and character for the countryside including tourist, countryside recreation and other business use. The Council is supportive of good architectural design in line with the policies in the Design section of the LDP. The Council does not preclude self build affordable housing. **The Council submits that no modification is required.**

#### **Development in the Countryside support**

Hew Balfour (0057/2)

Support noted.

#### **Reporter's conclusions:**

#### **Reporter's recommendations:**

## Issue 25 Development in the Countryside and Coast

### Position Statement

#### Development in the Countryside Policies DC1 – DC6

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1.0 East Lothian Proposed LDP policies DC1-DC6 deal with different situations for development in the countryside.

#### 2.0 The East Lothian Countryside

2.1 The East Lothian countryside extends from the eastern edge of the green belt at Tranent south towards Humbie and the border with Midlothian and east to the East Lothian border with Scottish Borders Council. Importantly nowhere within the East Lothian countryside is considered by the Council to be remote. The whole of East Lothian is accessible with the Scottish Borders Council area just 35 miles from Edinburgh and everywhere in East Lothian no more than an hour's drive time, or an easy commuting distance, from Edinburgh or 30 minutes drive time from Musselburgh or Tranent which are both towns of more than 10,000 people. Additionally there is an extensive rail service with seven rail stations within East Lothian, one at Newcraighall close to the boundary with Edinburgh and an additional rail station planned at East Linton. East Lothian is one of the fastest growing areas in Scotland and is under significant pressure for new housing growth. Once development is completed at the following towns their population is expected to increase as indicated in the table below.

Main Town	Current Population	Estimated population after LDP housing completions*
Musselburgh inc Wallyford	22,264	33,264
Tranent	11,565	15,043
Prestonpans	9,140	10,656
Haddington	8,978	12,775
North Berwick	6,455	8,215
Dunbar	8,293	11,274

\*Uses average occupancy rate of 2.3 across East Lothian (2011 census)

2.2 From this it can be seen that almost all of East Lothian's main towns are approaching or will overtake 10,000 population. The geographical spread of these main towns is across East Lothian therefore all areas of the East Lothian countryside are close to one of the main towns and their range of services. Scottish Government urban rural classification 2013<sup>1</sup> defines accessible rural areas as those within a 30 minute drive time of a settlement of 10,000 or more.

2.3 The Council therefore considers the East Lothian countryside to be an accessible rural area and not remote. SPP allows for varied approaches to rural development depending requiring a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. It should encourage rural development that supports prosperous and sustainable communities and business whilst protecting and enhancing

environmental quality. In pressured areas that are easily accessible from Scotland's main cities where ongoing pressures are likely to continue it is important to protect against unsustainable car-based commuting and the suburbanisation of the countryside particularly where there are sensitive landscapes and good quality agricultural land. The Council notes that this is the situation within East Lothian's rural area where much of the East Lothian countryside is good quality agricultural land with poorer land generally in the upland areas of the Lammermuirs. The countryside is attractive with extensive areas designated as special landscape areas.

### **3.0 Proposed Local Development Plan Policies**

- 3.1 The Monitoring Statement (paras 187-193) provides a review of the implementation of the development in the countryside policies of the East Lothian Local Plan 2008. It identifies that new houses were approved where there was an operational need for them on the basis of independent advice obtained by the Council and where there was no other building available in the locality. The policy had been used to determine 36 planning applications for the conversion of rural buildings to housing totalling 117 new houses. The policy permits the conversion of buildings worthy of retention by their architectural or historic character therefore it encourages the conversion and reuse of redundant buildings of character to the overall benefit of the rural landscape. It works in conjunction with ELC guidance on Farm Steading Design Policy and the Historic Scotland publication on the design construction and repair of traditional rural buildings of the Lothians.<sup>ii</sup>
- 3.2 East Lothian still has many farm and other rural buildings that are in poor condition and which would benefit from conversion to new uses. Some are included in the Buildings at Risk register but there are many other buildings of character at farms and in other parts of the rural area that require to be converted to new uses, many of which could be included on the buildings at risk register.
- 3.3 These policies have also encouraged rural diversification and business development in the countryside where it is related to countryside uses or is of an appropriate scale and character for its location and can be serviced and accessed without significant environmental or traffic impacts. The ELLP 2008 has been used in the determination of 61 business related planning applications in the countryside of which 51 were approved, 5 refused and the others pending. As with housing applications there was a geographical spread across the rural area.
- 3.4 The Council acknowledges that the conversion of existing buildings in the countryside is generally expensive work given that most are traditionally constructed using indigenous materials such as local sandstone and clay pantiles. Farm steading conversions can command relatively high prices in the property market given the accessibility of East Lothian and may not be affordable to some rural workers. The Council submits that if the rural area were opened up to allow speculative private housing development then this is likely to undermine the market for conversion of vernacular buildings of character in the rural area. It would also potentially harm the character of the East Lothian countryside.

#### 4.0 Review of Development in the Countryside Policies

- 4.1 In preparation of the LDP the Council has reviewed its development in the countryside policies. A number of meetings with owners of two local country estates under a 'Rural Voice' banner raised a number of issues including a desire to be allowed to develop more business and housing in countryside areas. One issue that was discussed was the lack of affordable homes in the countryside which has resulted in some people commuting out from towns and larger villages to the countryside for work.
- 4.2 The Council's Community Housing team has reviewed this issue and reported that there is demand for affordable housing across the entire rural area of East Lothian, as there is in all settlements too.
- 4.3 The SESplan Housing Needs and Demand Assessment 1 provides an estimate of total housing need by calculating current housing need and future housing need. The estimated supply from existing stock turnover is then deducted to provide the net housing need.
- 4.4 The table below shows that over a ten year period, the average number of households anticipated to need affordable housing across East Lothian is 547 per annum. A total of 314 affordable units are projected to become available each year from turnover, which leaves a deficit of 232 affordable dwellings annually.

<b>Table 1: East Lothian Total Household Need (Net of Turnover) – Average Applying Over 10 Years</b>			
	<b>East Lothian</b>	<b>Lothian</b>	<b>SESplan</b>
<b>Housing Need</b>			
<b>Current Need</b>	138	1,306	1,908
<b>Future Need</b>	408	4,074	6,116
<b>Total Housing Need</b>	547	5,380	8,025
<b>Housing Supply</b>			
<b>Supply from Turnover</b>	314	3,009	5,265
<b>Net Housing Need</b>			
<b>Housing Need – Net of Turnover</b>	<b>232</b>	<b>2,383</b>	<b>2,807</b>

Source: SESplan HNDA1: Final Report, 2011

- 4.5 The table below evidences that between 2009 and 2032, in accordance with need and demand, 33% of the total housing supply in East Lothian should be for affordable housing. In the short term up to 2019, it demonstrates that affordable housing need will be more acute with a 41% annual requirement.

<b>Table 2: Demand for Houses Net of Turnover, East Lothian</b>					
	<b>Yrs 1-5 2009-14</b>	<b>Yrs 6-10 2015-19</b>	<b>Yrs 11-15 2020-24</b>	<b>Yrs 16-20 2025-29</b>	<b>Total Demand 2009-32</b>
<b>Social rented</b>	101	145	95	81	2,367
<b>Other affordable housing</b>	95	88	47	42	1,478
<b>Private rented sector</b>	32	65	75	39	1,161
<b>Owner occupation</b>	250	266	330	321	6,765
<b>Affordable</b>	197 <b>(41%)</b>	232 <b>(41%)</b>	143 <b>(26%)</b>	122 <b>(25%)</b>	3,844 <b>(33%)</b>
<b>Market</b>	282 <b>(59%)</b>	331 <b>(59%)</b>	405 <b>(74%)</b>	360 <b>(75%)</b>	7,926 <b>(67%)</b>
<b>Total</b>	479	563	548	482	11,770

Source: SESplan HND A1: Final Report, 2011 and SESplan Housing Technical Note 2011

- 4.6 The primary requirement in relation to affordable housing is for social rented housing, however it is recognised that other affordable housing models are required to meet need and demand.

- 4.7 The Proposed LDP allocates some sites in rural villages for a scale of development that is proportionate to the settlement including at East Linton (100 homes), Dirleton (30), Innerwick (18) and Spott (6). The Rural Voice group advocated new housing in the countryside outwith villages at farms or other very rural locations.
- 4.8 Of the responses received to the MIR the vast majority of those submitted from landowners and agents were supportive of more development in the countryside whereas the vast majority of members of the public supported the existing policy or were willing to alter it to allow limited replacement houses and very small scale affordable housing development in rural areas.
- 4.9 In its review of development in the countryside policies the Council has decided that to support and sustain rural communities it will propose some proportionate housing development in existing rural settlements to support sustainable communities; support replacement houses in certain circumstances to deal with very sub standard houses (Policy DC3) and to permit very small scale new build affordable houses in rural locations (Policy DC4).
- 4.10 For affordable housing in the rural area the Council will assess each proposal on its own merit but will require an application to be backed with an evidence base that shows there is a need for affordable housing in this particular area. The Council notes that Rural Housing Scotland can provide support to assessing housing need and have a link to help with carrying out an appropriate housing need survey.<sup>iii</sup>
- 4.11 The Council has previously agreed an affordable tenure on a rural site in the North Berwick area which involved the conversion of an old farm steading. The applicant was able to evidence that there was a need for local workers who would be housed in the new houses to be created. The Council will set out its requirements for implementation of Policy DC4 including the requirement for evidence of need and its eligibility criteria, the form of housing that constitutes affordable housing and the need for a registered social housing provider to ensure the houses remain affordable in the longer term. This supplementary guidance will be prepared as soon as possible after the LDP is adopted.
- 4.12 The Council reviewed its policy support for new business in the countryside and concluded that the previous policy support for agriculture, horticulture, forestry, countryside recreation and other business use of an appropriate scale and character for its location in the countryside continued to satisfactorily support new business development in the countryside as evidenced in the Monitoring Statement. Other forms of development in the countryside will be assessed against other LDP policies.
- 4.13 The planning policy of the East Lothian Local Plan 2008 with regard to replacement houses in the countryside was that there were no circumstances where this was considered acceptable. This policy was also reviewed.
- 4.14 The MIR section 5.82-5.91 reviewed the Development in the Countryside policies and offered as reasonable alternatives to the existing policies that (i) like for like replacement of houses recently rendered uninhabitable by unforeseen circumstances such as demonstrable



accidental fire may be permitted in certain circumstances and (ii) that very small scale solely affordable houses may be permitted as new build housing in the countryside.

4.15 These policies have subsequently been incorporated in to the LDP as Policy DC3 and DC4.

Policy & Projects  
East Lothian Council  
28 March 2017

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<sup>i</sup> <http://www.gov.scot/Topics/Statistics/About/Methodology/UrbanRuralClassification>

<sup>ii</sup> Guide for Practitioners: Rural Buildings of the Lothians – Conservation and Conversion, Historic Scotland

<sup>iii</sup> <http://ruralhousingscotland.org/wp-content/uploads/Community-Housing-Needs-Survey-Template.doc>

<b>Issue 26</b>	<b>Special Rural Landscapes</b>	
<b>Development plan reference:</b>	Diverse Countryside and Coast / Special Rural Landscapes pgs 122 -124	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<b>Muir Homes (0165)</b> <b>Gullane Community Council (0166)</b> <b>Derek Carter (0190)</b> <b>Kate Hamer (0195)</b> <b>Gladman Developments Ltd. (0213)</b> <b>Stewart Milne Homes Ltd. (0229)</b> <b>Messrs Dale (0243)</b> <b>Ritchie Brothers (0259)</b> <b>Lord Wemyss Trust (0277)</b> <b>Scottish Natural Heritage (0280)</b> <b>Wallace Land Investments (0284)</b> <b>BS&amp;S Group (0286)</b> <b>The Esperance Trust Group (0303)</b> <b>Wemyss &amp; March Estates (0315)</b> <b>Scottish Wildlife Trust (0316)</b>	<b>North Berwick Community Council (0326)</b> <b>Midlothian Council (0348)</b> <b>Homes for Scotland (0353)</b> <b>Emma Hay (0357)</b> <b>David Campbell (0361)</b> <b>Lawrie Main (0370)</b> <b>Meadowhead Ltd. (0372)</b> <b>Gladman Developments Ltd. (0392)</b> <b>Dunpender Community Council (0413)</b> <b>Francis Ogilvy (0419)</b> <b>Taylor Wimpey UK &amp; Mactaggart &amp; Mickel Homes Ltd. (0438)</b> <b>Clarendon Planning &amp; Development Ltd. (0412)</b> <b>BS&amp;S Group (Clarendon) (0398)</b>	
<b>Provision of the development plan to which the issue relates:</b>	Special Rural Landscapes: Green Belt, Countryside Around Towns Special Landscape Areas and the Green Network	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DC7: Development in the Edinburgh Green Belt</b></p> <p><u>Wemyss &amp; March Estates (0315/9)</u></p> <p>Respondent has submitted a redraft of Policy DC7 but it has no changes to this policy.</p> <p><u>Homes for Scotland (0353/11)</u></p> <p>We consider that Policy DC7 could be amended slightly to be a little less restrictive and allow for development in particular cases where greenbelt land is no longer serving greenbelt functions.</p> <p><u>Emma Hay (0357/4)</u></p> <p>Policy DC7: Development in the Edinburgh Green Belt. This should be modified or a separate policy provided to explain that the green belt designation is also being used to provide a long term safeguard for settlement separation.</p>		

## **Policy DC8: Countryside around Towns**

### Muir Homes (0165/3)

The Foreshot Terrace site should be excluded from the area impacted by the proposed Countryside Around Towns Policy (Policy DC8).

### Gullane Community Council (0166/6)

Request not to include land at Foreshot Terrace, Dirleton [not allocated in the plan] for housing. Notes that applications for 24 houses at Foreshot Terrace and associated drainage have been lodged (16/00710/PM and 16/0711/P) and believes that these applications should be refused as:

1. Not designated for housing in the LDP
2. The sites at Foreshot Terrace form part of an area along the whole of the northern edge of Dirleton which is subject to Countryside Around Towns as set out in Technical Note 8
3. They conflict with the Dirleton Conservation Area statement in that they will interrupt the views of Dirleton and Dirleton Castle on the approaches to the village from the E, NE
4. They will affect the setting of Oatfield House.

### Derek Carter (0190)

Policy DC8 seeks to protect specific areas of sensitive countryside from further building, but does not address the issue of the impact of the proposed housing site edges on the adjacent, open protected, rural areas. What is needed is a further policy within the Countryside around Towns section of the LDP to bring about a new suburban fringe woodland structure associated with the new housing developments. These proposed woodland areas should also be indicated on the housing site development briefs. The “fringe woodland” policy would be applicable to all suburban edge housing developments across the whole county. This would require the planting of fringe woodlands around every new suburban edge, unless the developer can demonstrate that edge screening already exists.

### Kate Hamer (0195)

At Dirleton Policy DC8 should apply to the site at Castlemains Place (PROP NK11) and not Ware Road (Main Issues Report alternative housing site)

### Gladman Developments Ltd. (0213/9)

Supportive of the absence of the Countryside Around Towns designation around Dunbar. There is scope for well planned growth around this settlement, taking into account landscape setting, character and identity.

### Stewart Milne Homes Ltd. (0229/4)

The landscape on the east edge of East Linton is in transition as new land uses are proposed for the extended land holding at the former steading complex at Phantassie Farm. This will lead to the redevelopment of this area, which has been planned with extensive areas of new visitor car parking, within the policy context associated with the area’s Conservation Area status as well as the Listed Buildings at the former steading.

The proposed development will be seen to preserve or enhance the character and appearance of the Conservation Area with a positive and proactive change envisaged for this part of the community involving the attraction of potentially significant numbers of visitors. It is considered that further development can be designed to fit into this landscape to the east of East Linton whilst taking account of the area's historic qualities and without impacting negatively on the Conservation Area.

Messrs Dale (0243/4)

Disagree with both the principle of this policy and, more specifically, the inclusion of the Port Seton Links site within the Countryside Around Towns designation.

More specifically, we do not consider that the Port Seton Links site has any particular qualities that make it special. It is a visually well-contained site on the eastern edge of Port Seton, and adjacent to Seton Sands Holiday Park. We note that it forms part of a much larger area identified as CAT to the north, but it is not made clear why the subject land is considered appropriate for the CAT designation. We could speculate that there may be concern that development of the site might result in coalescence between Port Seton and Seton Sands. This may be the perception if one views the site on plan, where it presents a gap between the edge of the town and the caravan park. However, when viewed on site, the site is too narrow to present any significant visual gap. There is also a strong woodland buffer to the east of the site which will prevent any sense of coalescence.

Ritchie Brothers (0259/2)

The representation considers policy DC8 to be unnecessary given the policy framework in the adopted Local Plan and the lack of any direction from national or strategic policy to address the requirements of this policy. The objectives of Policy DC8 are to conserve landscape setting, character or identity of certain towns and villages.

This designation is in addition to the Policy DC7: Development in the Edinburgh Green Belt; Policy DC9: Special Landscape Areas; Policy DC1: Rural Diversification and Policy DC4: New Build Housing in the Countryside. Further, the Council also uses conservation area designations to protect the setting of villages – Policy CH2: Development Affecting Conservation Areas.

Coalescence was considered a planning issue in SPP (2010), but it is no longer in SPP (2014). SESplan does not require the LDP to consider coalescence, other than in terms of green belt policy.

There is no national or strategic policy remit to promote a new policy to address the objectives of Policy DC8.

The Council's Technical Note 8 Planning for Countryside Around Towns states that:

To the southwest, Clerkington Estate is an old estate and historic designed landscape of regional significance with a mature treed setting, partly included in the Haddington Conservation Area. Together with the rising land between the River Tyne and the B6368 (also included in the conservation area and forming much of the character of riverside walks), these areas form an attractive south westerly approach and countryside setting for the town beyond which lies the nationally significant designed landscape of Lennoxlove

Estate. Development here would detrimentally impact on views in and out of the town and its wider landscape setting.

The key justification for this policy designation is the detrimental ...impact on views in and out of the town and its wider landscape setting. Given the statement in paragraph 2.114 of the Proposed Plan that ...In to the longer term, the only suitable location for a further significant expansion of Haddington may be in the wider Dovecot area, it is difficult to conclude that the area designated by Policy DC8 has a detrimental impact on views in and out of the town. This area is already well screened with development under construction on its northern edge. Given that development is already approved against the boundary of the former Clerkington Estate, development at Dovecot on its eastern edge does not impact on the wider landscape setting.

The Council can control development in the area designated as DC8 using, as an example, a future development brief for the longer term expansion of the town. Policy DC8 is not required.

#### Lord Wemyss Trust (0277/4)

The representation objects to Policy DC8 stating that there is no justification in the Plan for designating a Countryside Around Towns policy for Haddington. In this regard, it is considered that the Council's extant Development in the Countryside Policy DC1 as amended by the various Policies DC1 to DC7 inclusive contained in the Proposed Plan in relation to the 'Countryside', has performed as an effective 'Greenbelt' policy for a significant number of years and, as such, there is no justification for applying a further layer of policy restriction. In very simple terms, there is no need.

In particular the representation highlights that the subject land at Amisfield Mains, Haddington forms an integral part of the area of land referred to in paragraph 2.116 of the Proposed Plan which is considered unremarkable in landscape terms being physically contained by the A1 road to the north, established housing to the west and the Haddington Golf Course to the south. If the landscape was that special it would be covered by a specific landscape designation. It is not.

Furthermore, the representation notes that such a designation unnecessarily prejudices the potential for an easterly extension of Haddington in the future, if housing requirements predict the need for such an approach.

In applying DC8 the respondent notes that the content of Paragraphs 5.21 and 5.22, page 123 of the proposed plan would clearly suggest its introduction is purely aimed at avoiding coalescence between settlements - this is not an issue with Haddington.

#### Wallace Land Investments (0284/4)

Representation on the Proposed Countryside Around Town Designation. The objectives of policy DC8 are essentially to conserve the landscape setting of certain town and villages. The policy is in addition to DC7: Development in the Edinburgh Green Belt; DC9: Special Landscape Areas; Policy DC1: Rural Diversification and Policy DC4: New Build housing in the countryside. The council also uses conservation area designations to protect the setting of settlements. Existing policy framework is more than adequate to control development. Coalescence was considered a planning issue in SPP (2010), but it is no longer in SPP (2014). SESplan does not require the LDP to consider coalescence, other

than in terms of green belt policy. There is no national and strategic policy remit to address the objectives of policy DC8, and is not an issue that requires to be addressed in this location. The Council's technical note 8 states that the designation is made to retain the character and identity of these coastal settlements. The development framework report suggests that a development at Fishergate Road will not compromise the character and identify of Port Seton. The site is separated from the Blindwells site by over 600m.

#### BS&S Group (0286/4)

Representation on the Proposed Countryside Around Town Designation to the west of Haddington. Delete Countryside Around Town Designation to west of Haddington and allocate proposed South Gateside site in association with Proposal HN2. Development of South Gateside, with sensitive design of the site, could conserve the character and setting of Haddington and this approach to the town as well as listed buildings and natural heritage features in the area.

#### The Esperance Trust Group (0303/4)

Reduce the extent of the Countryside Around Town Designation at Ormiston and allocate Hillview Road site. A development at the Hillview Road site could improve the settlement edge and provide frontage along the existing street.

#### North Berwick Community Council (0326/2)

The proposed countryside around town designation around the Law is welcomed, but it should be extended around the around the west and east sides of the town, setting a spatial limit on development for the foreseeable future. Once that boundary has been agreed the Council should not allow any more development on green field sites

#### Homes for Scotland (0353/12)

Queries overly restrictive policy, and the inclusion of Policy DC8: Countryside Around Towns. This policy seems to be including a sort of 'greenbelt' policy for development around towns, however we do not consider this necessary as the preceding policies are already as restrictive as a greenbelt policy, and this additional policy seems to be duplication. If the intention is for this policy to direct future development towards more suitable areas for development, then these areas should be identified as such in order that they could come forward should a need/shortfall arise; or indeed if their development could deliver benefits such as supporting local services, employment or infrastructure.

#### Lawrie Main (0370/3)

The site at Castlemains Place should be designated as Policy DC8 Countryside Around towns.

#### Meadowhead Ltd. (0372/1)

Paragraph 5.20 First Sentence: It is important that appropriate and justified development within a Countryside Around Towns area is supported in principle, and this support is explicit within the text associated with Policy DC8.

Policy DC8: Countryside Around Towns: The area to the east of Tantallon Caravan Park

comprises of an agricultural field. It is bounded to the west by Tantallon Caravan Park, to the north and east by Glen Golf Course and to the south by the A198. This agricultural field should be excluded from the Countryside Around Towns area as it is the only part of the CAT area that is situated to the north of the A198. This area is appropriate for the possible future expansion of Tantallon Caravan Park and is already within a Special Landscape Area (Policy DC9) and within a Constrained Coast (Policy DC6). Policy DC1: Rural Diversification adequately controls rural diversification and development in the countryside.

Gladman Developments Ltd. (0392/4)

The Countryside Around Town Designation is an inappropriate way of restricting SDP Policy 7, and adds another layer of policy protection to areas already subject to appropriate policy controls (e.g. DC1). The policy only serves to unduly restrict the delivery of housing by unduly restricting development.

BS&S Group (0398)

The LDP Technical Note 8 - Countryside Around Towns, sets out the specific reasoning for certain areas including the land west of Letham Mains, Haddington. However, the assessment does not take into account a more sensitive approach to development which is possible at this location. The proposals outlined in principle within this representation would allow for this approach to be taken forward. Figure 3 on Page 6 above illustrates the basis for this approach. In terms of the current character, there is ambiguity over where Haddington begins and the countryside ends. It is likely that the town will require to expand further in future (as not all new development will be capable of being provided within Blindwells or other new settlements). The policy would place an artificial halt to settlement growth and will inevitably require to be reviewed in due course.

Clarendon Planning & Development Ltd. (0412)

Objector acknowledges that the aim of the policy is to conserve the landscape setting of identified settlements within East Lothian. It is also noted that these areas can also provide opportunities to extend the green network and related recreational accessibility. It is considered that the existing countryside designation provides sufficient protection without putting in place similar restrictions as a green belt designation. Technical Note 8 – Countryside Around Towns sets out the specific reasoning for certain areas including to the north east of Ormiston. Whilst not being promoted for development, this land may offer the only long term expansion opportunity for the village, subject to access, landscape and design considerations being addressed. This objection therefore relates to the overly restrictive of the proposed policy designation which does not allow for suitable mitigation measures or inclusion of non-developable areas should long term growth of Ormiston require to be accommodated.

Dunpender Community Council (0413/3)

Land adjacent to East Linton and given potential for development (Pencraig/Orchardfield site) should be reassessed and classified as DC8 to protect the environment, heritage, character and landscape value of East Linton.

Taylor Wimpey UK & Mactaggart & Mickel Homes Ltd. (0438/16)

The representor objects to the land identified as OTH-H8 being in the countryside and seek that it be allocated for residential development which can deliver housing before 2019. The supporting documents demonstrate how the site can be developed in a sensitive manner taking account of the issues raised in the MIR.

### **Policy DC8 and DC9**

Francis Ogilvy (0419/5)

Policies DC8 and DC9 introduce yet more protective designations – Countryside Around Towns and Special Landscape Areas would seem unnecessary given the protection already available.

### **Policy DC9: Special Landscape Areas**

Meadowhead Ltd. (0372/2)

It is important to recognise that economically important development may also be appropriate within Special Landscape Areas.

### **Policy DC10: The Green Network**

Scottish Natural Heritage (0280/19)

The Policy seeks to secure provision of green network measures through development briefs and proposed Green Network Strategy supplementary guidance. It should be made clear that green infrastructure contributions are included in the draft Developer Contributions supplementary guidance. A hook to the Developer Contributions supplementary guidance should be included.

Scottish Wildlife Trust (0316/2)

Scottish Wildlife Trust welcomes the preparation of the Green Network Strategy to accompany the plan, and seeks that this be prepared and adopted as soon as possible. Scottish Wildlife Trust point to guidance in respect of Cumbernauld that may be of use in the preparation of such a strategy.

Midlothian Council (0348/5)

Midlothian Council would wish to work with East Lothian Council to help join up cross boundary Green Networks where this is appropriate and desirable.

David Campbell (0361/4)

In many cases the historic fabric of existing rural buildings has been destroyed without any thought of conservation. The Plan reminds developers of guidance available, and that the Council will not tolerate abuses. Adjust Policies DC7 – DC9 as follows:  
DC7. Third relaxation to read; “a national requirement.” (remainder deleted).  
DC8. Delete conditions ii) and iii). (i.e. retain only those relaxations referring to the green network and to essential infrastructure)  
DC9. Delete relaxation 2 (relating to public benefits)  
DC10. Delete all except the first sentence.



## **Special Rural Landscapes Support**

Scottish Natural Heritage (0280/30)

Supports Policy DC8: Countryside Around Towns

### **Modifications sought by those submitting representations:**

#### **Policy DC7: Development in the Edinburgh Green Belt**

Wemyss & March Estates (0315/9)

No Modification sought

Homes for Scotland (0353/11)

Suggest amendment of Policy DC7: Development in the Edinburgh Green Belt to allow for development where the greenbelt is no longer serving greenbelt functions.

Emma Hay (0357/4)

Either amendment to Policy DC7 or a new policy

#### **Policy DC8: Countryside around Towns**

Muir Homes (0165/3)

Redesignate site from DC8 to a housing allocation (see 0165/1)

Gullane Community Council (0166/6)

Removal of NK7 and NK8 in that order

Derek Carter (0190)

The representation proposes an amendment to Policy DC8 or inclusion of a new policy which addresses the issue of "fringe woodland" to all suburban edge housing development across the whole county.

Kate Hamer (0195)

Apply Policy DC8 to Castlemains Place

Gladman Developments Ltd. (0213/9)

No Modification sought

Stewart Milne Homes Ltd. (0229/4)

Delete Policy DC8 Countryside Around Towns from the LDP. If deletion of Policy DC8 is not agreed, then delete the DC8 designation from East Linton.

Messrs Dale (0243/4)

Delete Policy DC8 Countryside Around Towns from the LDP. If deletion of Policy DC8 is not agreed, then delete the DC8 designation from Port Seton Links.

Ritchie Brothers (0259/2)

The representation recommends that the text in the Proposed Plan (paragraphs 5.20 - 5.22) along with Policy DC8: Countryside Around Towns should be deleted. Where appropriate, the designation should be amended to Policy DC1: Rural Diversification.

Lord Wemyss Trust (0277/4)

The representation seeks the removal of Policy DC8 from the Proposed Plan.

Wallace Land Investments (0284/4)

Delete reference to DC8 designation and replace with DC1 on the proposals map.

BS&S Group (0286/4)

Delete reference to DC8 designation and replace with allocation of South Gateside site on the proposals map.

The Esperance Trust Group (0303/4)

Reduce extent of DC8 designation and replace with allocation of Hillview Road site on the proposals map.

North Berwick Community Council (0326/2)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Homes for Scotland (0353/12)

Suggest deletion of Policy DC8: Countryside Around Towns.

Lawrie Main (0370/3)

Designation of Castlemains Place as Countryside Around Towns - Policy DC8

Meadowhead Ltd. (0372/1)

Paragraph	5.20	First	Sentence:
			Should be expanded to clarify that certain appropriate and justified development can be supported in principle, for example, a rural business, tourism or leisure related use such as the expansion of an existing holiday caravan park within a Countryside Around Towns area. The area to the east of Tantallon Caravan Park should be excluded from the CAT area.

Gladman Developments Ltd. (0392/4)

Gladman does not support the introduction of Countryside Around Town designations.

BS&S Group (0398)

Deletion of Countryside Around Towns designation west of Haddington.

Clarendon Planning & Development Ltd. (0412)

Deletion of Countryside Around Towns Designation from the area north-east of Ormiston.

Dunpender Community Council (0413/3)

Land adjacent at Pencraig Hill should be reassessed and classified as DC8.

Taylor Wimpey UK & Mactaggart & Mickel Homes Ltd. (0438/16)

Removal of Policy DC8 from the area.

**Policy DC8 and DC9**

Francis Ogilvy (0419/5)

No specific modification suggested, but implication is that policies DC8 and DC9 should be deleted.

**Policy DC9: Special Landscape Areas**

Meadowhead Ltd. (0372/2)

Amend 2 to read, "... the public or economic benefits...."

**Policy DC10: The Green Network**

Scottish Natural Heritage (0280/19)

A hook to the Developer Contributions supplementary guidance should be included in Policy DC10 or the accompanying text.

Scottish Wildlife Trust (0316/2); Midlothian Council (0348/5)

No Modification sought

David Campbell (0361/4)

Adjust Policies DC7 – DC9 as follows:  
DC7. Third relaxation to read; "a national requirement." (remainder deleted).  
DC8. Delete conditions ii) and iii). (ie retain only those relaxations referring to the green network and to essential infrastructure)  
DC9. Delete relaxation 2 (relating to public benefits)  
DC10. Delete all except the first sentence.

## Special Rural Landscapes Support

Scottish Natural Heritage (0280/30)

No Modification sought

### Summary of responses (including reasons) by planning authority:

#### Policy DC7: Development in the Edinburgh Green Belt

Wemyss & March Estates (0315/9)

Noted. **The Council submits that no modification to the LDP is necessary.**

Homes for Scotland (0353/11)

The Council does not consider that Policy DC7 could be amended slightly to be a little less restrictive and allow for development in particular cases where greenbelt land is no longer serving greenbelt functions. The Council considers that the Green Belt, less abstractions required for new development land to meet the spatial strategy of the LDP, remains an important area where development should be restricted, to protect and enhance landscape character and settlement identity and for providing access to open spaces. The Council submits that it would be devalued if additional development were permitted. The purpose of the green belt is to maintain the setting, character and identity of Edinburgh and its neighbouring towns including Musselburgh and Inveresk, Wallyford and Whitecraig and the western edges of Prestonpans and Tranent. The Council considers that Policy DC7 should permit fewer types of development in the green belt than Policy DC1 permits in the countryside where it is operative. However, it still permits agricultural, horticultural or forestry operations, including community woodlands; extension or alteration to an existing building or ancillary development within its curtilage; a replacement house; essential infrastructure; or a national requirement or established need if no other site is available. **The Council submits that no modification to the LDP is necessary.**

Emma Hay (0357/4)

The preamble to Policy DC7 explains the purpose of green belt policy including how its boundaries are modified to recognise the regional growth strategy and by implication provide a long term safeguard in the plan for settlement separation. The Council acknowledges that this is not stated specifically in Policy DC7 but submits that the prime purpose of Policy DC7 is to provide guidance for the determination of planning applications in the green belt. The Reporter may wish to consider whether the policy would be strengthened by the addition at the end of line 8 after ‘..local area’, the words, ‘and proposals must have no adverse impact on the amenity of neighbouring uses.’ **The Council submits that no modification to the LDP is necessary.**

#### Policy DC8: Countryside around Towns

Muir Homes (0165/3)

The Council submits that one of the landscape characteristics of the north side of Dirleton is the extent to which the flat agricultural land extends in to the village wrapping around fingers of development and bringing the countryside in to the settlement. If this northern edge were rounded off by development such as at Foreshot Terrace, it would lose that characteristic feature. The Council contends that the site is justified as a Policy DC8 area for the reasons given in Technical Note 8. **The Council submits that no modification to the LDP is necessary.**

Gullane Community Council (0166/6)

This land is covered by proposed LDP Policy DC8: Countryside Around Towns. The Council agrees land at Foreshot Terrace should not be allocated for housing. **The Council submits that no modification to the LDP is necessary.**

Derek Carter (0190)

The Council submits that the visibility of a development should not automatically urbanise or detract from the wider rural landscape when it is appropriately designed. East Lothian is generally a plain landscape with few woodlands. Woodlands should not be used to hide new development but appropriate landscape planting should be used to complement and work in harmony with the quality of the architecture and layout of a new development. This would include incorporation of large specimen trees throughout the site, to punctuate and break up the massing of the development supplemented with additional groups of smaller species trees. Edge development is one of the most sensitive elements within the design of a new development area and how this is treated must take account of the urban rural edge and how the urban environment sits within its surrounding landscape to ensure as good a landscape fit as is possible even where these are visible over long distances. The Council also submits that the selection of external materials plays an important part in how a development is perceived in the landscape. The decision on how best to deal with the edges of new development is best dealt with through site specific development briefs rather than a strategic policy requiring the same approach everywhere, which is unlikely to be appropriate. Where appropriate, longer distance views to a new development on the edge of a settlement have been considered, and either landscaped tree belts and/or development to be in muted colours specified in draft development briefs to minimise adverse visual impact over longer distances. The Council consulted on draft development briefs which will not be finalised until after the Examination. **The Council submits that no modification of the LDP is necessary.**

Kate Hamer (0195); Lawrie Main (0370/3)

The Council submits that one of the landscape characteristics of the north side of Dirleton is the extent to which the flat agricultural land extends in to the village wrapping around fingers of development and bringing the countryside in to the settlement. If this northern edge were rounded off by development such as at Foreshot Terrace, it would lose that characteristic feature. The Council further submits that site PROP NK11 has a characteristic that is more urban fringe land than open countryside. This is because of the close proximity of the A198 Dirleton bypass which separates the Castlemains site from the wider open countryside to the south. Provided the form of houses proposed for the site does not harm views of the castle, PROP NK11 is a suitable location for a small housing development site that can be accommodated without harming the setting of Dirleton. The Council submits that application of Policy DC8: Countryside around Towns around the fringes of Dirleton is appropriate to protect its landscape setting. The Council also submits

that as PROP NK11 is allocated it would not be appropriate to apply Policy DC8 and that as the open countryside to the north of Foreshot Terrace is not allocated and forms an integral part of the setting of the northern edge of Dirleton which is prominent in views from the well used tourist route of Ware Road, it is appropriate to apply Policy DC8 there. **The Council submits that no modification of the LDP is necessary.**

Gladman Developments Ltd. (0213/9)

The Council submits that there is a CAT designation around Dunbar. Land between Belhaven and West Barns is within a DC8 area and has a role in maintaining their separate identities. **The Council submits that no modification of the LDP is necessary.**

Stewart Milne Homes Ltd. (0229/4)

Countryside Around Towns is a new policy designation in East Lothian and has been established to give protection to the most sensitive parts of the undeveloped landscape around East Lothian's settlements. These are the areas that are important to maintaining the setting and character of settlements in the local area. While in principle this planning policy is applicable to all defined settlements in East Lothian it has only been applied where in the Council's view it is required and can be justified; there are therefore settlements that either are not under specific development pressures, where the landscape is of an equal character around the settlement or where potential expansion was not seen to impact detrimentally of the landscape setting such that would justify a Countryside Around Towns designation. The Council submits that East Linton is under pressure for development and the CAT designation is necessary as are all the CAT designations in East Lothian.

The justification and technical background to the Countryside Around Towns Policy is set out in Technical Note 8.

Historic Environment Scotland states that the allocation will have the potential to affect the setting of the A listed Phantassie Dovecot and to a lesser extent the farmhouse. By expanding the settlement, it could fundamentally change the character of the Conservation Area. The planning permission for the area at Phantassie Farm for a redevelopment has expired. **The Council submits that no modification of the LDP is necessary.**

Messrs Dale (0243/4)

Countryside Around Towns is a new policy designation in East Lothian and has been established to give protection to the most sensitive parts of the undeveloped landscape around East Lothian's settlements. These are the areas that are important to maintaining the setting and character of settlements in the local area. While in principle this planning policy is applicable to all defined settlements in East Lothian it has only been applied where in the Council's view it is required and can be justified; there are therefore settlements that either are not under specific development pressures, where the landscape is of an equal character around the settlement or where potential expansion was not seen to impact detrimentally of the landscape setting such that would justify a Countryside Around Towns designation. The Council submits the CAT designation is necessary as are all the CAT designations are under pressure from development in East Lothian. The justification and technical background to the Countryside Around Towns Policy is set out in Technical Note 8. In respect of the area of land to which the

representation refers the Council submits that the CAT policy area applies to not just this land but also to the caravan park adjacent which is a leisure use within the countryside. The land has a historical relationship with Seton House/Castle which Policy DC8 will retain. **The Council submits that no modification of the LDP is necessary.**

Ritchie Brothers (0259/2)

The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as signalling where it might be directed towards in future. The Council submits that SPP does not preclude such a policy and indeed that it accords with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes in rural areas (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth .. a more restrictive approach to new housing development may be appropriate. The Council suggests that it is important to East Lothian for it to include a policy on Countryside Around Towns given the levels of development pressure around East Lothian's settlements, including at Haddington, and that it is part of a wider need to conserve their character. The Council contends that views from the south west of the town over to the DC8 area and to Clerkington are important to the setting of the town, allowing the viewer to appreciate the low lying nature of Haddington with the higher land of the Garleton Hills to the north. The trees are an important part of this countryside setting framing views and adding to the character of the area which is the original historic designed landscape of Clerkington. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. **The Council submits that no modification of the LDP is necessary.**

Lord Wemyss Trust (0277/4)

The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where strategic development for the town should not take place as well as signalling where it might be steered towards in future. The Council submits that SPP does not preclude such a policy and indeed submits that it accords with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes in rural areas (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth .. a more restrictive approach to new housing development may be appropriate. The Council suggests that it is important to East Lothian for it to include a policy on Countryside Around Towns given the levels of development pressure around East Lothian's settlements, including at Haddington, and that it is part of a wider need to conserve their character.

The Council contends that views from the east of the town over the site that is referred to in this representation are important to the wider setting of the town and that these would

be harmed by development on the site. Haddington benefits from a number of historic designed landscapes including Amisfield which forms the backdrop to several views of the town over the site and is referred to at para 2.116 of the LDP.

The Council notes that paragraph 4.8 of Technical Note 8 outlines the objectives of Policy DC8 which include but are not restricted to the prevention of coalescence between settlements. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. **The Council submits that no modification of the LDP is necessary.**

#### Wallace Land Investments (0284/4)

The Council submits that Policy DC8 does not duplicate other policies but adds to them. The objectives of the policy are set out in para 4.8 of Technical Note 8 and are to conserve the landscape setting, character or identity of the particular settlement and/or to prevent the coalescence of settlements and/or where it can provide opportunity for green network and recreation purposes. The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council has reviewed the landscape around its settlements and identified Policy DC8 to apply to these areas. The Council submits that it is important to East Lothian for it to include a policy on Countryside Around Towns given the levels of development pressure around East Lothian's settlements, including in the Tranent Prestonpans, Cockenzie and Blindwells area, and that it is part of a wider need to conserve their character and identity which would be lost if towns coalesced. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as by implication where it might be steered towards in future. The Council submits that this is in accordance with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth... a more restrictive approach to new housing development may be appropriate. **The Council submits that no modification of the LDP is necessary.**

#### BS&S Group (0286/4)

SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as signalling where it might be steered towards. The Council considers it important to conserve the identity and setting of the settlements of East Lothian including Haddington. The Council submits that the LDP allocates sufficient land and that a site at South Gateside is not required, with the exception of that part that comprises PROP HN2. The Council contends that land west of Haddington is justified as a distinctive area of landscape that forms an important part of the setting of Haddington and should not be developed during the period of the LDP, for the reasons outlined in Technical Note 8. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. **The Council submits that no modification of the LDP is necessary.**



#### The Esperance Trust Group (0303/4)

SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as signalling where it might be directed towards. The Council considers it important to conserve the identity and setting of the settlements of East Lothian including Ormiston. The Council submits that the LDP allocates sufficient land and that a site at Hillview Road is not required. This area is an important part of the setting of the settlement and of its conservation area, reinforcing the relationship between the historical basis for the settlement as a centre of agricultural improvement and the agricultural hinterland of the village. It is important that this relationship is retained to reinforce settlement identity and the sense of place. The Council contends it should not be developed during the period of the LDP, for the reasons outlined in Technical Note 8. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP.

#### North Berwick Community Council (0326/2)

Support for Policy DC8 is noted and welcomed. The Council submits that the areas where Policy DC8 applies at North Berwick were carefully considered in the preparation of the LDP, and are the only areas that merit the policy designation. This is explained further in the Technical Note 8 including in responses to points raised at MIR stage. The Council submits that no further land at North Berwick should be included in CAT designations. **The Council submits that no modification of the LDP is necessary.**

#### Homes for Scotland (0353/12)

The Council submits that Policy DC8 does not duplicate other policies but adds to them. The objectives of the policy are set out in para 4.8 of Technical Note 8 and are to conserve the landscape setting, character or identity of the particular settlement and/or to prevent the coalescence of settlements and/or where it can provide opportunity for green network and recreation purposes. The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as by implication where it might be directed towards in future. The Council submits that this is in accordance with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth... a more restrictive approach to new housing development may be appropriate. The Council considers that it has allocated sufficient land for residential and employment uses within the LDP for the lifetime of the plan and sees no merit in identifying additional sites for possible development in the event of a housing shortfall. **The Council submits that no modification of the LDP is necessary.**

Meadowhead Ltd. (0372/1)

Policy DC8, to which para 5.20 relates, states that new development in areas designated as CAT will be supported in principle only where iii) it is required for rural business, tourism or leisure relates use; iv) it is essential infrastructure that has a clear operational requirement for that particular location and there is no other suitable site available..... The land to the east of Tantallon Caravan Park is proposed to be designated as Countryside Around Towns. The aim of this policy is to conserve the landscape setting of identified settlements within East Lothian. These areas can also provide opportunities to extend the wider green network and related recreational accessibility. The policy has the effect of shaping settlement growth. The justification and technical background to the Countryside Around Towns Policy is set out in Technical Note 8. **The Council submits that no modification of the LDP is necessary.**

Gladman Developments Ltd. (0392/4)

The Council submits that Policy DC8 does not duplicate other policies but adds to them. The objectives of the policy are set out in para 4.8 of Technical Note 8 and are to conserve the landscape setting, character or identity of the particular settlement and/or to prevent the coalescence of settlements and/or where it can provide opportunity for green network and recreation purposes. The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council has reviewed the landscape around its settlements and identified Policy DC8 to apply to these areas. The Council submits that it is important to East Lothian for it to include a policy on Countryside Around Towns given the levels of development pressure around East Lothian's settlements, and that it is part of a wider need to conserve their character and identity which would be lost if towns coalesced. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as by implication where it might be directed towards in future. The Council submits that this is in accordance with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth... a more restrictive approach to new housing development may be appropriate. The Council submits that Policy DC1 does not steer future development that might be required in the event of a need to maintain a five years effective housing land supply. Policy DC8 not only does this but in so doing helps to identify where development would not be in keeping with the character of a settlement and local area which is one of the requirements of Policy 7 of the SDP. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. **The Council submits that no modification of the LDP is necessary.**

BS&S Group (Clarendon) (0398)

SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as signalling where it might be steered towards. The Council considers it important to conserve the identity and setting of the

settlements of East Lothian including Haddington. The Council contends that land west of Haddington is justified as a distinctive area of landscape that forms an important part of the setting of Haddington and should not be developed during the period of the LDP, for the reasons outlined in Technical Note 8. The Council contends that other areas may be more suitable for expansion of Haddington without harming its landscape setting. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. It is unclear what attachment is being referred to in the representation with regard to Figure 3 on page 6 above. **The Council submits that no modification of the LDP is necessary.**

Clarendon Planning & Development Ltd. (0412)

The Council submits that the reasons for the inclusion of the land to the north east of Ormiston with the Countryside Around Towns area is explained in Technical Note 8 – Countryside Around Towns. This area is an important part of the setting of the settlement and of its conservation area, reinforcing the relationship between the historical basis for the settlement as a centre of agricultural improvement and the agricultural hinterland of the village. It is important that this relationship is retained to reinforce settlement identity and the sense of place. The Council submits that any longer term growth requirements for East Lothian will be a matter for the review of the SDP and LDP, both in terms of development requirements and spatial strategy. This will be considered in the context of the environmental and infrastructure opportunities and constraints at that time, including whether the retention of the Edinburgh Green Belt and Countryside Around Town designations in the format currently proposed by the proposed LDP would be the most appropriate approach to follow. This is explained at paragraph 2.7 of the proposed LDP. The Council submits that the inclusion of land to the north east of Ormiston within a Countryside Around Town designation is appropriate and that the proposed LDP should not be modified. **The Council submits that no modification of the LDP is necessary.**

Dunpender Community Council (0413/3)

The Council acknowledges that PROP DR8 was not specifically included within the MIR as either a preferred or reasonable alternative development site, although East Linton was one of the other options as an area of search. The site was also previously included in para 5.70 of the MIR as one of the areas proposed for the Countryside around Towns policy to apply. However, the Council submits that there were a number of responses to the MIR from landowners and developers and the house building industry. These suggested that significantly more housing land than was 'preferred' to be allocated by the MIR would be required in East Lothian to meet the SDP Housing Land Requirement and to maintain a five years supply of effective housing land, particularly in the short term up to 2019. Those consultation responses also suggested that a combination of the 'compact' and 'dispersed' spatial strategy options consulted on at MIR stage should be followed by the proposed LDP, as all of East Lothian is a marketable location. When selecting sites for inclusion in the proposed LDP, the Council looked first to those which were 'preferred' in the MIR and which had no technical issues in principle raised through the MIR consultation. However, further sites were needed over and above those and many of the 'reasonable alternative' sites in the west of East Lothian were chosen for inclusion within the proposed LDP. Overall, most of the 'reasonable alternative' sites are included within the proposed LDP. However, sites at east Tranent (ALT – T5, T6 and T7) were not selected despite being within the SDA for the reasons explained within the MIR and because it was considered they may prejudice the development of Blindwells. Land at Eweford (MIR reference ALT-D1) was not included as it was a large site, the majority of

which could not be developed in the short term. As such, more sites capable of delivery within the short term would be needed to meet the Housing Land Requirement of the SDP than those set out within the MIR. As such, additional small scale sites within and outwith the SDA were sought and at its meeting of 17 November 2015 the Council approved site PROP DR8 noting its proximity to the site of a proposed new railway station. A planning application (16/00328/PM) (Core Document) was subsequently submitted for 119 houses at the site which lies on the edge of the built up area of East Linton and is to be connected to a recently completed site at Andrew Meikle Grove by way of a path with a separate vehicular access to the site required. The decision to allocate the site was taken in the knowledge of the SEA site assessment undertaken for the site. One of the key purposes of SEA is to predict and evaluate significant environmental effects and to identify mitigation as relevant, as explained by the Draft SEA Environmental Report (SEA Environmental Report section 1.3.2 paragraph 5). However, the Council submits that even if the SEA predicts that a site (or sites) would have a negative or positive environmental effect this is not itself a reason for allocating or not allocating the land for development.

**The Council submits that no modification of the LDP is necessary.**

Taylor Wimpey UK & Mactaggart & Mickel Homes Ltd. (0438/16)

The Council notes that the only reference in this representation to Policy DC8 is in its section 3.5. The site to which the representation refers is within the Policy DC8 area and the Council notes that the representation objects to the inclusion of this under Policy DC8 on the basis that the land should instead be allocated for residential development.

Countryside Around Towns is a new policy designation included in the LDP for the first time and has been established to give protection from large scale development to the most sensitive parts of the undeveloped landscape that are around East Lothian's settlements. These are the areas that are important to maintaining the setting and character of settlements in the local area. While in principle this planning policy is applicable to all defined settlements in East Lothian it has only been applied where in the Council's view it is required and can be justified; there are therefore settlements that either are not under specific development pressures, where the landscape is of an equal character around the settlement or where potential expansion was not seen to impact detrimentally of the landscape setting such that would justify a Countryside Around Towns designation. The Council submits that East Lothian is under pressure for development and Policy DC8 is a necessary policy tool that helps with the principle of guiding development to the right places i.e. to those areas around towns that are less sensitive in landscape terms than other areas where the policy is not applied. The justification and technical background to the Countryside Around Towns Policy is set out in Technical Note 8.

**The Council submits that no modification of the LDP is necessary.**

### **Policy DC8 and DC9**

Francis Ogilvy (0419/5)

The Council submits that East Lothian has a particularly attractive rural landscape as noted in East Lothian: The Place page 2 of the LDP. The Council wishes to plan accordingly to maintain and enhance its character and where appropriate and reasonable to have a suite of planning policies that promote development in the right places and provide the balance of protection, as if to mitigate the cumulative effect of the development planned for in the LDP. SNH and HES guidance (core doc?) promoted a comprehensive review by local authorities of local landscape guidance which has been undertaken and is

explained in Proposed LDP Technical Note 9 plus appendices and which further explains the attractiveness of the landscape of East Lothian. This resulted in a number of Special Landscape Areas being designated across East Lothian. Each such area has a Statement of Importance that outlines why it is of value and development proposed in one of these designated areas must comply with the terms of Policy DC9. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as by implication where it might be directed towards in future. The Council submits is in accordance with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth .. a more restrictive approach to new housing development may be appropriate. The reason why separate policies for DC8 and DC9 are required is that there are some forms of development that are appropriate in a DC8 area that would not necessarily be appropriate in a DC9 area. In addition, one of the purposes of Policy DC8 is to prevent coalescence of settlements and some areas of land between settlements may not meet the criteria to be special landscapes but still serve the useful purpose of preventing coalescence. The Council submits that it is appropriate for these policies to apply to parts of the East Lothian countryside. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DC9: Special Landscape Areas**

##### Meadowhead Ltd. (0372/2)

The Council agrees that economically important development may be appropriate in a Special Landscape Area. However the Council opposes adding economic benefits to the policy wording as suggested. Developments with economic benefit are not precluded in proposed Special Landscape Areas where they are sited and designed in accordance with the Statement of Importance and do not harm the character of the Special Landscape Area.

The purpose of Policy DC9 is to protect the particular character of special landscapes of the area. SPP (para 28) says the planning system should support economically, environmentally and socially sustainable place by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any costs. It goes on to give a set of principles which should guide policies and decisions including protecting, enhancing and promoting access to landscape.

SPP (paragraph 197) encourages planning authorities to limit non-statutory local designations to areas designated for their local landscape or nature conservation value. The purpose of areas of local landscape value is among other things to safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally. Paragraph 198 notes that plans should address the potential effects of development on the natural environment, including the cumulative impacts of incremental changes.

SESPLAN Policy 1b requires LDPs to ensure there are no significant adverse impacts on the integrity of Areas of Great Landscape Value, which Special Landscape Areas replace,

as well as to have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more health and attractive places to live, and the need for high quality design.

Through a process of assessment the Council has identified landscapes which are of particular local value. SPP expects plans to safeguard and enhance the character of locally valued landscapes. Valued local landscape is a natural resource which is of benefit to the public at large present and future and is to an extent the heritage of everybody regardless of where it is located and its current ownership. There should therefore be some public benefit where it is harmed, as provided for in the policy. This might not be the case if the test included economic benefit, though there may be a public benefit from economic benefit which would then be assessed as part of the planning balance. Including economic benefit as a relaxation would reduce the incentive for developers to site and design their proposals in a way that safeguards or enhances locally valued landscape, as required by SPP. This is likely to lead to avoidable harm to such landscapes and the Council would resist this. The LDP provides an appropriate supply of land for economic development in marketable locations. Businesses that have an operational use for a countryside location, including tourism and leisure uses, are also supported in rural areas. It is therefore considered unlikely that not including this relaxation would significantly harm economic development overall as the costs of siting and designing in a manner that would avoid harm to SLA's is not expected to render many projects unviable. In addition, protecting locally valuable landscapes can have a benefit for the tourist industry, as well as other businesses that may benefit from their attractive location. . **The Council submits that no modification of the LDP is necessary.**

#### **Policy DC10: The Green Network**

##### Scottish Natural Heritage (0280/19)

The Council notes the comments however, no modification to the Plan is necessary in response to this representation. Policy DC10 makes it clear that the Council seeks to secure green network measures through Development Briefs and the Council's Green Network Strategy supplementary planning guidance rather than by way of developer contributions. As a result no hook to Developer Contributions Supplementary Guidance is required. **The Council submits that no modification of the LDP is necessary.**

##### Scottish Wildlife Trust (0316/2)

The Council acknowledges the support from the Scottish Wildlife Trust in respect of the preparation of the Green Network Strategy as Supplementary Planning Guidance. The Council submits that, whilst such an overarching strategy is important and will be produced as soon as possible following adoption of the LDP, in the short term the focus will continue to be the adoption of the other guidance associated with the plan and published alongside the Proposed LDP. It should be noted that a number of Green Network objectives will be secured in the development of sites, and in this sense the Development Briefs will have an important role to play. They will be adopted as Supplementary Planning guidance as soon as possible after adoption of the Main Plan. SFT guidance in respect of Cumbernauld noted. **The Council submits that no modification of the LDP is necessary.**

Midlothian Council (0348/5)

East Lothian Council notes and welcomes Midlothian Council's comments in respect of the green network and joint working where appropriate. East Lothian Council also notes that there are opportunities to facilitate this joint working: these exist in the preparation of East Lothian's own Green Network Supplementary Planning Guidance (see LDP policy DC9) and in the finalisation of the Council's Draft Development Briefs. East Lothian Council would welcome further discussion from Midlothian Council in that regard. **The Council submits that no modification of the LDP is necessary.**

David Campbell (0361/4)

In many cases the historic fabric of existing rural buildings has been destroyed without any thought of conservation. The Plan reminds developers of guidance available, and that the Council will not tolerate abuses. Adjust Policies DC7 – DC9 as follows:  
DC7. Third relaxation to read; “a national requirement.” (remainder deleted).  
DC8. Delete conditions ii) and iii). (i.e. retain only those relaxations referring to the green network and to essential infrastructure)  
DC9. Delete relaxation 2 (relating to public benefits)  
DC10. Delete all except the first sentence

RE DC7 – The Council submits that the third bullet point that refers to established need within Policy DC7 is suitably caveated by the need to show that no other suitable site is available.

Re DC8 - The Council submits that sub sections (ii) and (iii) of the policy were included to allow for community leisure facilities such as sports pitches or a larger community facility such as Meadowmill sports centre which lies within a proposed DC8 area, and because the Council did not consider it appropriate to curtail the potential for the appropriate expansion activities of any existing business within a DC8 area or for tourist related recreational businesses. The Council considers that such business can be accommodated in principle within a DC8 area.

Re DC9 - The Council considers that the types of development which have an adverse impact on Policy DC9 Special Landscape Areas should be limited. However, it would oppose this change. There should be scope to accept development that has a public benefit clearly outweighing the adverse impact, and the proposals have been designed to minimise adverse effects.

SPP in the title of paragraph 28 contains a presumption in favour of development that contributes to sustainable development. Paragraph 29 gives a set of principles including protecting, enhancing and promoting access to landscape. However, there are other principles which support development with a public benefit, such as supporting delivery of infrastructure or supporting climate change mitigation and adaptation. The policy is intended to allow development which has such public benefits but cannot avoid all harm to the Special Landscape Area to be permitted.

Re DC10 - The Council opposes the deletion of the parts requested. Off-site provision is important to provide for a Green Network and where it is relevant to the development and meets the requirements of Circular 4/1998 “The Use of Conditions in Planning Permissions” or successor guidance. The policy also provides for the replacement of elements of the Green Network that are lost or have their quality reduced through development.

In justification for the representation the submitter says that “it is undesirable to hint at the possibility of development in areas the Council is determined to protect. The flexibilities which might be allowable under the Green Network policy are better considered as part of the Green Network Strategy”. The purpose of Policy DC10 is not to provide a level protection for specific areas of special interest; this is done by other policies of the plan such as DC9 for Special landscape areas, or DC6 for the coast, DC7 for the Green Belt for example. The purpose of the Policy DC10 is to signal and lever contributions to the Green Network, and so maintain Green Network at its current standard, and to provide for off-site Green Network measures were identified in Development Briefs to meet the needs of specific development. The policy will not result in development in areas the Council wishes to protect. It should instead result in maintenance of the Green Network in tandem with development of areas the Council has allocated for this purpose.

Although the details of the Green Network will be provided in the Green Network Strategy, the policies of the LDP have greater weight, as planning applications must be decided in accordance with the development plan unless material considerations indicate otherwise. The Council considers it therefore necessary to retain policy in the development plan requiring that where loss or reduction in quality to any element of the Green Network is required to facilitate development, alternative provision must be provided. Removing this part of the policy would give that requirement less weight, and could harm the provision of the Green Network as a result. SPP paragraph 220 notes that planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking. Paragraph 221 notes that the planning system should consider green infrastructure as an integral element of places from the outset of the planning process. Paragraph 225 states that LDPs should seek to enhance existing and promote the creation of new green infrastructure. The Central Scotland Green Network is a National Development 2, and extends across East Lothian. It is therefore important that the LDP maintains or strengthens Green Network provision in line with this national priority. SESPLAN1 supports the creation of a strategic Green Network and in Policy 11 requires LDPs to identify opportunities to contribute to the development and extension of the Green Network and mechanisms through which they can be delivered. In addition, it requires LDP’s to have regard to the principles including that the form, function and long term maintenance of the Green Network should be considered as an integral component of plan-making and place-making, and should be incorporated from the outset. It is therefore appropriate that these policy requirements are contained within the LDP and not in supplementary planning guidance, which may not be adopted until sometime after the adoption of the LDP itself. **The Council submits that no modification of the LDP is necessary.**

### **Special Rural Landscapes Support**

Scottish Natural Heritage (0280/30)

Support Noted.

<b>Reporter’s conclusions:</b>
<b>Reporter’s recommendations:</b>



<b>Issue 27</b>	<b>Natural Heritage</b>	
<b>Development plan reference:</b>	<b>Chapter 6 Our Natural and Cultural Heritage, Natural Heritage, Background to Trees and Woodland (pages 125 – 129)</b>	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Scottish Natural Heritage (0280)  Haddington and District Amenity Society (0327)  Homes for Scotland (0353)  David Campbell (0361)  The Scottish Government (0389)  Taylor Wimpey UK Ltd and Mactaggart and Mickel Homes Limited (0426)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Chapter 6 Our Natural and Cultural Heritage: Biodiversity and Geodiversity, Soil Quality and Trees and Woodland (pages 125 – 130)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Natural Heritage Background Paragraph 6.7</b></p> <p><u>Scottish Natural Heritage (0280/20)</u></p> <p>The Firth of Forth Banks Complex is solely a Nature Conservation Marine Protected Area. Since the Proposed Plan was drafted and published the Outer Firth of Forth and St Andrews Bay Complex has moved from draft to proposed Special Protection Area (SPA).</p> <p><b>Policy NH3: Protection of Local Sites and Areas</b></p> <p><u>Scottish Natural Heritage (0280/21)</u></p> <p>The reference to “The following sites” should be removed as no sites are listed: the Proposals Map and Technical Note 10 provide detail on the sites. Policy NH3 would be overly long if all the sites were listed. The reference to “the associated technical note” should be amended to the “Planning for Biodiversity Technical Note”. As the Proposed Plan has several supporting Technical Notes, a specific reference to the Planning for Biodiversity Technical Note is more helpful to readers.</p> <p><u>Scottish Government (0389/13)</u></p> <p>Scottish Planning Policy 2014 (SPP) is clear that the level of protection given to local designations should not be as high as that given to international or national designations. The second paragraph of the plan policy sets out that “development will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the public benefits of the development to the local area and suitable mitigation will be secured”. The wording of the policy should be amended – specifically that “public benefits” be replaced with “social, economic or environmental benefits” and that “to the local area” be removed from the second</p>		

paragraph.

There may be instances where a development proposed in such a location would not necessarily benefit the immediate local area, but could have for example regional or national benefits. Firstly there is also some ambiguity around how “public benefit” would have to be defined. Secondly the wording of the policy could inadvertently prevent development where there is demonstrable benefit either in the local, national or international interest from taking place. There is a need to ensure that the policy provides for a proportionate and balanced consideration to take place on development affecting local sites and areas, better recognising the lower level of protection to be afforded to local sites and areas compared to the policy considerations for national or international sites.

**Policy NH4: European Protected Species and Policy NH5 Biodiversity and Geodiversity Interests, including Nationally Protected Species, supporting text**

Scottish Natural Heritage (0280/22) (0280/23)

To support proportionate approach to delivering development, the need for a derogation licence for EPS under the Conservation (Natural Habitats &c.) Regulations 1997 (as amended) should be made clear.

**Policy NH7: Soils**

Haddington and District Amenity Society (0327/12)

Representation seeks the protection of prime quality agricultural land in recognition of its importance both national and local economies. It should be one of the important drivers of the spatial strategy and Policy NH7 should be redrafted to reflect this wider strategic significance.

Homes for Scotland (0353/13)

Delete reference in Policy NH7: Protecting Soils to “no other suitable site is available”. We consider that it is unreasonable, and often unfeasible to expect a proposal to assess other sites to prove that theirs is the only suitable site, and if the proposal in question is the only one coming forward, it would serve no purpose. We do not want to see any policy that could potentially hinder, or slow delivery of housing developments.

**Natural Heritage Miscellaneous**

David Campbell (0361/5)

The absence of any reference to SNH seems surprising in this section: insert a reference to SNH at some point in pp 125-132, possibly as a new policy on p126 requiring proposals affecting the natural environment to conform to relevant guidance from Scottish Natural Heritage. : "NH5.1. All development proposals affecting the natural environment will be required to conform with relevant guidance from SNH."

**Natural Heritage Support**

Scottish Environmental Protection Agency (0252/22)

Supports Policy NH7

Scottish Natural Heritage (0280/31, 0280/32, 0280/33, 0280/34, 0280/35)

Supports the following policies: NH1, NH2, NH4, NH5, NH6, NH7, NH8.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd(0438/18)

Supports Policy NH8 in that there should be a presumption in favour of retaining East Lothian's woodland resources.

### **Modifications sought by those submitting representations:**

#### **Natural Heritage Background Paragraph 6.7**

Scottish Natural Heritage (0280/20)

Remove reference to “candidate Marine Special Area of Conservation” in relation to Firth of Forth Area of Conservation” in relation to Firth of Forth Banks Complex and update reference to Outer Firth of Forth and St Andrews Bay Complex draft SPA in paragraph 6.7 so that it reads:

“Offshore, the Firth of Forth Banks Complex is a Nature Conservation Marine Protected Area (MPA). The Outer Firth of Forth and St Andrews Bay Complex is a marine proposed SPA.”

#### **Policy NH3: Protection of Local Sites and Areas**

Scottish Natural Heritage (0280/21)

Remove reference to “The following sites” as no sites are listed.

Amend reference to “associated technical note” to “Planning for Biodiversity Technical Note”.

Scottish Government (0389/13)

Replace “public benefits” with “social, economic or environmental benefits” and remove “to the local area” from the second paragraph.

#### **Policy NH4: European Protected Species and Policy NH5 Biodiversity and Geodiversity Interests, including Nationally Protected Species, supporting text**

Scottish Natural Heritage (0280/22)(0280/23)

Recommend that supporting text at paragraph 6.13 includes reference to licensing requirements.

#### **Policy NH7: Soils (P128)**

Haddington and District Amenity Society (0327/12)

Policy NH7 should be redrafted to reflect wider strategic significance of prime quality agricultural land.

Homes for Scotland (0353/13)

Delete reference in Policy NH7: Protecting Soils to “no other suitable site is available”

**Natural Heritage Miscellaneous**

David Campbell (0361/5)

Insert new policy in the Natural Heritage section possibly on page 126: "All development proposals affecting the natural environment will be required to conform with relevant guidance from SNH."

**Natural Heritage Support**

Scottish Environmental Protection Agency (0252/22); Scottish Natural Heritage (0280/31)(0280/32)(0280/33)(0280/34)(0280/35); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

No modification sought

**Summary of responses (including reasons) by planning authority:**

**Natural Heritage Background Paragraph 6.7**

Scottish Natural Heritage (0280/20)

Paragraph 6.7 reflects what was understood to the position at the time of writing the Plan. It is recognised that this has now changed. The Council does not propose to make any modifications to the Plan, however, as this paragraph is illustrative and the change in status will not make a material difference to policy or outcomes. **The Council submits that no modification is necessary.**

**Policy NH3: Protection of Local Sites and Areas**

Scottish Natural Heritage (0280/21)

It is not clear from their representation exactly what Scottish Natural Heritage intend by “the reference to the following sites” and therefore what they intend to be removed. Removal of the words “The following sites” alone would leave an ungrammatical and un-understandable sentence. Removing the whole sentence would mean there is no policy designating the sites identified in the Biodiversity Technical Note and Geodiversity Technical Note as Local Nature Conservation Sites. They would therefore not be designated or given policy protection by the Plan, and this is undesirable. SPP in paragraph 196 states “International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans”. SESplan has as an aim, to conserve and enhance the natural and built environment. The Council has a duty under the Nature Conservation (Scotland) Act to further the

conservation of biodiversity. The first sentence of this policy fulfils the requirement of Paragraph 196 of SPP to identify locally designated areas in development plans, and in fact has the effect of designating them.

The intention of this first sentence of NH3 was therefore to identify all those sites to be designated as Local Nature Conservation Sites, which are all the Local Biodiversity Sites and Local Geodiversity Sites shown on the Proposals Map and set out in the accompanying Biodiversity Technical Note and Geodiversity Technical Note. The wording "The following sites.." was intended to refer to all of those sites which are either a Local Biodiversity Site or a Local Geodiversity Site, as shown on the proposals map. There is not a list of all of the individual sites, because, as SNH point out, it would be overly long and is shown on the Proposals Map and described in the accompanying Technical Notes. 'Sites' in the first sentence of this policy is plural as it was intended to refer to both Local Biodiversity Sites and Local Geodiversity Sites as a group, and is therefore intended to include and designate all the individual sites which are in one or other of these categories. It might have been clearer to have said either "The following *types of sites*..." or simply "Local Biodiversity Sites and Local Geodiversity Sites are designated as Local Nature Conservation Sites as shown on the Proposals Map". The Council considers it important that the intention of this part of NH3 is achieved, namely identifying and designating the areas shown in the Biodiversity Technical Note and Geodiversity Technical Note and on the Proposals Map as Local Nature Conservation Sites. It is satisfied that the wording of Policy NH3 achieves that purpose, and is therefore not minded to modify the wording. Should the Reporter be minded to consider a modification for the purposes of additional clarity there may be merit in this. **The Council submits that no modification is necessary.**

#### Scottish Government (0389/13)

The Council recognises that in line with SPP Paragraph 196 the level of protection given to local sites should not be as high as is given to international or national designations. It does not consider the level of protection by Policy NH3 given is as high as that given by Policies NH1 and NH2 which cover international and national designations. For internationally designated sites, NH1 provides that development that harms the interest of the site would not be acceptable other than for imperative reasons of over-riding public interest, with compensation. For nationally designated sites, NH2 provides that development that harms the interest of the site will only be permitted if it is clearly outweighed by social, economic or environmental benefits of national importance. For local sites, harm to the interest of the site is acceptable if outweighed by the public benefits of the development to the local area. This is therefore a lower level of protection as there does not have to be an imperative reason of over-riding public interest, nor a benefit of national importance before development would be acceptable.

The Council opposes replacing 'public benefits' with 'social, economic or environmental benefits'. SPP defines sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". Valued local biodiversity is a natural resource which is of benefit to the public at large present and future and is to an extent the heritage of everybody regardless of where it is located and its current ownership. There should therefore be some public benefit where it is lost. This may not be the case if the test was 'social, economic or environmental benefit'. Almost all development would have a benefit that would fall into one of these categories to somebody, or they would not carry it out. It is that there is a public nature of the benefit that is considered important, to balance the public nature of the

interest that is being lost. The Council therefore submits that no modification to the plan should be made in this regard.

The words 'to the local area' were intended to indicate that the benefit outweighing the harm to the site need not be of national importance, as required by NH2 for nationally designated sites. However, it is recognised that development could occur which does not benefit the local area but does have national or regional benefit which could outweigh harm to the natural conservation value of the local site, and this development would also be considered acceptable. The Council is not minded to make this change however if the Reporter considers that it would aid clarity of the policy this a modification may have merit. **The Council submits that no modification is necessary.**

#### **Policy NH4: European Protected Species and Policy NH5 Biodiversity and Geodiversity Interests, including Nationally Protected Species, supporting text**

##### Scottish Natural Heritage (0280/22)(0280/23)

Licensing is required to enable certain activities to be carried out which would otherwise be against the law. A grant of planning permission does not negate the need for a license. Planning Circular 6/2013 advises in paragraph 79 that Scottish Ministers expect LDPs to be concise documents. The purpose of the Plan is to set out policies and proposals related to the use of land, and the Council would expect developers to seek their own advice on this and other legislation which may be relevant to their proposals, and abide by the law. The Council therefore does not intend to alter the wording as suggested. However, it recognises that some developers may not be aware of the requirement for licences, possibly leading to them inadvertently breaking the law, and avoidable harm to biodiversity. Should the Reporter be minded to consider a modification for the purposes of additional clarity there may be merit in this. **The Council submits that no modification is necessary.**

#### **Policy NH7: Soils**

##### Haddington and District Amenity Society (0327/12)

The Council submits that Policy NH7, in terms of prime quality agricultural land, is consistent with paragraph SPP paragraph 80. **The Council submits that no modification is necessary.**

##### Homes for Scotland (0353/13)

The Council submits that the provisions of Policy NH7: Protection of Soils is consistent with SPP (2014) paragraph 80. **The Council submits that no modification is necessary.**

#### **Natural Heritage Miscellaneous**

##### David Campbell (0361/5)

The Council recognises the desirability of having regard to relevant guidance from all key agencies including Scottish Natural Heritage in the decision making process. Relevant guidance from Scottish Natural Heritage is a material consideration and will be given due weight by the decision maker in coming to a view on planning proposals. Reference to all

statutory consultees guidance would add to the length of the plan. In the interests of keeping the development plan as concise as possible, no change is therefore proposed to the plan in respect of this representation. **The Council submits that no modification is necessary.**

**Natural Heritage Support**

Scottish Environmental Protection Agency (0252/22); Scottish Natural Heritage (0280/31) (0280/32)(0280/33)(0280/34)(0280/35); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

Support Noted.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 28</b>	<b>Water, Flood Risk, Air Quality &amp; Noise</b>	
<b>Development plan reference:</b>	<b>Our Natural &amp; Cultural Heritage (Pgs 129-136)</b>	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Walker Group (0138)          Royal Society of Protection of Birds (0185)          Scottish Environmental Protection Agency (0252)          Scottish Natural Heritage (0280)          Musselburgh Area Partnership (0291)          Magnus Thorne (0308)          Homes for Scotland (0353)          Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)          Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Policy NH10: Sustainable Urban Drainage          Policy NH11: Flood Risk          Policy NH12: Air Quality</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>POLICY NH10: Sustainable Urban Drainage</b></p> <p><u>Royal Society of Protection of Birds (0185/13)</u></p> <p>Reference should be made to the best practice guidance by the RSPB and WWT on Sustainable Urban Drainage Systems and Wildlife. "Sustainable Drainage Systems: Maximising the potential for people and wildlife - A guide for local authorities and developers" by Andy Graham, John Day, Bob Bray and Sally Mackenzie.</p> <p><u>Scottish Environmental Protection Agency (0252/10)</u></p> <p>The representation suggests that page 130 paragraph 6.29 need to be reworded to be more consistent with the aims of both the Flood Risk Management (Scotland) Act 2009 and Scottish Planning Policy.</p> <p><u>Scottish Natural Heritage (0280/24)</u></p> <p>SNH welcome the recognition of the role of SuDS in placemaking, green networks and biodiversity enhancement. As green infrastructure, SNH highlight SPP paragraph 225: that SuDS proposals should be delivered through a design led approach that results in a proposal that is appropriate to place.</p> <p><u>Magnus Thorne (0308/2)</u></p>		



Reference is made to SuDS areas and their design criteria being required within planning applications but this is not reflective of SEPA's interim position statement on planning and flooding (July 2009, para 12) 'Development plans and action programmes should spell out how unavoidable impacts will be mitigated and delivered' as it does not state how unavoidable impacts will be mitigated and delivered specific to a location.

The Andrew Meikle Grove SuDS area was developed as per the requirements of the planning application. It was supposed to be Scottish Waters responsibility after construction of the development was complete. This has not transpired and the residents face being potentially left with the responsibility. Without Scottish Water taking responsibility for a large SuDS area, how can ongoing upkeep be responsibility be ensured?

If a similar situation were to develop with regards the DR8 Pencraig Hill site, the existing developments 'down slope' would be at the mercy of the developers and residents' commitment to responsibly maintain their SuDS area. Commitment and planning outlined within the development plan on the part of ELC to ensure a clear path of responsibility and accountability for any potential SuDS during any construction and occupancy phases of DR8. Would like to see guarantees within the LDP that ongoing use and upkeep of SuDS are considered.

#### **POLICY NH11: Flood Risk**

##### Royal Society of Protection of Birds (0185/14)

Natural flood management measures should be adopted where possible to contribute towards flood prevention and mitigation and this requirement should be included somewhere in this policy (or a separate policy).

##### Scottish Environmental Protection Agency (0252/11)

The representation proposes an amendment to paragraph 6.32 to explain that while landraising and compensatory storage may reduce the likelihood of flooding of the site being developed, it could lead to increased risk of flooding elsewhere, e.g. to neighbouring existing or proposed development.

##### Scottish Environmental Protection Agency (0252/12)

The policy needs to be stronger and needs to establish provision for climate change with linkages to The Climate Change (Scotland) Act 2009 as well as SPP. This policy implies that a flood risk assessment (FRA) is required for proposals within the medium to high risk category of flood risk in SPP. The medium to high risk category in SPP solely mentions fluvial or coastal flooding. A FRA is required to assess the risk of flooding from all sources to ensure that the development is free from flood risk and complies with SPP.

##### Musselburgh Area Partnership (0291/6)

Too little detail on potential flooding risks.

#### **Policy NH12: Air Quality**

##### Walker Group (0138/13)

It is suggested that developers will be required to make contributions towards improvements to the bus fleet in order to improve air quality within the district. Bus operators are a commercial entity and it is not reasonable that new housing development should contribute towards the assets of a private commercial organisation. Indeed, it is clearly stated at para 1.31 that whilst the Council subsidises bus services in a deregulated transport system it is limited in what it can do to further assist service provision and also at para 4.15 where it states bus services are provided on a commercial basis by bus operators. For this reason, the requirement to seek contributions towards improving the bus fleet of private commercial operators would not meet the tests of Circular 3/2012 Planning Obligations and would therefore be Ultra Vires.

Homes for Scotland (0353/14)

Para 6.34 under Air Quality refers to mitigation measures such as bus fleet improvements and relocation of bus stops. It then goes on to state that developers of major development sites in areas requiring air quality mitigation will be “expected to make appropriate and proportionate financial contributions towards these mitigation measures”. We seek clarity over what would exactly be required of developers here. If it is the case that improvements to bus fleets would be covered by this contribution, we seek justification for this. Bus operators are commercial entities and it is not reasonable that home builders should contribute towards improvement to that organisation which makes a profit from running the service. We do not consider that such a requirement would meet the tests of Circular 3/2012.

Musselburgh Area Partnership (0291/8)

Air quality concerns.

**Water, Flood Risk, Air Quality & Noise Support**

**POLICY NH9: Water Environment and associated text including Advice Box 6**

Scottish Environmental Protection Agency (0252/23)(0252/24)

Support the policy with the qualification that the principles in Advice Box 6 should have been included as policy in Policy NH9, we support this advice (and its supporting text) as set out in the Proposed Plan.

Scottish Environmental Protection Agency (0252/25)

Scottish Environment Protection Agency are fully supportive of the requirement for appropriate long term maintenance arrangements for Sustainable Urban Drainage Systems (SUDS).

**POLICY NH10: Sustainable Urban Drainage and associated text**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/19 & Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

Advice Box 7 on Sustainable Urban Drainage Systems is noted. The relevant Policy HN10 is supported in that SUDs should be designed at the planning application stage and

submitted with all development proposals. The commentary in para 6.30 is welcomed.

**Modifications sought by those submitting representations:**

**POLICY NH10: Sustainable Urban Drainage and associated text**

Royal Society of Protection of Birds (0185/13)

No modification specified

Scottish Environmental Protection Agency (0252/10)

Consider paragraph 6.29 on pg 130 reworded to say:

“.....A development site must control and release runoff rates at greenfield rates over a range of rainfall events including the 1 in 30 year event and the 1 in 200 year event in agreement with East Lothian Council as flood prevention authority. This helps manage flood risk within the development site and also ensures there are no increase in flood risk to adjacent and downstream sites. SEPA surface water flood map shows areas that may be subjected to ponding from either pluvial or sewer flooding and can be used to indicate areas where further assessments are required, such as a flood risk assessment. This map does not show flow path direction. Pre development flow paths through the site should be maintained after the completion of the development.”

Scottish Natural Heritage (0280/24)

Recommend that the final sentence of Policy NH10 is altered to read:

“Proposals must also demonstrate through a design-led approach how SuDS proposals are appropriate to place and designed to promote wider benefits such as placemaking, green networks and biodiversity enhancement.”

Magnus Thorne (0308/2)

Set out a clear responsibility and ongoing upkeep of SuDS for development allocated in the LDP.

**POLICY NH11: Flood Risk**

Royal Society of Protection of Birds (0185/14)

The representation suggests including additional text in Policy NH11 or as a separate new policy which requires Natural flood management measures be adopted where possible to contribute towards flood prevention and mitigation.

Scottish Environmental Protection Agency (0252/11)

At the end of the 3<sup>rd</sup> sentence of paragraph 6.32 the following wording should be added. “the avoidance principle should be applied whenever possible in compliance with SPP.”

Scottish Environmental Protection Agency (0252/12)

Policy NH11: Flood Risk (g). An allowance for climate change should be specified, as well as a guide to “an appropriate allowance for “freeboard”.

Musselburgh Area Partnership (0291/6)

No Modification sought

### **Policy NH12: Air Quality**

Walker Group (0138/13)

Delete 4<sup>th</sup> sentence in Para: 6.34 “Developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards these mitigation.”

Homes for Scotland (0353/14)

Delete reference within Para 6.34 to developers contributing toward air quality mitigation measures associated with improvements to bus fleets.

Musselburgh Area Partnership (0291/8)

No Modification sought

### **Water, Flood Risk, Air Quality & Noise Support**

Scottish Environmental Protection Agency (0252/23)(0252/24)(0252/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/19 & Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

No Modification sought.

### **Summary of responses (including reasons) by planning authority:**

#### **POLICY NH10: Sustainable Urban Drainage and associated text**

Royal Society of Protection of Birds (0185/13)

Any application for development proposals will be subject to the consideration that, at the time of submission, appropriate provision for SuDS has been made, including the level and type of treatment appropriate to the scheme. Planning Advice Note 61: Planning and Sustainable Urban Drainage Systems states that 'To provide Sustainable Urban Drainage Systems (SUDS) requires a number of disciplines and agencies (developers, planners, drainage engineers, architects, landscape architects, ecologists and hydrologists) to work in partnership. Planners have a central co-ordinating role in getting SUDS accepted as an integral part of the development process. All technical details for the design and management of SuDS are contained within either SUDS for Roads Manual, Sewers for Scotland Manual or CIRIA SUDS Manual (C753), as appropriate to the type of development. The LDP has been prepared in accordance with the Scottish Planning Policy priorities for Sustainability, and Placemaking (which makes specific reference to a design-led approach). The LDP also makes reference to the need to consider SuDS within multifunctional open spaces (LDP paragraph 3.125 – 3.127 and 6.28 and Policy NH10)

and as part of the green network (LDP paragraph 5.24) and generally as part of the design process (LDP Policy DP1, Policy DP14 criterion 16). Whilst other guidance could be considered in the formulation and assessment of projects, the Council submits that the LDP, read and applied as a whole, already addressed the principle of the points made in the representation. **The Council submits that no modification of the LDP is necessary.**

Scottish Environmental Protection Agency (0252/10)

The proposed LDP 2016 sets out general points of principle with regards to the water environment, flood risk and climate change within Chapter 6 - *Our Cultural and Natural Heritage*. With specific reference to the suggested modifications to paragraph 6.29, the Council submits that there is no significant difference between the drafting already in the LDP and that proposed by SEPA. The Council submits that these matters would be dealt with as technical issues to be addressed at project level with the Flood Authority, in consultation with SEPA, and in accordance with the standards set within the relevant guidance (Sewers for Scotland Manual, CIRIA SuDS Manual C753 and SuDS for Roads Manual) as appropriate. However, if the Reporter is so minded for additional clarification, then there may be merit in substituting within paragraph 6.29 the term 'greenfield' with 'pre-development'. **The Council submits that no modification of the LDP is necessary.**

Scottish Natural Heritage (0280/24)

Any application for development proposals will be subject to the consideration that, at the time of submission, appropriate provision for SuDS has been made, including the level and type of treatment appropriate to the scheme. Planning Advice Note 61: Planning and Sustainable Urban Drainage Systems states that *'To provide Sustainable Urban Drainage Systems (SUDS) requires a number of disciplines and agencies (developers, planners, drainage engineers, architects, landscape architects, ecologists and hydrologists) to work in partnership. Planners have a central co-ordinating role in getting SUDS accepted as an integral part of the development process.'* All technical details for the design and management of SuDS are contained within either SUDS for Roads Manual, Sewers for Scotland Manual or CIRIA SUDS Manual (C753), as appropriate to the type of development. The LDP has been prepared in accordance with the Scottish Planning Policy priorities for Sustainability, and Placemaking (which makes specific reference to a design-led approach). The LDP also makes reference to the need to consider SuDS within multifunctional open spaces (LDP paragraph 3.125 – 3.127 and 6.28 and Policy NH10) and as part of the green network (LDP paragraph 5.24) and generally as part of the design process (LDP Policy DP1, Policy DP14 criterion 16). **The Council submits that no modification of the LDP is necessary.**

Magnus Thorne (0308/2)

The Local Development Plan has set out where allocated sites that may have the potential for flooding will need to undertake a Flood Risk Assessment as part of the planning application process. A Flood Risk Assessment is an identified requirement for the Pencraig Hill Site (DR8). LDP Policy NH10 will also apply and it requires provision of SuDS as a means of mitigating surface water issues to be delivered as part of the Development Management process, including ensuring that pre-development run-off rates are maintained or improved once a new development is in place. Policy NH10 requires that provision is made for appropriate long term management and maintenance arrangements

to the satisfaction of the Council. However, the Council cannot specify or insist in a particular arrangement being put in place for this, since this is a matter for the developer. In respect of the Andrew Meikle Grove SuDS area, whilst the developers were expected to build the SuDS facility in accordance with Scottish Water requirements (so it could be vested with Scottish Water) this was not the case, and the management and maintenance of the feature has been factored to home owners within the site as the developer's long term solution for the management and maintenance of the SuDS facility. **The Council submits that no modification of the LDP is necessary.**

### **POLICY NH11: Flood Risk**

#### Royal Society of Protection of Birds (0185/14)

The Council submits that the Flood Risk Management (Scotland) Act 2009 places responsibilities on local authorities to reduce overall flood risk and to promote 'sustainable' flood risk management (LDP paragraph 6.31). This reflects paragraph 255 of SPP (2014), in particular with regard to promoting natural as well as structural flood management measures. The LDP has also been prepared in accordance with the Scottish Planning Policy priorities for Sustainability, and Placemaking (which makes specific reference to a design-led approach). The LDP also makes reference to the need to consider SuDS within multifunctional open spaces (LDP paragraph 3.125 – 3.127 and 6.28 and Policy NH10) and as part of the green network (LDP paragraph 5.24) and generally as part of the design process (LDP Policy DP1, Policy DP14 criterion 16). The Council submits that the LDP already contains sufficient direction on these matters. **The Council submits that no modification of the LDP is necessary.**

#### Scottish Environmental Protection Agency (0252/11)

The Council submits that the points raised in SEPAs representation are already addressed at paragraph 6.31 of the LDP, within the pre-ambles to Policy NH11, which clearly states that the first principle is 'avoidance'. **The Council submits that no modification of the LDP is necessary.**

#### Scottish Environmental Protection Agency (0252/12)

The Council submits there is a possibility of climate change outputs changing within the life of the LDP. Due to this and the need to accommodate these effects in the application of LDP policy, the Council considers that a definitive allowance should not be specified in Policy NH11, nor should a guide for freeboard. SEPA provides guidance on these matters, and this can change over time. As such, the Council submits that the LDP position is appropriate. **The Council submits that no modification of the LDP is necessary.**

#### Musselburgh Area Partnership (0291/6)

The LDP has been developed in line with the policies and principles set out in SPP regarding flood risk management, in particular "place-making" and "sustainability". It contains Policy NH11: Flood Risk which makes specific reference to a Local Flood Risk Management Plan for Musselburgh. The Council has prepared its Flood Risk Management Plan (FRMP) which provides a coordinated approach to flood risk management planning across the LDP area, identifying areas at risk, objectives for managing flood risk and the measures for achieving these. Musselburgh is included within this study. At this stage flood risk management projects are being developed by the Council, including

consideration of timings and responsibilities for implementation. This includes a flood protection scheme for Musselburgh, along the Esk through Musselburgh. Construction is likely within the cycle of the Flood Risk Management Plan 2016 - 2022. The Council submits that an appropriate level of detail has been included within the LDP itself. **The Council submits that no modification of the LDP is necessary.**

### **Policy NH12: Air Quality**

#### Walker Group (0138/13) and Homes for Scotland (0353/14)

The Plan acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being, as well as environmental protection. The main source of air pollution in East Lothian is emissions from road traffic. An Air Quality Management Area (AQMA) was declared in Musselburgh High Street in November 2013 due to annual mean levels of Nitrogen Dioxide resulting from road traffic emissions; an Action Plan has been prepared and was published in February 2017. Air quality continues to be monitored at other locations, including Tranent High Street, though National Air Quality Standards are currently met in these other locations. The Council submits that the LDP is not seeking contributions for improvements to bus fleets in East Lothian as asserted by the representation. The LDP at paragraph 6.33 acknowledges that there are air quality issues around Musselburgh High Street and that these need to be managed. In response to this the Council has prepared an Air Quality Action Plan (AQAP) for the Musselburgh area, and this has identified 13 measures for improving air quality in Musselburgh which include improvements to the bus fleet through the electrification of buses. However, whilst these measures will address the existing air quality concerns, the LDP acknowledges that additional development related traffic generated from new development sites allocated through this LDP will exacerbate those existing air quality issues unless further mitigation is provided. These further mitigation measures will include traffic management measures to manage the cumulative impacts on the local road network through Musselburgh and the associated air quality concerns arising from additional trips generated from new development sites. Policy T19: Transport Improvements at Musselburgh Town Centre of the LDP together with PROP T20 Transport Related Air Quality Measures: Relocation of Bus Stops and PROP T21: Musselburgh Urban Traffic Control System, form the basis of these mitigation measures. Policy T19 and PROP 21 make no mention of developers contributing to improvements to bus fleets. PROP T20 does not seek developer contributions towards the relocation of bus stops. However, developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards the traffic management mitigation measures required to manage the additional traffic generated from the new sites, and in so doing contribute to manage the Air Quality impacts of their development. The draft Supplementary Guidance: Developer Contributions Framework makes clear this is the case at paragraph 1.24 (bullet point 5). It identifies the sites allocated through the plan that are to make contributions to transport mitigation measures and the amounts payable for those mitigation measures. These contributions range from £265.93 per dwelling for sites close to Musselburgh Town centre and which modelling shows will significantly increase traffic flow within Musselburgh, to £1.69 per dwelling for sites with lesser increase in traffic flows. For the Windygoul South site in Tranent the contribution will be £6.20 per dwelling. **The Council submits that no modification of the LDP is necessary.**

#### Musselburgh Area Partnership (0291/8)

The LDP at paragraph 6.33 acknowledges that there are air quality issues around Musselburgh High Street that these need to be managed. In response to this the Council has prepared an Air Quality Action Plan (AQAP) for the Musselburgh area, which is separate from the LDP but has been prepared in parallel with it. The AQAP has identified 13 measures to address the exceedance of the Annual Mean Air Quality Objective for Nitrogen dioxide in Musselburgh. Whilst measures will address the existing air quality concerns, the LDP acknowledges that additional development related traffic generated from new development sites will exacerbate existing air quality issues unless further mitigation is provided. It refers to ongoing traffic modelling work (done in parallel with the LDP) which is likely to result in traffic management mitigation measures. It would be reasonable to expect financial contributions from developers towards associated interventions. These mitigation measures include traffic management measures to manage the cumulative impacts on the local road network through Musselburgh and the associated air quality concerns arising from additional trips generated from new development sites. Policy T19: Transport Improvements at Musselburgh Town Centre of the LDP together with PROP T20 Transport Related Air Quality Measures: Relocation of Bus Stops and PROP T21: Musselburgh Urban Traffic Control System, form the basis of these mitigation measures. Developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards the traffic management mitigation measures required to manage the additional traffic generated from the new sites, and in so doing contribute to manage the Air Quality impacts of their development. The draft Supplementary Guidance: Developer Contributions Framework makes clear this is the case at paragraph 1.24 (bullet point 5). It identifies the zones (and thus sites allocated through the plan) where developers are to make contributions to transport mitigation measures and the amounts payable for those mitigation measures. **The Council submits that no modification of the LDP is necessary.**

**Water, Flood Risk, Air Quality & Noise Support**

Scottish Environmental Protection Agency (0252/23)(0252/24)(0252/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/19 & Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

Support Noted.

**Reporter’s conclusions:**

**Reporter’s recommendations:**



<b>Issue 29</b>	<b>Cultural Heritage</b>	
<b>Development plan reference:</b>	Cultural Heritage pgs 133-136	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Historic Environment Scotland (0228)  David Campbell (0361)  Inveresk Village Society (0385)  Brian Hall (0314)  Scottish Power Generation (0391)  Scottish Government/Transport Scotland (0389)  Haddington &amp; District Amenity Society (0327)  Zoe Bennett-Levy (0263)  Architectural History Society East Lothian Panel (0312)  Mr W A Dodd (0323)  Musselburgh Grammar School Parent Council (0317)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Cultural Heritage: New Policy Policy CH2: Development Affecting Conservation Areas Policy CH5: Battlefields Policy CH6: Gardens and Designed Landscapes Policy CH7: Greywalls, Gullane Policy CH8: West Road Field, Haddington Miscellaneous	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>New Policy proposed</b></p> <p><u>David Campbell (0361/6)</u></p> <p>Overall, the Cultural Heritage Section reads well but emphasis appears to have shifted away from generally applicable policies to the development of supplementary guidance for individual Conservation Areas. Generally applicable policies will still be needed, as there would appear to be a dangerous gap, caused by the disappearance of the detailed conservation policies. Something needs to appear in their place. The ideal candidate is the new, more flexible guidance contained in HES guidance notes, which deserve much wider dissemination. They could be incorporated into the Plan without any need for elaboration or paraphrase if the simple approach suggested above were adopted. Public understanding of conservation issues would be improved if the notes were highlighted this way as would the Council's own case officers, not all of whom have conservation qualifications.</p> <p><b>Policy CH2: Development Affecting Conservation Areas</b></p> <p><u>David Campbell (0361/7)</u></p>		

There are areas of conservation areas in need of reappraisal. Ideally a policy commitment is desirable, either as a free-standing new policy, or as an expansion of Policy CH2. In Section 6b – Our Cultural Heritage, p133 insert new final sentence to para 6.43: "Many of the boundaries to these areas are very old and will be reviewed."

On p 134.  
Add new final sentence to Policy CH2: "Guidance on more general problems such as door and window replacement (including double glazing), solar panels and roof lights will also be available, on the basis that HES guidance should always be consulted." The alternative to this is the cumbersome one of rewriting HES guidance notes in the form of CH policies, a procedure which is less likely to be effective than co-opting HES guidance into the Plan in the simpler way suggested.

#### Inveresk Village Society (0385/4)

There should be no further development in the grounds of existing houses within Inveresk village as this would spoil spacious gardens and increase traffic.

#### **Policy CH5: Battlefields**

##### Brian Hall (0314/2)

The Prestonpans battlefield site should be protected as a military graveyard and this should be combined with other attractions along the coast. The area needs to shake off its industrial image which should be replaced with an international reputation for leisure, education, tourism and natural beauty for current and future generations.

##### Scottish Power Generation (0391/9)

Policy CH5 – Scottish Power Generation do not object to Policy CH5, but reserve the right to make further representations should a third party propose to make changes to this paragraph as it relates to its assets.

#### **Policy CH6: Gardens and Designed Landscapes**

##### Scottish Government/Transport Scotland (0389/14)

The representation explains that Historic Environment Scotland (HES) now takes the lead on Gardens and Designed Landscapes not the Scottish Government.

##### Haddington & District Amenity Society (0327/11)

Include Clerkington as a designated designed landscape in line with protection already afforded to land to the south and east of the town. Similar consideration should be given to the north of the town.

#### **Policy CH7: Greywalls, Gullane**

##### Zoe Bennett-Levy (0263/4)

The LDP does not adequately protect the cultural heritage and setting of Category A listed Monkton House which is severely affected by PROP MH1, MH2 and MH3) and the LDP

ignores the category B listed Monkton Gardens with Sundial and Garden Walls. Monkton House should be protected in the same way the LDP protects Greywalls Hotel (CH 7).

### **Policy CH8: West Road Field, Haddington**

#### Haddington & District Amenity Society (0327/13)

Support the approach to the west road field in Haddington. Wants the Council to be proactive in implementing this policy

### **Miscellaneous**

#### Historic Environment Scotland (0228/3)

Historic Environment Scotland welcomes the wording and detail provided in the suite of cultural heritage policies which are in line with national policy for the historic environment. In particular Historic Environment Scotland welcomes the undertaking in para 6.44 to replace conservation area character statements with character appraisals and management plans in due course; welcomes the clarity of para 6.46 in explaining Policy CH3 and the preference for retention and reuse of unlisted buildings in a conservation area. Historic Environment Scotland further notes that Technical Note 13 could also refer to the consultation requirement with Historic Environment Scotland for applications affecting scheduled monuments and their setting and battlefields included on the inventory.

#### Architectural History Society East Lothian Panel (0312)

The Panel of the Architectural Heritage Society of Scotland states that the proposed LDP policy on Listed Buildings, Ancient Monuments and Conservation Areas lacks strength and consistency. Objection refers to the importance given to the historic environment and cultural heritage by the SDP and emerging LDP. Objector considers that the overall objectives of the plan set out at page 10 are not clear enough to be a policy. Omission of reference to Historic Environment Scotland and its practical advice notes is surprising. There should be a list of these. LDP will considerably weaken the control of development within East Lothian in respect of historic built and environmental assets.

#### Mr W A Dodd (0323/1)

Historic Environment Scotland guidance notes should be adopted as Supplementary Guidance by the Council.

#### Mr W A Dodd (0323/2)

Council needs to monitor the effect of its decisions on the historic environment.

#### Mr W A Dodd (0323/3)

The Section of the LDP dealing with Listed Buildings is inadequate. There is no mention of arrangements for managing the future of C(s) listed buildings

#### Mr W A Dodd (0323/6)

The northern defences of Haddington consisted of a Town Wall (now a listed building) and a killing field, kept free of buildings. A statement of intent to maintain the remaining open character of the land to the north of the Town Wall would be appropriate in the LDP.

Musselburgh Grammar School Parent Council (0317/6)

No mention of Musselburgh's unique culture and heritage and how this will be retained

### **Modifications sought by those submitting representations:**

#### **New Policy**

David Campbell (0361/6)

Insert a new Policy CH1, with the renumbering of further policies accordingly:

Policy CH1. All development proposals affecting the cultural environment will be required to conform with relevant guidance from HES."

#### **Policy CH2: Development Affecting Conservation Areas**

David Campbell (0361/7)

Insert new final sentence to para 6.43:  
"Many of the boundaries to these areas are very old and will be reviewed."

Section 6b – Our Cultural Heritage, p134 add new final sentence to Policy CH2: Guidance on more general problems such as door and window replacement (including double glazing), solar panels and roof lights will also be available, on the basis that HES guidance should always be consulted.

Inveresk Village Society (0385/4)

Presumption against new development specific to Inveresk

#### **Policy CH5: Battlefields**

Brian Hall (0314/2)

None

Scottish Power Generation (0391/9)

None

#### **Policy CH6: Gardens and Designed Landscapes**

Scottish Government/Transport Scotland (0389/14)

Remove 'Government' from the first sentence of section 6.54 on page 135 and replace with 'Planning' so it reads 'Scottish Planning Policy requires...'

Haddington & District Amenity Society (0327/11)

Designate Clerkington at Haddington as a designed landscape

**Policy CH7: Greywalls, Gullane**

Zoe Bennett-Levy (0263/4)

Add similar policy to CH7 for Monkton House

**Policy CH8: West Road Field, Haddington**

Haddington & District Amenity Society (0327/13)

None

**Miscellaneous**

Architectural History Society East Lothian Panel (0312)

None

Mr W A Dodd (0323/1)

Suggested addition to end of para 6.39:  
1. "In particular the current series of HES Guidance Notes published periodically, on managing change in the historic environment, set out the principles that apply to the alteration of some aspects of historic buildings. Each should inform planning policies and the determination of applications relating to the historic environment, and replaces the equivalent guidance in The Memorandum of Guidance on Listed Buildings & Conservation Area (1998). All these HES policies and guidance notes as they are published, will be material considerations in planning and/or listed building consent decisions thereafter".

Mr W A Dodd (0323/2)

Suggested addition to para 6.37:  
2. "Monitoring of the numbers of, and alterations to listed buildings, in extent, nature and spatial distribution of cases, will form part of an annual audit of East Lothian cultural assets, to guide the Council in the formulation of Statutory Supplementary Guidance on policies for their protection, repair and conservation. Such policies will be material considerations in planning decisions."

Mr W A Dodd (0323/3)

Suggested addition to para 6.42:

3. "The Council as LPA will adopt as its special responsibility, the Category C(s) Listed Buildings of East Lothian, which can be regarded as peculiarly of Local but special architectural or historic interest, and it will provide effective means for their better conservation and interpretation as common cultural assets, to be passed to future generations."

"Similarly, a Local List of buildings of architectural or historic interest in East Lothian will be compiled with the help of local societies and knowledgeable persons, so that buildings which are important to the character of East Lothian can be recorded and protected. In regard to alterations to such buildings any applicant must undertake and make available to the planning authority a professional survey and historical analysis, produced by a building archaeologist."

Mr W A Dodd (0323/6)

Suggested Addition to Cultural Heritage Policy:  
6. The northern defences of the medieval burgh of Haddington consisted of the Town Wall (now a listed building) and a broad 'killing field' stretching an arrow shot outside, kept free of buildings. Council houses have been built over part of this open space but it remains next to the length of the town wall running between Victoria Place and Dunbar Road, where the instructive relationship of defensive wall and open ground can still be appreciated. No new building within the setting of this stretch of the listed town wall will be supported. This site forms part of the landscape setting of Tenterfield House, a Listed mansion."

Musselburgh Grammar School Parent Council (0317/6)

None specified

#### **Summary of responses (including reasons) by planning authority:**

##### **New Policy**

David Campbell (0361/6)

The Council submits that the policies within the Cultural Heritage section of the plan are appropriate and sufficient. The Council notes that Historic Environment Scotland supports the policies of the plan, as the basis for planning decisions that affect the cultural heritage within East Lothian. Historic Environment Scotland notes that the plan is in line with national policy for the historic environment. The Council submits that guidance produced by Historic Environment Scotland would be a material consideration in the determination of relevant planning applications and appeals and notes that it is appropriately referenced in para 6.39 of the LDP. Reference to this will also be included in the supplementary guidance which is to be prepared for when the LDP is adopted, thus ensuring there will be no gap in detailed conservation policy guidance. The Council submits that Circular 6/2013: Development Planning expects LDPs to be as concise as possible. In that context, where material is considered too detailed for inclusion within the plan itself, minor policies or proposals should be included within guidance that accompanies the plan. This could take the form of statutory supplementary guidance or non-statutory supplementary planning guidance. In respect of the latter, the Council notes that the Chief Planner, in his letter of 15<sup>th</sup> January 2015, expect the amount of statutory guidance produced to be kept to a minimum. As such, the Council submits that the detailed policies or proposals in respect of

cultural Heritage matters are best set out in supplementary planning guidance, as set out at paragraph 6.44 of the LDP. **The Council submits that no modification is necessary.**

## **Policy CH2: Development Affecting Conservation Areas**

David Campbell (0361/7)

The Council submits that the boundaries of its designated Conservation Areas remain valid, and that this is a reflection of the successful operation of cultural heritage policy within those areas since their designation. The Council submits that the boundaries of conservation areas can be reviewed when an LDP is operative, although the Council has previously done this during plan preparation given the similarities in terms of publicity and consultation etc between the two processes. The Council designated a new conservation area in Prestonpans and adjusted the boundaries of several other conservation areas in the preparation of the East Lothian Local Plan 2008, following consideration of conservation areas and their boundaries in the preparation of that plan. The Council submits that the boundaries of existing conservation areas do not have any urgent need to be modified, that no conservation area should be deleted, and at this stage the Council is not minded to designate any new Conservation Area(s). However the Council will review the boundary of any conservation area that is the subject of a conservation area appraisal and management plan in due course with appropriate consultation at that time. The Council submits that the detailed policies or proposals in respect of Cultural Heritage matters are best set out in supplementary planning guidance, as set out at paragraph 6.44 of the LDP. This will include all existing conservation area character statements, any replacement appraisals, conservation area management plans as well as more detailed conservation policies on shop fronts, advertisements, parking, colour schemes, installation of security features such as roller shutters within conservation areas or on listed buildings etc. This can also include those matters that the representation suggests be included such as repair or replacement of windows, installation of solar panels and rooflights. The Council submits that it is not essential to have all the areas that the supplementary guidance will cover stated in Policy CH2 and that the SPG will be a material consideration in the determination of a relevant planning application as will Historic Environment Scotland guidance. **The Council submits that no modification is necessary.**

Inveresk Village Society (0385/4)

The Council considers that the LDP has adequate policies in place to enable it to determine any planning applications for development in the grounds of existing houses within Inveresk and that any such planning applications should be considered on their individual merits. The LDP has sufficient policies, including those within the Design and Cultural Heritage sections and the Inveresk Conservation Area Character Appraisal (Core Doc) which is a material consideration in the determination of any such application, without the need for a preventative policy. The Council considers that the main road within Inveresk which is an A class road can cope with additional traffic. **The Council submits that no modification is necessary.**

## **Policy CH5: Battlefields**

Brian Hall (0314/2)

The plan acknowledges the important role of the battlefield within the area, as well as the other important assets here that will need to be considered as part of any development

proposal for the land (see LDP paras 4.87-4.94). The Council also submits that it will prepare supplementary planning guidance in respect of battlefields (see para 6.52) and this will provide opportunities to ensure that they are recognised for their economic, educational and tourism potential along with the other natural, cultural and leisure tourism assets in the area. **The Council submits that no modification is necessary.**

#### **Policy CH6: Gardens and Designed Landscapes**

Scottish Government/Transport Scotland (0389/14)

Comments noted. Whilst the Council does not consider the modification is required, it would not be opposed to amending the wording of paragraph 6.54 as suggested to remove reference to the Scottish Government if the Reporter is of the view that this would have merit. **The Council submits that no modification is necessary.**

Haddington & District Amenity Society (0327/11)

The Council submits that Clerkington is not on the national inventory of designed landscapes, and that is why it is not designated on the proposals map. That part of Clerkington which is a designed landscape of regional importance is included within a proposed Countryside Around Town area. The Council has explained in Technical Note 13 (para 4.13 – 4.26) the reasons for the policy position it proposes to adopt here. Land to the south and east of Haddington is also included in the Countryside Around Towns area and parts are also located within Haddington Conservation Area. The representation also implies that land to the north of Haddington should be designated as a designed landscape though it may be that the intention was that it be protected through Countryside Around Towns designation. The Council submits that land to the north of Haddington is not a designed landscape and is not one of the candidates for survey by Scotland's Gardens and Landscape Heritage. The Council considers that the A1(T) is an effective boundary to development to the north of Haddington, and has identified the Garleton Hills Special Landscape Area (3) on the LDP Proposals Map which extends south to the A1(T). The Council therefore submits that there is no need for an additional Countryside Around Towns designation on land to the north of Haddington. **The Council submits that no modification is necessary.**

#### **Policy CH7: Greywalls, Gullane**

Zoe Bennett-Levy (0263/4)

Para 2.25 of the LDP acknowledges the presence of A-listed Monkton House and its setting in relation to PROP MH2 which lies approximately 115m to the north east of the house and is in different ownership, but considers that there is scope to develop the site without harming cultural heritage assets. PROP MH2 applies in part to a site granted planning permission on appeal (Core doc 13/01020/PPM Planning permission in principle for erection of 52 residential units and associated works) and in part to an extension of that site to the south. Planning permission 13/01020/PPM was allowed on appeal with conditions and therefore the objection to that part of PROP MH2 is not able to be considered. The additional land for circa 50 units to the south is not considered by the Council to harm the cultural heritage assets of Monkton House. Simply by being visible from a listed building does not mean that it lies within the setting of the building. It is noted that the principal elevations of Monkton House do not look towards PROP MH2 but are orientated towards the A720 to the south and to Old Craighall Road to the north. The



Council considers the setting of Monkton House to be principally within its own grounds though acknowledges its historical relationship with Monkton Gardens to the east. However, the LDP Proposals Map shows the grounds of Monkton House and Monkton Gardens in the green belt which the Council considers is the most appropriate policy to apply to them. The Council was asked to consider a submission from the landowner for residential development for a site that extended into the field immediately to the north east of Monkton House, including Monkton Gardens, but did not consider that this was appropriate in respect of the setting of Monkton House or that of the scheduled monument located nearby. The Council also notes that Historic Environment Scotland has commented on PROP MH2 and its site assessment in the Environmental Report and noted that its previous comment that it may object on the basis of the potential impact on Monkton House was related to a previous boundary that extended into the field immediately to the north east of the listed building and that as this has now been altered. Historic Environment Scotland is content that such impacts are less likely to be significant for its interests. Historic Environment Scotland recommends that the safeguarding of the setting of Monkton House as a heritage asset should be a consideration in the development of a masterplan for the site.

Policy CH7 of the LDP protects Greywalls at Gullane which has some difference in context and consideration. Greywalls is a Designed Landscape included on the National Inventory of Gardens and Designed Landscapes (Core Doc Greywalls National Inventory of Gardens and Designed Landscapes entry) and was purposefully designed to have views orientated in two directions; to the sea and to the hills with a viewpoint specifically provided in its walled garden hence the reference to the framed view in para 6.56 of the LDP. While any listed building should remain the focus of its setting the Council does not consider that the proposed site PROP MH2 detracts from the setting of Monkton House. However, the Reporter may wish to consider whether a similar reference to the settings of A-listed Monkton House and B-listed Monkton Gardens would be appropriate to include within PROP MH1 as well as PROP MH2. **The Council submits that no modification is necessary.**

#### **Policy CH8: West Road Field, Haddington**

##### Haddington & District Amenity Society (0327/13)

Support noted. The comment that the Council should be proactive in implementing this policy is also noted but the Council submits that the onus is on the developer rather than the Council as the landscaped park cannot be implemented without the commitment from the developer. **The Council submits that no modification is necessary.**

#### **Miscellaneous**

##### Architectural History Society East Lothian Panel (0312)

The Council submits that the policies within the Cultural Heritage section of the plan are appropriate and sufficient and provide the degree of clarity sought. The Council notes that Historic Environment Scotland supports the policies of the plan, as the basis for planning decisions that affect the cultural heritage within East Lothian. The Council submits that Circular 6/2013: Development Planning expects LDPs to be as concise as possible. In that context, where material is considered too detailed for inclusion within the plan itself, minor policies or proposals should be included within guidance that accompanies the plan. This could take the form of statutory supplementary guidance or

non-statutory supplementary planning guidance. In respect of the latter, the Council notes that the Chief Planner, in his letter of 15<sup>th</sup> January 2015, expects the amount of statutory guidance produced to be kept to a minimum. The Council therefore submits that the detailed policies or proposals in respect of Cultural Heritage matters are best set out in supplementary planning guidance, as set out at paragraph 6.44 of the LDP. This will expand on the policies of the plan, and will be prepared, consulted on and adopted as soon as possible following adoption of the LDP. The Council submits that guidance produced by Historic Environment Scotland would in any case, be a material consideration in the determination of appropriate planning applications and notes that this is appropriately referenced in para 6.39 of the LDP. The Council does not accept the suggestion that the LDP weakens policy because the proposed supplementary guidance will provide the necessary detail similar to that contained in the current East Lothian Local Plan 2008. **The Council submits that no modification is necessary.**

Mr W A Dodd (0323/1)

The Council submits that advice or policy published by Historic Environment Scotland is already a material consideration in the planning process. It is for the decision maker to determine how much weight to be given to such considerations. The Council notes that an appropriate reference to national historic environment guidance is made in para 6.39 of the LDP. **The Council submits that no modification is necessary.**

Mr W A Dodd (0323/2)

The Council submits that Supplementary Planning Guidance (i.e. non-statutory guidance) is the appropriate approach to follow. This allows for a faster review of issues as they emerge and aligns with the Chief Planner's Letter that the amount of statutory Supplementary Guidance prepared by Planning Authorities should be minimised. It is the duty of Historic Environment Scotland to designate record, survey and monitor listed buildings and to remove or add such buildings to the list. The objection would suggest a considerable amount of additional survey and analysis work for the Council, when this is already the responsibility of Historic Environment Scotland. Such duplication is not an efficient use of resources. The Council will however have regard to advice from Historic Environment Scotland in the preparation of the Guidance, which will also be published for consultation prior to adoption by the Council. **The Council submits that no modification is necessary.**

Mr W A Dodd (0323/3)

The policies of the Local Development Plan apply to all listed buildings, including category C listed buildings therefore there is no need for a separate policy. In any decision taken on a category C listed building regard will be had to the advice contained within Historic Environment Scotland guidance notes that apply to all listed buildings regardless of category.

In respect of there being a Local List of listed buildings produced for the area, this is neither a statutory duty nor priority for the Council. The Historic Environment Scotland lists are considered to be reasonably up to date for most burghs and parishes in East Lothian. Should there be any other building that any person thinks should be assessed as a candidate for listing this can be forwarded to Historic Environment Scotland for consideration. The Council submits that there is therefore no need for the Council to prepare a secondary local list. The Council will focus its efforts on conserving and

enhancing designated cultural heritage assets in accordance with statutory requirements, in consultation with Historic Environment Scotland as appropriate. However, the Council seeks to safeguard the character, appearance and setting of the built environment in its widest sense and will continue to do so. This will include publicising buildings at risk on the national register and working with others where possible to secure a future for them. **The Council submits that no modification is necessary.**

Mr W A Dodd (0323/6)

The Council submits that the town wall is a listed building and Policy CH1: Listed Buildings seeks to safeguard the setting of such structures, and that this is sufficient protection for the setting of the wall. It may be that this could be more appropriately addressed in the Conservation Area Appraisal and Management Plan. However, to seek to address it in the LDP for the specific reasons put forward would require a unique policy. Council submits that this would not be in the spirit of Circular 6/2013: Development Planning which expects LDPs to be as concise as possible. **The Council submits that no modification is necessary.**

Musselburgh Grammar School Parent Council (0317/6)

It is acknowledged that there is no specific mention of Musselburgh's unique culture and heritage in the LDP, but the LDP section, Our Natural and Cultural Heritage, provides policies that are designed to protect important natural and built heritage assets throughout East Lothian. Specific to Musselburgh the Musselburgh Conservation Area Character Statement that is included within the current East Lothian Local Plan 2008 will be included in the new Supplementary Planning Guidance for Cultural Heritage to be prepared, consulted on and adopted as soon as possible after the adoption of the LDP. This will in time be replaced by a Conservation Area Character Appraisal for Musselburgh. The Council also has an approved town centre strategy for Musselburgh which includes actions to prepare the conservation area character appraisal. **The Council submits that no modification is necessary.**

## **Support**

Historic Environment Scotland (0228/3)

Support noted.

Scottish Power Generation (0391/9)

Scottish Power Generation's support for Policy CH5 noted.

## **Note**

Historic Environment Scotland has additionally made a number of notes, advice and comments on a variety of sites across all cluster areas in the LDP, many but not all of which are for development briefs for particular sites. The Council submits that these are not representations to the LDP and has not therefore formally recorded these or responded to them. Where relevant, these will be taken into consideration at the time of finalising development briefs or at the time of a relevant planning application.

**Reporter's conclusions:**

<b>Reporter's recommendations:</b>

<b>Issue 30</b>	<b>Design Policies</b>	
<b>Development plan reference:</b>	Design – p.137-141	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Peter Burt Viking (0035)  Walker Group (0138)  Lothian Park (0256)  Lothian Park (0257)  Sirius Sport &amp; Leisure (0274)  Scottish Natural Heritage (0280)  Musselburgh Area Partnership (0291)  North Berwick Community Council (0326)  Haddington and District Amenity Society (0327)  Persimmon Homes (0334)  Homes for Scotland (0353)  APT Planning &amp; Development Ltd (0393)  Persimmon Homes (0397)  East Lammermuir Community Council (0414)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy DP2: Design Policy DP3: Housing Density Policy DP4 Major Development Sites Policy DP7: Infill, Backland and Garden Ground Development Policy DP9: Development Briefs	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DP2: Design</b></p> <p><u>Scottish Natural Heritage (0280/25)</u></p> <p>SNH state that Policy DP2 should more explicitly align with the SPP transport mode hierarchy and the policy principles of Designing Streets.</p> <p><u>Musselburgh Area Partnership (0291/11)</u></p> <p>Design of new development is non-descript 'Lego' style houses with little character or identity with the local area contrary to para. 1.16 of the LDP.</p> <p><b>Policy DP3: Housing Density</b></p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/22); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438/21)</u></p>		

The principle behind the housing density policies and the need to increase density to efficiently increase land is noted. There is concern however as to this being prescriptive in DP3 such that all new developments should achieve a density of 30 units per hectare. The supporting text indicates that density should arise out of the design process, however topographical and physical features on land may prevent higher densities being achieved. It is noted that in certain circumstances the policy allows design to dictate that densities may be lower and justified through masterplans and design statements.

Walker Group (0138/14)

It is disputed that low density equals less than 30 dwellings per hectare. We consider low density to be less than 20 dph and that development which is equal or higher than 30 dph is high density. Para. 7.13 - An average density of circa 30 dph is not appropriate to the character of the towns and settlements of East Lothian. It is inappropriate to require the use of flatted development in urban edge locations to meet an aspirational density standard of 30 dph without regard to the surrounding area. Development layouts should be a product of a design and the market rather than minimum standards.

Homes for Scotland (0353/15)

Policy DP3 should be reworded to be more flexible in density to allow increase and decrease from the 30 dwellings per hectare average on a site by site basis. Homes for Scotland considers that amending the wording of the policy to allow for an increase and decrease of the average 30 dph figure would be more flexible and ensure that delivery of new homes across East Lothian will be encouraged and supported rather than hindered in any way, recognising the diversity in the range of sites allocated within the Plan, and focussing on placemaking aspects of delivery, including meeting market demands, rather than simply densities achieved.

APT Planning & Development Ltd (0393/10)

Each site must be developed as an appropriate response to the sites' constraints, opportunities and specific characteristics. The physical, locational and market characteristics will best determine the density and mix of the proposed homes. In the interest of meeting housing delivery targets and in ensuring the efficient development of land, it is entirely appropriate to identify a target density but it must always be more important to ensure an appropriate development for each site as opposed to imposing a blanket density figure. The proposed amendments to the policy therefore allow greater flexibility subject to appropriate justification. East Lothian must seek to provide a genuine mix of new homes, not necessarily on one site, but across the County and cumulatively across all development sites, acknowledging that certain sites lend themselves better to higher or lower densities. Developers will know the market better than anyone else and will only build homes that they believe they can sell as quickly as possible. If East Lothian Council wishes to meet its targets for housing delivery to 2019 and beyond to 2024 it must encourage the development of sites, taking full account of placemaking principles and market demands, rather than impose standard density standards unilaterally across the County.

**Policy DP4 Major Development Sites**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/22 )

It is noted that this policy requires the submission of a masterplan of the entire site. In many cases this is appropriate, however, in cases where multiple developers may be on site, and multiple phases are involved, a masterplan may not be wholly suitable.

On other sites with multiple phases and multiple developers involved there has been success in utilising masterplan guidance to inform the design of the site in phases and allow flexibility for future developers to design the site as they see fit, within the parameters of design guidance. Policy DP4 should allow for this approach.

### **Policy DP7: Infill, Backland and Garden Ground Development**

#### East Lammermuir Community Council (0414/5)

Are there any other places within Spott and Oldhamstocks where housing could be sympathetically built e.g. as infill? We think there might be.

### **Policy DP9: Development Briefs**

#### Lothian Park (0256/4); Lothian Park (0257/4)

The Council's site Development Briefs are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the planning process, a degree of flexibility is necessary.

Accordingly, compliance with a site Development Brief should incorporate some flexibility.

The Council's Development Briefs do not currently have regard to implications of other adjacent sites.

There will be occasions where developers will proceed in advance of each other on sites which share a common road frontage. It is imperative that on these occasions, developers have regard for the Development Briefs of adjacent sites to avoid unintentionally frustrating development. For example, an allocated site could have a limited frontage for access due to topography or sightlines. If a new junction is located on the opposite side of the road, the access into the other allocated site may be prevented.

The proposed modification would ensure that mutual arrangements are taken into account by the Development Briefs on adjacent sites.

#### Scottish Natural Heritage (0280/26)

SNH welcomes this policy and the development principles established both in the policy and set out in the related draft supplementary guidance. Nevertheless, some sites have natural heritage impacts that we consider will be difficult to mitigate. SNH have highlighted which are of greatest concern within the representation.

#### Sirius Sport & Leisure (0274/5)

The Council's site Development Briefs are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the planning process, a degree of flexibility is necessary.

Accordingly, compliance with a site Development Brief should incorporate some flexibility.

The Council's Development Briefs do not currently have regard to implications of other adjacent sites.

There will be occasions where developers will proceed in advance of each other on sites which share a common road frontage. It is imperative that in these occasions, developers have regard to the Development Briefs of adjacent sites to avoid unintentionally frustrating development. For example, an allocated site could have a limited frontage for access due to topography or sightlines. If a new junction is located on the opposite side of the road, the access into the other allocated site may be prevented.

The proposed modification would ensure that mutual arrangements are taken into account by the Development Briefs on adjacent sites.

#### Homes for Scotland (0353/16)

Homes for Scotland is concerned that the Development Briefs published for consultation along with the Proposed Plan have not been produced with any input from the homebuilding industry who will be delivering housing sites within the Development Briefs. These Development Briefs have been written by East Lothian Council together with SNH, and some Members have indicated that specific aspects of some Development Briefs contradict ongoing discussions with East Lothian Development Management officers. We consider that these Development Briefs should hold very little weight and we have made separate representations on the Development Briefs to suggest that wording is added to explicitly state that these Development Briefs are works in progress to be used as a guide and that they will have very little weight in the decision making process. We are concerned that if these Development Briefs are adopted by the Council alongside the Local Development Plan, and Policy DP9 remains worded in its current form, homebuilders will be required to "conform" to the content of Development Briefs for which they have had no input. This could have an impact on delivery of sites within the Development Briefs. We consider that if Development Briefs were to be prepared in collaboration with developers, they will be far more deliverable and more likely to be adhered to if they are prepared in partnership, rather than a Development Brief imposed on the developer. The process of a planning permission in principle application could be speeded up as a lot of key issues for the site could be covered in the preparation of the Development Brief. In some other authorities, a collaborative Development Brief has been used effectively as a Planning Permission in Principle, speeding up planning permission by giving developers confidence to go straight to submitting a detailed planning application. We are happy to provide examples of where this has been successful in other planning authorities with some of our Members.

#### Persimmon Homes (0334/2)

Supports Homes for Scotland representation (Submission 0353) in respect of Policy DP9: Development Briefs. Development should not have to conform to a Development Brief if they are to be adopted with the LDP.

#### Persimmon Homes (0397/4)

It remains unclear as to whether the Draft Development Brief Supplementary Planning Guidance published for consultation alongside the proposed plan will be adopted



alongside the Plan. Suggest the wording of Policy DP9 on page 141 should be amended to remove the absolute obligation for the requirement to conform to the Development Brief.

APT Planning & Development Ltd (0393/11)

Seeks deletion of Policy DP9. The preparation of the development briefs has been completed (admittedly in draft form) without any engagement with landowners, developers (where known) or Council colleagues in relevant departments (development management, transportation etc). The briefs do not take account of key physical, technical or economic characteristics, opportunities or constraints. In many instances, the briefs require access or works to take place on third party land, making them impossible to comply with in their present form. There is planning activity on a significant number of sites that are identified for allocation for residential development and this is critical to ensure the early delivery of new homes.

Pre-application discussions have taken place with Council officials and key consultees and in many circumstances, planning applications have been lodged with East Lothian Council. As the development briefs have been drafted without any reference to the ongoing planning processes, they are, in their current form, not fit-for-purpose and will create a level of conflict in the decision making process as well as (even in draft form) creating a level of expectation within communities who may already have been consulted on specific development proposals and now see a development brief that does not reflect the planning applications already lodged.

It is unreasonable to use previously unseen development briefs to challenge applications that have been submitted with all relevant supporting information and have been consulted on extensively with Council officials. We acknowledge that these conflicts occur to varying degrees at each site but as things stand we believe that policy DP9 should be deleted from the LDP. If it is to be retained, its language should be toned down and the status of the development briefs reduced. As presently worded, Policy DP9 states proposals must conform to the brief. As stated above, in many cases, the requirements of the briefs cannot be delivered. The briefs should only be seen as a guide at most and carry little, if any, weight as a material consideration. The future preparation and 'adoption' of development briefs should be undertaken by adopting a separate stakeholder consultation process to ensure appropriate and deliverable proposals are promoted through the briefs and sitting alongside established planning policies. To respond proactively to this situation, we have provided alternative development briefs for the sites CALA is involved in, building on the key aspects of the drafts but reflecting the significant amount of work undertaken in the preparation and submission of applications for planning permission on these sites.

**Design Miscellaneous**

North Berwick Community Council (0326/6)

Greater effort should be made to properly implement the design policies of the plan.

Haddington and District Amenity Society (0327/14)

Design policies DP1 and DP2 are supported, but they are often not heeded in considering applications

Peter Burt Viking (0035/3)

We can insist on new houses being in keeping with the local community. Constraints on the appearance and colours on builders of individual houses do not seem to be applied to big developers.

### **Design Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/20); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/19)

The representee supports Policy DP1 which requires all new development to be well integrated into its surrounds and include landscaping and open spaces.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/21); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/20)

The representee supports Policy DP2 and notes Advice Box 11 which outlines the situations in which design and access statements are required to support planning applications.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/24); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/23)

Support Policy DP8

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/24)

Support Policy DP9

### **Modifications sought by those submitting representations:**

#### **Policy DP2: Design**

Scottish Natural Heritage (0280/25)

SNH recommend Policy DP2, bullet point 4 is altered to read:

“Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks both on- and off-site, including green networks, in the wider area ensuring access for all the community, favouring, active travel and public transport then cars as forms of movement.”

Musselburgh Area Partnership (0291/11)

No Modification sought

#### **Policy DP3: Housing Density**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/22); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/21)

No Modification sought

Walker Group (0138/4)

Revise the first sentence of policy DP3 to read: All new housing sites will be expected to achieve a minimum average density of 25 dwellings per hectare using a full range of housing types and sizes.

Homes for Scotland (0353/15)

Policy DP3 should be reworded to be more flexible in density to allow increase and decrease from the 30 dwellings per hectare average on a site by site basis. We suggest deletion of the final sentence of this Policy, replacing it with more flexible wording to ensure that the density proposed reflects the existing locality.

APT Planning & Development Ltd (0393/10)

Policy DP3: Housing Density should be replaced with the following:

*All new housing sites will be expected to respond to the particular circumstances of its location, in particular the accessibility of the site to public transport and other related services, and the need to encourage and support the provision of local facilities necessary to high quality urban living. It is the Council's aim to achieve a target density of 30 dwellings per hectare (net) using a full range of housing types and sizes. However, the Council recognises that design solutions for new housing sites need to account of placemaking principles and the need to meet market demands.*

*Therefore, density may be increased or reduced when appropriate. In particular, and in response to the specific site characteristics, and in attempting to ensure that a development compliments the townscape and landscape setting of the local area, lower densities may be more acceptable; this must be justified by developers to the satisfaction of the Council through masterplans and design statements.*

**Policy DP4 Major Development Sites**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/22)

Policy DP4 should read 'masterplans or masterplan guidance must be submitted prior to....'

**Policy DP7: Infill, Backland and Garden Ground Development**

East Lammermuir Community Council (0414/5)

No Modification sought

**Policy DP9: Development Briefs**

Lothian Park (0256/4);Lothian Park (0257/4)

The representation recommends that policy DP9 is modified to read as follows:

Proposals for the development of sites that are subject to a Development Framework or Development Brief that has been adopted by the Council should generally conform to the relevant Development Framework or Development Brief. Where a site is adjacent to another allocated site, regard should be given to mutual connectivity and permeability between adjacent sites, and complementary landscaping and boundary treatments as appropriate.

Scottish Natural Heritage (0280/26)

Supports the policy, but for clarity, it should be made more clear that the Development Briefs within the Draft Development Briefs Supplementary Planning Guidance Parts 1 and 2, will form adopted Development Briefs when finalised.

Sirius Sport & Leisure (0274/5)

The representation recommends that policy DP9 is modified to read as follows:

Proposals for the development of sites that are subject to a development framework or Development Brief that has been adopted by the Council should generally conform to the relevant framework or Development Brief. Where a site is adjacent to another allocated site, regard should be given to mutual connectivity and permeability between adjacent sites, and complementary landscaping and boundary treatments as appropriate.

Homes for Scotland (0353/16)

If the Development Briefs published for consultation alongside the Local Development Plan are to be adopted with the Plan, we suggest that the wording of Policy DP9 is amended to remove the obligation on the developer to “conform” to the Development Brief.

Persimmon Homes (0334/2)

Wording of Policy DP9 and Policy MH17 should be amended to remove the obligation on a developer to 'conform' to the Development Brief.

Persimmon Homes (0397/4)

Amend wording of DP9 to allow a degree of flexibility.

APT Planning & Development Ltd (0393/11)

Delete Policy DP9. If it is to be retained, its language should be toned down and the status of the development briefs reduced.

**Design Miscellaneous**

North Berwick Community Council (0326/6)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Haddington and District Amenity Society (0327/14); Peter Burt Viking (0035/3)

No Modification sought

### **Design Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/20) (0426/21) (0426/24) (0426/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/19) (0438/20) (0438/23) (0438/24)

No Modification sought

### **Summary of responses (including reasons) by planning authority:**

Scottish Natural Heritage (0280/25)

SNH seeks the removal of the words '*where appropriate*' from policy DP2 when the policy seeks that development designs are to prioritise active travel public transport then cars as forms of movement. The Council submits that these words are important to ensure that the policy is drafted in a way that reflects the realities of how it should be interpreted and applied – i.e. there may be situations when it would be inappropriate for a development to prioritise active travel where, for example, the proposal is for storage and distribution uses and heavy vehicle access must be a key feature of the design and layout of the proposal, whilst making provision for other modes of travel. Similarly, parts of a development site may need to prioritise access for cars, such as at the main access points, whilst making provision for other modes of travel. The Council submits that the policies of the plan need to be read together and Policy DP4 (in respect of major development sites) and DP8: Design Standards for New Housing Areas (in respect of all housing proposals) applied along with the relevant supplementary planning guidance document adequately addresses the concerns raised by SNH. **The Council submits that no modification of the LDP is necessary.**

Musselburgh Area Partnership (0291/11)

The Area Partnership's comments on the quality of new build housing design are noted. Design matters are considered for most of the LDP sites in the supplementary planning guidance, Draft Development Briefs and also in the Design section of the LDP (para. 7.1 onwards). Developers are required to consider the impact their development will have on the existing landscape and townscape of the area, to maximise the potential to make connections with its surroundings, and to reflect local vernacular styles. Policies DP1: Landscape Character and DP2: Design are both applicable. Detailed design issues are more appropriately dealt with at project level through the planning application process. Nonetheless, the Council submits that the policies of the plan are sufficiently robust to ensure appropriate design outcomes. **The Council submits that no modification of the LDP is necessary.**

### **Policy DP3: Housing Density**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/22); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/21)

In considering this response, reference should also be made to **Core Documents** – LDP,

2008 Written Statement (Design) and settlement density maps.

SPP 2014 is clear that the planning system has a vital role to play in delivering high quality places for Scotland. SPP2014 has two Principal Policies – one on “Sustainability” and one on “Placemaking”. These principals aim to create high quality places by requiring a design led approach to new development to ensure it exhibits the six qualities of successful places:

- |                        |                       |
|------------------------|-----------------------|
| 1. Distinctive         | 4. Welcoming          |
| 2. Safe and pleasant   | 5. Adaptable          |
| 3. Easy to move around | 6. Resource Efficient |

As housing is the largest single urban land use then the density at which new housing is built has a significant impact on the resource efficiency of new housing development. Scottish Planning Policy 2014 together with Scottish Governments policy statements on Creating Places and Designing Streets and PAN 67: Housing Quality, collectively recognise the importance of increasing housing density whilst providing a full range and choice of house types and sizes, and the importance of good design, as well as highlighting the role of the planning system in delivering the Principal Policies of SPP 2014.

The Council does not believe that a policy specifying the range of house types that must be delivered by a developer is the most appropriate way of achieving the national policy objective of creating mixed communities at higher density. This would place an unreasonable burden on developers, forcing them to provide a specific range of house types and sizes dictated to them by the Planning Authority, with very limited flexibility and ability to make commercial decisions on the products to be sold. The appropriate policy stance on this is to set a minimum density requirement, which ensures that a full range and choice of house types and sizes will be provided and that the amount of greenfield land required for development is reduced. This will allow developers a greater degree of commercial flexibility to tailor the full range of houses to be delivered to the marketplace.

Policy DP3 of the LDP has been carried over from the East Lothian Local Plan 2008, having been tested at Public Local Inquiry in the preparation of that plan. The policy continues to have merit, for the reasons given at paragraphs 7.12 – 7.14, and if necessary the Council will refer to previous statements of case and the report of the public local inquiry. The Council submits that the policy does provide flexibility as it requires a ‘minimum average’ density to be achieved, and that an assessment of how best a site can absorb such development must be undertaken. This will include specific site constraints such as topographical and physical matters which can influence development design and layout. Policy DP3 therefore allows for densities to vary within a site by providing a full range and choice of house types and sizes to cater for all sectors of the market. Where appropriate, this density level can be increased, as explained by the policy. It is possible to justify lower density development, provided the justification for this is not an aspiration to build a limited range of house types in order to cater for a particular market sector.

POL DP3 states that 30 dph is the average density to be achieved. It is possible to achieve this density through building forms which are common to East Lothian. This is however a product of the design process which will be addressed at project level through the Development Management process. **The Council submits that no modification of the LDP is necessary.**

In considering this response, reference should also be made to **Core Documents** - LDP 2008 Written Statement (Design) and settlement density maps.

SPP 2014 is clear that the planning system has a vital role to play in delivering high quality places for Scotland. SPP2014 has two Principal Policies – one on “Sustainability” and one on “Placemaking”. These principals aim to create high quality places by requiring a design led approach to new development to ensure it exhibits the six qualities of successful places:

- |                        |                       |
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As housing is the largest single urban land use then the density at which new housing is built has a significant impact on the resource efficiency of new housing development. Scottish Planning Policy 2014 together with Scottish Governments policy statements on Creating Places and Designing Streets and PAN 67: Housing Quality, collectively recognise the importance of increasing housing density whilst providing a full range and choice of house types and sizes, and the importance of good design, as well as highlighting the role of the planning system in delivering the Principal Policies of SPP 2014.

The Council does not believe that a policy specifying the range of house types that must be delivered by a developer is the most appropriate way of achieving the national policy objective of creating mixed communities at higher density. This would place an unreasonable burden on developers, forcing them to provide a specific range of house types and sizes dictated to them by the Planning Authority, with very limited flexibility and ability to make commercial decisions on the products to be sold. The appropriate policy stance on this is to set a minimum density requirement, which ensures that a full range and choice of house types and sizes will be provided and that the amount of greenfield land required for development is reduced. This will allow developers a greater degree of commercial flexibility to tailor the full range of houses to be delivered to the marketplace.

Policy DP3 has been carried over from the East Lothian Local Plan 2008, having been tested at Public Local Inquiry in the preparation of that plan. The policy continues to have merit, for the reasons given at paragraph 7.12 – 7.14, and if necessary the Council will refer to previous statements of case and the report of the public local inquiry. The Council submits that the policy does provide flexibility as it requires a ‘minimum average’ density to be achieved. This allows for densities to vary within a site, by providing a full range and choice of house types and sizes to cater for all sectors of the market. Where appropriate, this density level can be increased, as explained by the policy. It is possible to justify lower density development, provided the justification for this is not an aspiration to build a limited range of house types in order to cater for a particular market sector.

POL DP3 states that 30 dph is the average density to be achieved for the reasons stated above. However, Policy DP3 must also be read in conjunction with other Design Policies such as DP1 and DP2 which requires development to (amongst other requirements) to be well integrated into its surroundings. The detailed design of development is however a matter which would be addressed at project level through the submission of a planning

application. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DP4 Major Development Sites**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/22 )

As part of any planning application for any allocated site, comprehensive masterplan solutions for the entire allocated site must be submitted and must conform to the relevant Development Brief. Proposed masterplans must demonstrate how the relevant objectives for the allocated site will be secured, how development will be delivered on an appropriate phased basis and set out the design requirements to ensure the development will properly integrate with its surroundings and the character of the local area. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DP7: Infill, Backland and Garden Ground Development**

East Lammermuir Community Council (0414/5)

Throughout East Lothian there are a number of urban areas characterised by housing set in substantial areas of garden ground, with mature planting. These often fall within Conservation Areas. There is significant pressure to develop new houses in garden ground and in certain situations this may be detrimental to the character of these areas. Development such as infill is therefore limited in terms of potential sites. However, all housing development including infill must satisfy the criteria set out in Policy DP7. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DP9: Development Briefs**

Lothian Park (0256/4) & Lothian Park (0257/4)

The Council submits that the draft Development Briefs were consulted on so applicants, landowners and developers amongst others could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the Development Briefs, when finalised, are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council also notes that other representations including from key agencies request that the Development Brief be given statutory weight. However, the Council submits that the Development Briefs should not be statutory documents. The Scottish Government is clear that the amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the Development Briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the Development Briefs, including the key agencies. The Council also submits that the finalised Development Briefs are to be drafted using words such as 'may' or 'should' rather than 'will' or 'must' where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy provides the scope for parts of the Development Briefs to be drafted more affirmatively to give them more clarity around non-negotiable aspects, and modifying the policy wording would remove this clarity for the Council and applicants. The finalised adopted Development Briefs will reflect the above



points. **The Council submits that no modification of the LDP is necessary.**

Scottish Natural Heritage (0280/26)

The Council submits that the draft Development Briefs were consulted on so applicants, landowners and developers amongst others could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the Development Briefs, when finalised, are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council also notes that other representations, including from key agencies request that the Development Brief be given statutory weight. However, the Council submits that the Development Briefs should not be statutory documents. The Scottish Government is clear that the amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the Development Briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the Development Briefs, including the key agencies. The Council also submits that the finalised Development Briefs are to be drafted using words such as ‘may’ or ‘should’ rather than ‘will’ or ‘must’ where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy provides the scope for parts of the Development Briefs to be drafted more affirmatively to give them more clarity around non- negotiable aspects, and modifying the policy wording would remove this clarity for the Council and applicants. The finalised adopted Development Briefs will reflect the above points. **The Council submits that nomodification of the LDP is necessary.**

Sirius Sport & Leisure (0274/5)

The Council submits that the draft Development Briefs were consulted on so applicants, landowners and developers amongst others could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the Development Briefs, when finalised, are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council also notes that other representations, including from key agencies request that the Development Brief be given statutory weight. However, the Council submits that the Development Briefs should not be statutory documents. The Scottish Government is clear that the amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the Development Briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the briefs, including the key agencies. The Council also submits that the finalised Development Briefs are to be drafted using words such as ‘may’ or ‘should’ rather than ‘will’ or ‘must’ where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy provides the scope for parts of the Development Briefs to be drafted more affirmatively to give them more clarity around non-negotiable aspects, and modifying the policy wording would remove this clarity for the Council and applicants. The finalised adopted Development Briefs will reflect the above points. **The Council submits that no modification of the LDP is necessary.**

#### Homes for Scotland (0353/16)

The Council submits that the draft Development Briefs were consulted on so applicants, landowners and developers amongst others could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. At this stage the Development Briefs have very limited weight in decision making. The Council intends to finalise and adopt the Development Briefs, when finalised, as supplementary planning guidance, having considered consultation responses on them, following adoption of the LDP. This will allow and findings from the examination of the LDP to be incorporated within the Development Briefs as appropriate. The Council submits that the language used in the Development Briefs includes words such as ‘should’ and ‘may’ or ‘will’ and ‘must’ where appropriate that there is some flexibility in their interpretation and application. The Council submits that this is a preferable approach to ensure they are applied appropriately rather than to modify the relevant policies within the LDP itself so as to limit the weight that can be given to such material considerations overall. This is particularly true in light of other representations that would rather the Development Briefs be adopted as statutory guidance rather than non-statutory guidance as proposed by the Council. **The Council submits that no modification of the LDP is necessary.**

#### Persimmon Homes (0334/2)

The Development Briefs have been published in draft form so the development industry and other stakeholders can comment on them and contribute to their development. At this stage the Development Briefs have very limited weight in decision making. The Council intends to finalise and adopt the Development Briefs as supplementary planning guidance, having considered consultation responses on them, following adoption of the LDP. This will allow and findings from the examination of the LDP to be incorporated within the Development Briefs as appropriate. The Council submits that the principle of compliance with the briefs should continue to be stated in a proposal. **The Council submits that no modification of the LDP is necessary.**

#### Persimmon Homes (0397/4)

The development briefs that were published for consultation are in draft form only. All consultation responses will be assessed and reported to Council for a decision to be taken on whether or not to adopt them alongside the LDP. **The Council submits that no modification of the LDP is necessary.**

#### APT Planning & Development Ltd (0393/11)

The Development Briefs have been published in draft form so the development industry and other stakeholders can comment on them and contribute to their development. At this stage the Development Briefs have very limited weight in decision making. The Council intends to finalise and adopt the Development Briefs as supplementary planning guidance, having considered consultation responses on them, following adoption of the LDP. This will allow and findings from the examination of the LDP to be incorporated within the Development Briefs as appropriate. The Council submits that the principle of compliance with the Development Briefs should continue to be stated in a proposal. **The Council submits that no modification of the LDP is necessary.**

#### **Design Miscellaneous**

North Berwick Community Council (0326/6)

The community councils support for the LDP design policies, and the request to apply them more rigorously in planning decisions, is noted. **The Council submits that no modification of the LDP is necessary.**

Haddington and District Amenity Society (0327/14)

The LDP contains design policies to guide new development. This requires among other things that all new development should be well integrated into its surroundings by responding to and respecting landform (DP1). It must also be appropriate to its location in terms of positioning, size, form, massing, proportion and scale, and use a limited colour palette (DP2). Development Briefs have been prepared for allocated sites in the LDP which give some guidance on design. The intention of these policies and measures is to ensure good quality of design in East Lothian and apply to all new development. At project level these policies will be used to assess individual planning applications. **The Council submits that no modification of the LDP is necessary.**

Peter Burt Viking (0035/3)

The LDP contains design policies to guide new development. This requires among other things that all new development should be well integrated into its surroundings by responding to and respecting landform (DP1). It must also be appropriate to its location in terms of positioning, size, form, massing, proportion and scale, and use a limited colour palette (DP2). Development Briefs have been prepared for allocated sites in the LDP which give some guidance on design. The intention of these policies and measures is to ensure good quality of design in East Lothian and apply to all new development. At project level these policies will be used to assess individual planning applications. **The Council submits that no modification of the LDP is necessary.**

**Design Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/20) (0426/21) (0426/24) (0426/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/19) (0438/20) (0438/23) (0438/24)

Support Noted

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 31</b>	<b>Delivery</b>	
<b>Development plan reference:</b>	Delivery (pgs 142-144)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Walker Group (0138) Messrs R and A Kennedy (0188) Stewart Milne Homes (0261) Wallace Land Investments (0285) BS&S Group (0286) East Lothian Liberal Democrat Party (0300) Stewart Milne Homes (0311) North Berwick Community Council (0326) Persimmon Homes (0334) Hargreaves Services Ltd (0349) Homes for Scotland (0353) Musselburgh Conservation Society (0368) The Scottish Government (0389) Gladman Planning (0392) Hallhill Developments (0395) East Lammermuir Community Council (0414) Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426)		
<b>Provision of the development plan to which the issue relates:</b>	Policy DEL1: Infrastructure and Facilities Provision, also with read-across references to: <ul style="list-style-type: none"> <li>• Proposals ED1 - ED7</li> <li>• Proposal HSC2: Health Care Facilities Provision</li> <li>• Proposals T9: Safeguarding of Land for Larger Station Car Parks</li> <li>• Proposal T10: Safeguarding Land for Platform Lengthening</li> <li>• LDP page 142 paras 8.1- 8.13</li> <li>• Developer Contribution Zones</li> </ul>	
<b>Planning authority's summary of the representation(s):</b>		
<b>Policy DEL1: Infrastructure and Facilities Provision</b>  <u>Walker Group (0138/5)</u>  Whilst it is accepted that the additional trips to and from new development will increase demand for capacity on public transport - i.e. the rail network and on bus services. It follows that additional demand on public transport will generate additional revenue for the privately run rail and bus operators. With regard the rail network it is perverse for the Council to seek developer contributions towards a range of "as yet unspecified" interventions which are clearly the responsibility of the rail operator. It is clearly the		

responsibility of Network Rail as the owner, operator and infrastructure manager of Britain's main railway network to maintain, renew and develop the rail network. Requiring developer contributions from residential development does not meet the test in Circular 3/2012: Planning obligations. With regards the bus network whilst the Council subsidises bus services in a deregulated transport system it is limited in what it can do to further assist service provision and also at para 4.15 where it states: Bus services are provided on a commercial basis by bus operators. The requirement to seek contributions towards improving the bus fleet of private commercial operators would not meet the test of Circular 3/2012. Planning obligations would be ultra-vires.

Messrs R and A Kennedy (0188/3)

Policy DEL1 "Infrastructure and Facilities Provision" should be altered to remove the obligation for specialist or special needs housing development, including specifically designed to meet the needs of the over 55 age group, to provide for 25% affordable housing.

Stewart Milne Homes (0261/3)

It is requested that this representation should be read in conjunction with the representation made on behalf of Stewart Milne Homes in support of the housing allocation at Pencraig Hill, East Linton (PROP DR8). The representor accepts the need for new development to be bought forward in association with supporting infrastructure and facilities. Although LDP policy states that the provision of infrastructure should be in accordance with Circular 2/2012, the representor questions whether all of the proposals related to Policy DEL1 meet the policy tests set out for Planning Obligations made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended). The representor questions calculations relating to Education Contributions for Dunbar Cluster and a lack of information within Technical Note 14 to fully understand the justification for the required contribution. Without further explanation Policy DEL 1 cannot be supported. The representor disagrees that the need for a Segregated Active Travel Corridor arises directly as a result of new development therefore is contrary to the tests in Circular 2/2012. The representor states that it is unacceptable and unreasonable to expect developers to fund improvements to the rail network as these facilities should be provided directly by network rail.

Wallace Land Investments (0285/5)

Representation on Developer Contributions Policy (DEL1). The Council has provided a comprehensive approach to defining the developer contributions being sought. Objection lists those items to which the Developer Contribution Framework relates and notes that the Council has undertaken a review of these against Circular 3/2012. However, the objection suggests that the Developer Contributions Framework seeks financial contributions to a number of matters which are not directly related to the impacts of the development strategy or individual sites. Contributions towards NHS facilities and the rail network are within this category, and in the objector's view this should be funded by the Scottish Government. Objector has undertaken a review of Technical Note 14, and this has highlighted a number of concerns over the transparency of the modelling assumptions used to derive the scale of impacts and subsequent cost to mitigate, including but not limited to education and transportation. Objector highlights the recent Court of Appeal judgement in the case of *Elsick Development Co Ltd v Aberdeen City and Shire Strategic Development Planning Authority* to quash the Planning Authority's Supplementary

Guidance seeking contributions towards the mitigation of impacts on the transport network. The Objector suggests the deletion of a sentence from Policy DEL1 which reads 'within the contribution zone that applies to that intervention' would reduce the risk of ELC guidance being successfully challenged due to inconsistent methodology being used to derive contribution values. Add following sentence to penultimate paragraph of policy DEL1: "Interventions will be funded from the infrastructure investment fund and at all times committed development will only be required to fund its proportionate share." Add following sentence to final paragraph of policy DEL1: "In formulating the overall costs of the planning obligations, regard will be given to the impact on development viability to ensure delivery of an effective site."

BS&S Group (0286/5)

Representation on Developer Contributions Policy (DEL1). Further clarity is requested in respect of education and transportation developer contribution requirements.

East Lothian Liberal Democrat Party (0300/5)

Not enough emphasis is placed on impacts of development on existing local infrastructure, including transport links, access, education and medical facilities. These issues should be fully addressed by the plan.

Stewart Milne Homes (0311/4)

Further clarity is requested in respect of education and transportation developer contribution requirements.

North Berwick Community Council (0326/3)

Plan does not adequately consider impacts on infrastructure and long-term sustainability, namely on health care, transport and car parking and arts and cultural facilities. The area partnership is exploring ideas for these.

Persimmon Homes (0334/3)

Persimmon Homes accept the need for new development to be brought forward in association with supporting infrastructure and facilities but considers that some LDP requirements for developer contributions fail to meet the tests of Circular 3/2012 namely PROP T3: Segregated Active Travel Corridor, which is viewed as a Council aspiration to serve the East Lothian community and does not arise directly as a result of new development and PROP T9: Safeguarding Land for Larger Station Car Parks and PROP 10: Safeguarding Land for Platform Lengthening. These are viewed as facilities that should be provided by Network Rail not developers.

Hargreaves Services Ltd (0349/10)

Hargreaves supports the approach taken to developer contributions but it would be helpful to see which matrices are used to calculate contributions required by East Lothian Council.

Homes for Scotland (0353/5)

Para 3.94 of the Proposed Plan refers to the Developer Contributions Framework Supplementary Guidance as the source for costs for education interventions, however we feel this could be clearer and more transparent on a few points. It would be better if the education analysis within the Technical Note 14 background paper was introduced to the Supplementary Guidance as an Annex to provide an evidence base for the contributions requested, at the moment the Technical Note provides this rather than the Guidance itself. We understand that Scottish Futures Trust produces low, mean and upper estimates of construction / project costs. However, the Developer Contributions Framework guidance does not confirm which of these estimates has been adopted by East Lothian Council. We also seek clarification and justification for the Council not adopting the actual Scottish Futures Trust figure, but a higher one. We appreciate the Council is building in risk, but do not consider that the development industry should take the burden of this. We suggest the figure should not be higher than the estimate, and justification provided to be more transparent. The homebuilding industry is simply looking for as much clarity and transparency as possible in the process, to allow calculations of contributions to be made as early as possible and set out very clearly upfront. We acknowledge that the draft Supplementary Guidance on Developer Contributions goes some way to delivering this clarity. We consider that the LDP and/or Supplementary Guidance should acknowledge that where contribution levels exceed actual build costs (based on an open book approach), relevant contributions will be reimbursed. Homes for Scotland queries the education contributions that seem to be extracting wider benefits not necessarily linked to the scale of development. In some cases, a development will tip the school roll over capacity by a few pupils, but the development is expected to pay for new classrooms which are likely to result in surplus capacity. The Council or another developer could then benefit from the extra space. Greater clarification should be provided on the justification for this, giving necessary assurance that the contributions sought are, at all times, consistent with the scale of development. In addition, it seems that the Council is seeking additional General Purpose space, dining areas and sports halls when a development is the tipping point for capacity. This again is not necessarily linked in scale or kind (Circular 3/2012 tests) to the impact of development as the rest of the school and the future population will benefit from the expanded facilities. Analysis should be provided of what will happen to the extra space created by the loss of the old sports hall, and how this could be productively used.

#### Homes for Scotland (0353/6)

While we acknowledge that the majority of sites within the Proposed Plan do not have a requirement for developer contributions towards healthcare facilities, Homes for Scotland disagrees with the principle of charging the homebuilding industry for the provision of healthcare facilities. NHS as an organisation is funded through central government funding, and the burden should not be placed upon the development industry to cover any funding shortfall that may hinder the provision of primary healthcare facilities. Primary healthcare provision should not be for the council to provide for, and this certainly should not be for developer contributions to meet the cost of the necessary facilities. Most surgeries act as businesses, and developers should not be expected to supplement other businesses. It appears that a key issue with healthcare provision is the lack of practitioners rather than physical facilities. This is a national issue and not something that can or should be solved by the local authority or developers. We do not believe that these contributions conform to the tests set out within Circular 3/2012. The delivery of more homes is a national priority and the private homebuilding industry, which delivers the vast majority of new housing across Scotland, should be supported to increase delivery of homes, rather than having increasing burdens placed upon it. Provision of new homes has a positive effect on health

and wellbeing, and should be supported as such.

#### Homes for Scotland (0353/8)

Homes for Scotland fundamentally disagrees with the inclusion of contributions towards rail improvements including platform lengthening and increasing station car park sizes within the Developer Contributions Framework Draft Supplementary Guidance, and reiterated within Prop T10: Safeguarding Land for Platform Lengthening, and Prop T9: Safeguarding of Land for Larger Station Car Parks. Network Rail is funded by central government through Transport Scotland, and it is therefore not for the local authority to be burdened with improvements to Network Rail infrastructure either itself, or certainly not through seeking developer contributions towards improvement costs. Network Rail has an operator, who pays to operate the franchise as a commercial organisation, charging customers for use of the service. The increase in passengers over time as the population of East Lothian increases will, in turn, increase the revenue to the franchisee, and it is for Network Rail to seek any necessary remuneration from the operator to account for this and to increase the reinvestment back into the network to cover any necessary improvements. Seeking developer contributions towards the cost of upgrading Network Rail facilities places an unnecessary burden upon the development industry. Delivering more homes across Scotland is a national priority for the Scottish Government, and in order to achieve this, homebuilders must be supported to deliver homes, rather than having additional burdens added. An accumulation of the necessary education and transport contributions together with these new burdens may raise issues with viability for some home builders, and has the potential to slow the delivery of new homes that we are in acute need of.

#### The Scottish Government/Transport Scotland (0389/12)

The plan provides a good level of detail on the broad types and locations of contributions. The contribution zones set out details of education, transport and sports facilities contributions and paragraph 8.9 sets out the relevant policies to the developer contributions framework. However, It is not clear whether this covers all the items for which contributions will be sought. This should be clarified in accordance with paragraph 139 of circular 6/2013 which requires items for which financial of other contributions will be sought, to be in the plan itself rather than supplementary guidance.

#### Gladman Planning (0392/5)

Concerned that the Council is seeking developer contributions to offset existing deficiencies, for example on the transport network, and refers to para 1.33 of the plan.

#### Hallhill Developments (0395/9)

Although LDP Policy states that the provision of infrastructure and community facilities should be in accordance with Circular 2/2012, we question whether the various policies related to Policy DEL1 meet the Policy tests. Specifically, ED6, PROP T3, PROP T9 and PROP T10.

#### East Lammermuir Community Council (0414/12)

Why have contributions by developers to transport not been included as well as to education?



## **Delivery Miscellaneous**

### Musselburgh Conservation Society (0368/7)

The LDP should be more emphatic that development will not be permitted without all infrastructure to support it being in place. Doubtful about the ability to put in place all the necessary infrastructure improvements to support the amount of housing development proposed. If undeliverable for this reason SESPlan should review the SDP and a redistribution of allocations between authorities.

### Musselburgh Conservation Society (0368/8)

Developer Contribution Zones – the proposed Craighall Primary Education Contribution Zone should be extended east to the A720 and the Campie Primary Zone should omit the strip south of the railway. Current catchment areas for Whitecraig and Campie would be divisive.

## **Delivery Support**

### Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/26); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/25)

The representor supports Policy DEL1 which requires the developers to make appropriate provision for infrastructure and community facilities required as a consequence of their developments. It is noted that the supporting text states that developers are not required to provide more mitigation than necessary to address the impact of their development.

## **Modifications sought by those submitting representations:**

### **Policy DEL1: Infrastructure and Facilities Provision**

#### Walker Group (0138/5) - also covered in Issue 18a (0138/11)

Delete last sentence of Para: 4.19: "Provision for the interventions set out below must be made by developments that generate a need for them as set out in the Developer Contributions Framework SG in accord with Policy T32 and Policy DEL1. Delete PROP T9 Safeguarding of land for larger car parks. Delete PROP T10 Safeguarding of Land for Platform Lengthening. Amend Policy T32 Transport Infrastructure Delivery Fund should be amended to clarify that rail infrastructure is excluded from the requirement to seek developer contributions. Comments made RE: Dev. Contributions Framework. Delete all references to the Rail Network Improvement Contribution Zone in the LDP Developer Contributions Framework. Delete PROP T9 & T10 from Table DEL1: Developer Contributions Framework.

#### Messrs R and A Kennedy (0188/3)

Remove the obligation for specialist or special needs housing development to provide for 25% affordable housing.

#### Stewart Milne Homes (0261/3)

Delete requirements for contributions towards the Segregated Active Transport Corridor and Rail related infrastructure. Before policy DEL1 and related policies and proposals and supplementary guidance are finalised, justification is required on the basis for developer contributions to education as set out in this representation.

Wallace Land Investments (0285/5)

Delete from Policy DEL 1 'within the contribution zone that applies to that intervention.'  
Add following sentence to penultimate paragraph of policy DEL1: "Interventions will be funded from the infrastructure investment fund and at all times committed development will only be required to fund its proportionate share." Add following sentence to final paragraph of policy DEL1: "In formulating the overall costs of the planning obligations, regard will be given to the impact on development viability to ensure delivery of an effective site."

BS&S Group (0286/5)

No Modification sought

East Lothian Liberal Democrat Party (0300/5)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

Stewart Milne Homes (0311/4)

No Modification sought

North Berwick Community Council (0326/3)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Persimmon Homes (0334/3)

Delete requirements for contributions towards the Segregated Active Travel Corridor and rail linked infrastructure

Hargreaves Services Ltd (0349/10)

No Modification sought

Homes for Scotland (0353/5)

Homes for Scotland seek further clarity on education contributions.

Homes for Scotland (0353/6)

Homes for Scotland does not agree with the principle of seeking developer contributions for healthcare facilities, therefore we suggest the removal of the requirement for developer contributions towards new facilities at Blindwells.

Homes for Scotland (0353/8)

Remove reference to seeking developer contributions towards any rail improvement measures such as larger station car parks or platform lengthening within the text of the plan, within Prop T9 and T10, and within site specific proposals.

The Scottish Government (0389/12)

Provide details in policy DEL1 or the accompanying text of the broad items for which financial or other contributions will be sought.

Gladman Planning (0392/5)

Developer contributions should not be used to offset existing issues.

Hallhill Developments (0395/9)

Before Policy DEL1 and related policies and proposals and supplementary guidance are finalised, justification is required on the basis for developer contributions to education as set out in this representation (ED6).

East Lammermuir Community Council (0414/12)

No Modification sought

**Delivery Miscellaneous**

Musselburgh Conservation Society (0368/7)

There should be a more emphatic statement in this section that development will not be allowed to go ahead on individual sites without all the infrastructure required to support it being in place.

Musselburgh Conservation Society (0368/8)

The Proposed Craighall Primary Education Contribution Zone should be extended eastwards to the A720 and incorporate that part of the Campie Zone south of the railway line. The Whitecraig Primary Zone should omit land to the west of the A720 and the Campie Primary Zone should omit the strip south of the railway line.

**Delivery Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/26); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/25)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Delivery – Policy DEL1: Infrastructure and Facilities Provision**

Walker Group (0138/5) – also covered in Issue 18a (0138/11)

All relevant agencies have been consulted at all stages of the plan and are aware of proposal T10. The draft Action Programme also notes all interventions that will be required for successful delivery of each proposed development site. These will be required to be delivered if and when sites come forward and implemented by the appropriate agency / organisation. The East Lothian Transport Assessment and model identifies that the additional passenger trips to and from new developments in the area will increase demand for capacity on the rail network. This increased demand can be met by longer trains if longer platforms are provided. The appraisal identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. However, as the rail network functions as a single route the increase in demand is conveyed up or down stream and impacts on all stations so all development has an equal proportionate share of the cost on the need for increased platform lengths. Consequently, the interventions to lengthen station platforms needs to be delivered over the whole network as the increased train length stop at all stations. The Council considers the transport requirements in proposals T9 and T10 to be consistent with the SDP Policy 8 and Action 64 of the SDP Action Programme. These proposed interventions are justified by the transport appraisal prepared in line with Transport Scotland's guidance. Council have also set out all transport safeguards in East Lothian on the Proposals Map. Inset Map 24: Longniddry and Seton Mains sets out the safeguards for T9 and T10. Network Rail was renationalised in September 2014 and as a consequence operates as a public body. Accordingly, Network Rail receives funding from the United Kingdom and Scottish governments to maintain the existing asset base. Network Rail does not make a profit or operate as a private company. In this regard Network Rail should be considered in the same context as Transport Scotland or East Lothian Council as strategic or local roads authorities, and so there is a basis for seeking developer contributions.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### **Select Link Cordons**

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-

directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### **Calculating the LDP trip impact**

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### **Calculating the proportional impact of each development**

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{(Individual development hectares / total development hectares)* total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{(LDP select link trips –committed select link trips) / LDP select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

Messrs R and A Kennedy (0188/3)

The Council submits that Policy HOU3 ‘Affordable Housing Quota’ includes all housing that is defined under use class 9 whether it be amenity, elderly or sheltered housing, as defined by The Town and Country Planning (Use Classes) (Scotland) Order 1997. There is a need to provide specialist affordable housing for a variety of client groups, especially the over 55 age group. The Council recently accepted a commuted sum in lieu of onsite provision of retirement accommodation in North Berwick to help deliver such affordable housing elsewhere. The Council submits that its detailed response to this issue is addressed at Issue 14. **The Council submits that no modification of the plan is necessary.**

Stewart Milne Homes (0261/3)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. In respect of affordable housing provision, this is a plan wide policy requirement and is addressed by Policy HOU3 and HOU4 so no contribution zone is identified. The Council’s full response to these issues is dealt with at Issue 14. In respect of education the contribution zones are all identified within Appendix 1 of the LDP. The Council’s full response to these issues is dealt with at Issue 15. In respect of community services, these contribution zones are also identified at Appendix 1 of the LDP. The Council’s full response to these issues is dealt with at Issue 17. In respect of health and social care, the plan makes clear at HSC2 that the only contributions required will be from the Blindwells allocated site, and from any expansion are should it be confirmed as an allocation so the site boundaries would constitute the contribution zones. The Council’s full response to these issues is dealt with at Issue 16 and 17. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. The Council’s full response to these issues is dealt with at Issue 18. Green Network contributions are set out in the development briefs that accompany the LDP, and are no more than measures required to comply with open space and design policies etc of the LDP in so far as site layout and design is concerned. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development.

In terms of education issues for which a specific response is requested, the Council has assessed the accommodation required for additional education capacity in line with Scottish Government Guidance, ‘Determining School Capacity 2014’. Technical Note 14 has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc.

The Council will not seek contributions for any existing deficiencies in either capacity or standard of accommodation. The Council submits in respect of its costs, it has extended many of its schools within recent years and has set a rate of £3,000 per square metre based on a range of school build contracts which it has competitively procured. It should also be noted that the Council is absorbing an element of risk contained within this rate, such as asbestos, ground conditions, capacity of existing services. It is therefore a reasonable position to take at this stage. It should be further noted that The Scottish Futures Trust cost per square metre was established as a metric for new buildings, and not for extensions that by their nature are more complex and expensive. The Scottish Futures Trust metric for new Primary Schools was £2350 per square metre in Quarter 2 of 2012 which equates to £2963 in Quarter 2 of 2017 based on BCIS all in TPI (Tender Price Index). In respect of transportation issues, the Council provides the following additional response.

### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the “committed” scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\frac{\text{LDP development pseudo-hectares within catchment}}{\text{“Committed+Base” pseudo-hectares within catchment}} = \text{total LDP impact} +$$



To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\text{Development site pseudo-hectares} / \text{total LDP development pseudo-hectares} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

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These scenarios were selected to give the best representation of the effects of the

additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### **Calculating the LDP trip impact**

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

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However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$(Individual\ development\ hectares / total\ development\ hectares) * total\ zonal\ contribution$$

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

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$$(LDP \text{ select link trips} - \text{committed select link trips}) / LDP \text{ select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

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<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

#### Wallace Land Investments (0285/5)

The Council does not support the deletion of the wording 'within the contribution zone that applies to that intervention' as suggested by the objector as this is a key part of the policy that ensures consistency with current Circular 6/2013; other representations (e.g. 0389/12) seek that link to be explicitly demonstrated within the plan, including the identification of developer contributions zones where contributions will be sought (See Circular 6/2013 paragraph 139 last bullet of column detailing 'matters that should not be included within Supplementary Guidance'; or put another way matters that should be included within a plan. The Council does not support modification of the plan to add following sentence to penultimate paragraph of policy DEL1: "Interventions will be funded from the infrastructure

investment fund and at all times committed development will only be required to fund its proportionate share.” This is because the policy already requires contributions sought to be consistent with the tests of Circular 3/2012. Additionally, the Council submits that paragraph 8.11 of the pre-amble to Policy DEL1 is clear that service or infrastructure providers may give consideration to the possibility of (i.e. this is not guaranteed in all circumstances) front funding the provision of additional capacity, provided contributions towards this are made as appropriate in line with the Supplementary Guidance: Developer Contributions Framework. The Developer Contributions Framework is also clear at 1.15 – 1.19 that development will need to commit contributions in line with the provisions of the guidance itself. The Council does not support modification of the plan to add the following sentence to final paragraph of policy DEL1: “In formulating the overall costs of the planning obligations, regard will be given to the impact on development viability to ensure delivery of an effective site.” The Council’s expectations in this regard are set out at paragraph 8.13 of the proposed LDP and at paragraph 1.23 of the Developer Contributions Framework, consistent with related provision of Circular 3/2012 (see para 22 – 23). If the requirements for developer contributions specified by the plan and Supplementary Guidance are accepted by the examination, applicants will be expected to provide for these as the need for them has passed the tests of Circular 3/2012. Phased payments will be considered by the Council. In respect of transportation issues, the Council provides the following additional response.

### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

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This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

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However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{(Individual development hectares / total development hectares)* total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{(LDP select link trips –committed select link trips) / LDP select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

BS&S Group (0286/5)

The Council submits that there is no need to modify the plan in light of this representation, which seeks further information in respect of the contribution levels set. The necessary information is provided in Technical Note 14 and the Council's Transport Appraisal in respect of sites proposed to be allocated by the proposed LDP. A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. In respect of education the contribution zones are all identified within Appendix 1 of the LDP. The Council's full response to these issues is dealt with at Issue 15. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. In respect of transportation issues, the Council provides the following additional response.

### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the "committed" scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\text{LDP development pseudo-hectares within catchment} / \text{LDP + "Committed+Base" pseudo-hectares within catchment} = \text{total LDP impact}$$



To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\text{Development site pseudo-hectares} / \text{total LDP development pseudo-hectares} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### **Select Link Cordons**

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
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These scenarios were selected to give the best representation of the effects of the

additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### **Calculating the LDP trip impact**

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### **Calculating the proportional impact of each development**

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

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However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

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For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$(LDP \text{ select link trips} - \text{committed select link trips}) / LDP \text{ select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

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PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18. The Council further notes that this site subject to this representation is not one proposed to be allocated by the emerging LDP. **The Council submits that no modification of the plan is necessary.**

### East Lothian Liberal Democrat Party (0300/5)

The Council submits that the plan has considered as far as it can the impacts on infrastructure and facilities. Policies and proposals on the need for associated mitigation are contained throughout the plan. These policies are drawn together through Policy DEL1: Infrastructure and Facilities Provision, as well as through the Supplementary Guidance: Developer Contributions Framework. These policies of the plan and the statutory planning guidance seek to gather developer contributions for the associated interventions. They will apply to new development proposals and were prepared in

collaboration with service and infrastructure providers and in the context of Scottish Government Circular 6/2013: Development Planning and Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The Council is also itself planning to deliver these interventions by making provision within its own capital plan for them where appropriate. **The Council submits that no modification of the plan is necessary.**

#### Stewart Milne Homes (0311/4)

The Council submits that there is no need to modify the plan in light of this representation, which seeks further information in respect of the contribution levels set. The necessary information is provided in Technical Note 14 and the Council's Transport Appraisal in respect of sites proposed to be allocated by the proposed LDP. A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. In respect of education the contribution zones are all identified within Appendix 1 of the LDP. The Council's full response to these issues is dealt with at Issue 15. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. In respect of transportation issues, the Council provides the following additional response.

#### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the "committed" scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

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This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\text{LDP development pseudo-hectares within catchment} / \text{LDP + "Committed+Base" pseudo-hectares within catchment} = \text{total LDP impact}$$

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The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### **Road and Rail Based Infrastructure**

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For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

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These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

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an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

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$$\text{(Individual development hectares / total development hectares)* total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

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<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18. The Council further notes that this site subject to this representation is not one proposed to be allocated by the emerging LDP. **The Council submits that no modification of the plan is necessary.**

### North Berwick Community Council (0326/3)

The Council submits that the LDP has addressed infrastructure issues where it can, in line with Circular 3/2012. There are a number of policies and proposals that address transport, education, health care and community facilities provision, as well as the draft Supplementary Guidance: Developer Contributions Framework that sets out how developers will contribute to addressing the impacts of their developments. The service and infrastructure providers will also work to ensure that services are delivered outwith the context of the LDP. In terms of the Area Partnerships work, the LDP may be able to facilitate the ideas being considered once it becomes operative. Early discussions on how these might be progressed appropriately through the planning system would be welcome. **The Council submits that no modification of the plan is necessary.**

### Persimmon Homes (0334/3)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. In respect of transportation issues, the Council provides the following additional response.

#### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the “committed” scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

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The total LDP share of contributions was then calculated as:

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### **Calculating the LDP trip impact**

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The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

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PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development. **The Council submits that no modification of the plan is necessary.**

Hargreaves Services Ltd (0349/10)

Noted, the Council direct Hargreaves to Technical Note 14 published in support of the Developer Contributions Framework. In respect of transportation issues, the Council provides the following additional response.

**Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the "committed" scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\frac{\text{LDP development pseudo-hectares within catchment}}{\text{“Committed+Base” pseudo-hectares within catchment}} = \frac{\text{LDP}}{\text{total LDP impact}}$$

To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\frac{\text{Development site pseudo-hectares}}{\text{total LDP development pseudo-hectares}} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### **Select Link Cordons**

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;

- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{(Individual development hectares / total development hectares)* total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{(LDP select link trips –committed select link trips) / LDP select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
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PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

### Homes for Scotland (0353/5)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that

its publication as an associated explanatory technical note is an appropriate approach to follow. In terms of education issues for which a specific response is requested, the Council has assessed the accommodation required for additional education capacity in line with Scottish Government Guidance, 'Determining School Capacity 2014'. Technical Note 14 has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. The Council will not seek contributions for any existing deficiencies in either capacity or standard of accommodation. The Council submits in respect of its costs, it has extended many of its schools within recent years and has set a rate of £3,000 per square metre based on a range of school build contracts which it has competitively procured. It should also be noted that the Council is absorbing an element of risk contained within this rate, such as asbestos, ground conditions, capacity of existing services. It is therefore a reasonable position to take at this stage. It should be further noted that The Scottish Futures Trust cost per square metre was established as a metric for new buildings, and not for extensions that by their nature are more complex and expensive. The Scottish Futures Trust metric for new Primary Schools was £2350 per square metre in Quarter 2 of 2012 which equates to £2963 in Quarter 2 of 2017 based on BCIS all in TPI (Tender Price Index). The Scottish Futures Trust has no equivalent for building expansions. **The Council submits that no modification of the plan is necessary.**

#### Homes for Scotland (0353/6)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. In respect of health and social care, the plan makes clear at HSC2 that the only contributions required will be from the Blindwells allocated site, and form any expansion area should it be confirmed as an allocation so the site boundaries would constitute the contribution zones. The Council's full response to these issues is dealt with at Issue 16 and 17. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. **The Council submits that no modification of the plan is necessary.**

#### Homes for Scotland (0353/8)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. In respect of transportation issues, the Council provides the following additional response.

#### **Active Travel**



The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the “committed” scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\text{LDP development pseudo-hectares within catchment} / \text{LDP} + \text{“Committed+Base” pseudo-hectares within catchment} = \text{total LDP impact}$$

To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\text{Development site pseudo-hectares} / \text{total LDP development pseudo-hectares} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

## Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
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- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

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- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through

having zero values associated with them.

### **Calculating the proportional impact of each development**

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

***(Individual development hectares / total development hectares)\* total zonal contribution***

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### **Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

***(LDP select link trips –committed select link trips) / LDP select link trips.***

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

## Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
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PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development. **The Council submits that no modification of the plan is necessary.**

### The Scottish Government (0389/12)

The Council notes the comments made. The items for which developer contribution will be sought are set out Table DEL1. In respect of affordable housing provision, this is a plan wide policy requirement and is addressed by Policy HOU3 and HOU4 so no contribution zone need be identified. In respect of education the contribution zones are all identified within Appendix 1 of the LDP. In respect of community services, these contribution zones are also identified at Appendix 1 of the LDP. In respect of health and social care, the plan makes clear at HSC2 that the only contributions required will be from the Blindwells allocated site, and from any expansion area should it be confirmed as an allocation so the site boundaries would constitute the contribution zones. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. Green Network contributions are set out in the development briefs that accompany the LDP, and are no more than measures required to comply with open space and design policies etc of the LDP in so far as site layout and design is concerned. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. However, the Council notes the terms of Circular 3/2012, in particular paragraphs 12, 13 and 16. When taken together these paragraphs essentially require every planning application to be assessed on its own merits, and that it is not possible to identify all circumstances in which a planning obligation may be necessary and that this assessment should 'primarily' be

identified in the development plan. In that context, the Council further submits that it is appropriate that paragraph 8.3 of the Proposed LDP makes clear that it is only the key interventions that are shown within the LDP. Paragraph 8.12 expands on this by explaining that "it has not been possible to identify all circumstances in which developer contributions will be required in the preparation of the Plan. This will be identified as soon as possible through the Development Management process". In addition, it should be noted that paragraph 1.21 of the Proposed LDP Draft Supplementary Guidance: Developer Contribution Framework clearly states in paragraph 1.21 that " Every effort has been made in the preparation of the LDP and this Supplementary Guidance to identify the need for 'developer contributions' in respect of uncommitted LDP sites. However, it has not been possible to identify all developer contributions that will be required. The need for developer contributions will be identified as early as possible in the Development Management process". This is particularly true in so far as windfall development is concerned. **The Council submits that no modification of the plan is necessary.**

#### Gladman Planning (0392/5)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. In respect of transportation issues, the Council provides the following additional response.

#### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the "committed" scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for

residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\text{LDP development pseudo-hectares within catchment} / \text{LDP} + \text{"Committed+Base" pseudo-hectares within catchment} = \text{total LDP impact}$$

To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\text{Development site pseudo-hectares} / \text{total LDP development pseudo-hectares} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
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### **Select Link Cordons**

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cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

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- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### **Calculating the LDP trip impact**

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### **Calculating the proportional impact of each development**

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- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{(Individual development hectares / total development hectares)* total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{(LDP select link trips –committed select link trips) / LDP select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis



PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18: it should be noted that the Council is not seeking to resolve existing deficiencies through developer contributions, consistent with Circular 3/2012. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development. The Council gives clarity within the LDP at paragraph 8.7 and in the draft Supplementary Guidance: Developer Contributions Framework that it is seeking contributions to offset existing deficiencies. The Council has made provision in its approved capital plan for any costs associated with resolving existing deficiencies in schools where additional capacity is required arising from the proposed plan. **The Council submits that no modification of the plan is necessary.**

#### Hallhill Developments (0395/9)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. The Council's full response to these issues is dealt with at Issue 18. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development. The Council has assessed the accommodation required for the primary schools in Dunbar. This is in line with Scottish Government Guidance, 'Determining School Capacity 2014'. Technical Note 14 has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. The Council will not seek contributions for any existing deficiencies in either capacity or standard of accommodation, and has identified its own responsibilities for providing 10 of the 50 additional pre-school places required at the primary school. The Council submits in respect of its costs, it has extended many of its schools within recent years and has set a rate of £3,000 per square metre based on a range of school build contracts which it has competitively procured. It should also be noted that the Council is absorbing an element of risk contained within this rate, such as asbestos, ground conditions, capacity of existing services. It is therefore a reasonable position to take at this stage. It should be further noted that The Scottish Futures Trust cost per square metre was established as a metric for new buildings, and not for extensions that by their nature are more complex and expensive. The Scottish Futures Trust metric for new Primary Schools was £2350 per square metre in Quarter 2 of 2012 which equates to £2963 in Quarter 2 of 2017 based on BCIS all in TPI (Tender Price Index). In respect of transportation issues, the Council provides the following additional response.

#### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the “committed” scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

$$\frac{\text{LDP development pseudo-hectares within catchment}}{\text{LDP + "Committed+Base" pseudo-hectares within catchment}} = \text{total LDP impact}$$

To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\frac{\text{Development site pseudo-hectares}}{\text{total LDP development pseudo-hectares}} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

## Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development

existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### **Calculating the proportional impact of each development**

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

***(Individual development hectares / total development hectares)\* total zonal contribution***

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### **Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

***(LDP select link trips –committed select link trips) / LDP select link trips.***

This percentage of the total cost can then be proportioned across all eligible developments

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

using this methodology.

### **Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
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PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

#### East Lammermuir Community Council (0414/12)

The requirement for appropriate developer contributions towards transport and other infrastructure is included within each site proposal: "Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport networks as appropriate', Policy T32 sets out the Transport Infrastructure Delivery Fund, consistent with Policy DEL1 and the Developer Contributions Framework Supplementary Guidance."

**The Council submits that no modification of the plan is necessary.**

#### **Delivery Miscellaneous**

#### Musselburgh Conservation Society (0368/7)

The Council notes the points made. The Council has set out the implementation requirements for new development in the LDP and the associated draft Supplementary Guidance: Developer Contributions Framework (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that this provides an adequate framework to accommodate development without unacceptable impacts on local services and infrastructure and that its approach to delivery is sufficient to secure the infrastructure and necessary contributions to it. The SDP has recently been reviewed and a Proposed SDP2 published for consultation. It is not possible to review and redistribute the development requirements of SDP1. LDP1 is required by law to be consistent with SDP1. **The Council submits that no modification of the plan is necessary.**

Musselburgh Conservation Society (0368/8)

The Council submits that the proposed Craighall Primary Education Contribution Zone is needed to establish a new primary school with early learning and childcare provision for the Craighall site (MH1). This will allow the eligible pre-school children and primary-aged children projected to arise from the Craighall allocation to be provided with education capacity at a new facility on the Craighall site (MH1) to be provided for by the applicant / developer of this site. Accordingly, the proposed contribution zone and primary school catchment area is broadly defined by the proposed Craighall site (MH1) boundaries. However, the formation of that catchment will be dependent on the adoption of the emerging Local Development Plan (LDP) in a format that would require these new education catchment arrangements and facilities to be delivered. If the emerging LDP is not adopted in this format, these new education catchment arrangements and facilities would not be required. As such, the Council submits that the proposed catchment review would allow existing pupils at the existing settlement of Old Craighall to continue to attend Campie Primary School, as they do currently. Also, pupils residing within existing houses would have a catchment school to attend, since the new school is not in place and will not be until a point agreed with the developer following the commencement of development. Therefore, it is not proposed to extend the proposed Craighall Primary Education Contribution Zone any further east to the A720 to include the strip of land from the Campie Primary Education Contribution Zone, south of the railway at this time. It may be that through time the Council chooses to review this situation. **The Council submits that no modification of the plan is necessary.**

**Delivery Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/26); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/25)

Support Noted.

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 32</b>	<b>Proposals Map</b>	
<b>Development plan reference:</b>	<b>Proposals Map (including inset maps)</b>	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Walker Group (0138) Muir Homes Ltd (0165) Gullane Community Council (0166) Donald Hay (0183) James Millar (Kilduff) Ltd (0204) Messrs Dale (0243) CRS Ltd (0251) Ritchie Brothers (0259) In-Site Property Solutions Ltd (0262)	Wemyss Trust (0277) Wallace Land (0281) Taylor Wimpey (0330) Mr & Mrs R. Lothian (0345) SportsScotland (0367) Chris & Joy Clark (0377) Michael Izzi (0380) Near na Gaoithe Off-shore Wind Ltd (0386) Scottish Power Generation (0391)	
<b>Provision of the development plan to which the issue relates:</b>	<b>Proposals Map (Inset Maps 1 – 45)</b>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>All Maps</b></p> <p><u>Ritchie Brothers (0259/3)</u></p> <p>Delete references to areas designated as DC8 and replace with DC1. The modifications to the LDP Proposal Map are justified for the reasons explained in representation comment 0259/2.</p> <p><b>North Berwick Cluster – New Inset Map Created</b></p> <p><u>Wallace Land (0281/3)</u></p> <p>If the Council agrees that it needs to allocate further land to meet an identified housing shortfall in the development strategy to meet SESplan's housing land target (as explained in the Assessment of Housing Land Supply), then further residential land should be allocated at Fenton Barns as shown on the plan (section 9 of the Development Framework Report).</p> <p><u>CRS Ltd (0251)</u></p> <p>Designation of Fenton Barns as a settlement would initially allow appropriate infill development associated with a village use, complementing and supporting existing businesses. Without a settlement designation, all existing economic development in this location will continue to be treated as <i>development in the countryside</i> and contrary to the approved development plan. Disused land within the context of a designated settlement would be regarded as infill development. This would be supported by the Council's planning policy and highlights why designation as a settlement would help facilitate further</p>		

development.

### **Landscape Designation - Inset Map 3**

#### Neart na Gaoithe Off-shore Wind Ltd (0386/4)

Neart na Gaoithe Off-shore Wind Ltd seeks modifications of the Proposals Map (Inset Map 3) to illustrate site of extant planning permission 15/00634/PM. This planning permission relates to the Neart na Gaoithe Off-shore Wind Farm onshore transmission infrastructure.

#### Gullane Community Council (0166/14)

If NK8 is removed as a site, apply DC8. This sits perfectly with its location relative to another DC8 zoning.

#### Michael Izzi (0380/1)

Proposals Maps (Inset Map 3) should be amended to exclude Eskfield Cottages from the green belt and include it in a settlement boundary. Map is drawn in an inconsistent way that cuts across private garden ground.

#### Mrs R. Lothian (0345/2)

The Local Development Plan (LDP) Proposed Plan defines the site [Williamstone Farm Steading] within the 'countryside'. The entire area of land should be included within the settlement boundary as planning permission has been given for alterations and extensions works to the listed farmhouse and for the conversion of the steading to 3 residential houses.

### **Inset Map 5 – Aberlady**

#### SportsScotland (0367/5)

Proposals Map 5 Aberlady shows that the village bowling green and grass pitch are covered by LDP Policy OS1. The area of Craigielaw Golf Course which is included in this proposals map is covered by policy DC8 and not OS1. We have noted concerns with the wording of policy OS1 in our response to the LDP Written Statement – however recognise that the policy in its existing format affords some degree of protection to these outdoor sports facilities. In relation to the golf course, whilst not allocated as OS1, SportScotland would note that SPP provisions which seek to safeguard sports facilities would also apply.

#### Donald Hay (0183/3)

Inset Map 5 includes no reference to policy CH6, although Inset Map 3 clearly indicates that this policy should apply.

### **Inset Map 9 – Dirlton**

#### SportsScotland (0367/6)

Proposals Map 9 Dirlton shows an area of Archerfield Links Golf Course covered by policy TOUR1 as part of the wider estate. The policy supports the principle of hotel and



leisure development on the estate. It states that infill housing will not be allowed. Whilst the existing golf facilities are clearly an important part of the hotel and leisure resort offer, we would highlight that SPP provisions seek to safeguard such sports facilities from development – any further or future development of the estate should take this into account.

Muir Homes Ltd (0165/2)

Supports new site at Foreshot Terrace. Seeks modification of Direlton Village boundary to include this (Inset Map 9).

**Inset Map 10 – Drem**

James Millar (Kilduff) Ltd (0204/8)

This would be in line with Strategy Diagram 2: Transport in Section 4 and PROP T9 of the LDP which identifies “Park & Ride proposals” which we do not believe are clearly enough identified on the Inset Map.

**Inset Map 11 – Dunbar, Belhaven and West Barns**

SportsScotland (0367/7)

Proposals Map 11 Dunbar The harbour area is allocated as EMP2 which states that the Council will give preference to fishing or other industry uses related to the harbour. We have noted concerns with the wording of policy EMP2 in our response to the LDP Written Statement – sportscotland would seek that access for recreational purposes is safeguarded.

Taylor Wimpey (0330/2)

Allocate the Eweford land for residential led mixed use development through inclusion of a new proposal and identification of the site on the Proposals Map. However, if East Lothian Council and/or the Examination reporter do not consider this to be necessary, then we propose that the site is safeguarded for development. This latter would simply reflect the terms of LDP paragraph 2.132, which states that the site may be considered suitable in the longer term as a mixed used expansion area. To identify the site as a specific safeguard in the text and to delineate that safeguard on the Proposals Map would provide greater clarity on the position, and make it clear what area of land is being referred to in the text.

**Inset Map 14 – Elphinstone**

SportsScotland (0367/8)

Proposals Map 14 Elphinstone The full-size grass pitch to the west of the village centre is not allocated as open space under policy OS1. For consistency with other sites/proposals maps it is requested that this designation is applied.

**Inset Map 19 – Gullane**

Gullane Community Council (0166/7)

Inset Map 19 and page 51 Spatial Strategy for North Berwick Cluster map. The land to the south of the school should be earmarked for education and should be treated in a similar way to Whitecraig Primary School and have designation SECF1. This should be treated as related to, but separate from, the Saltcoats NK7 site.

### **Inset Map 20 – Haddington**

#### Wemyss Trust (0277/3)

The representation objects to Policy DC8 Countryside Around Towns shown on Inset Map 20. There is no justification in the Plan for designating a Countryside Around Towns policy for Haddington as articulated by DC8. In this regard, it is considered that the Council's extant Development in the Countryside Policy DC1 as amended by the various Policies DC1 to DC7 inclusive contained in the Proposed Plan in relation to the 'Countryside', has performed as an effective 'Greenbelt' policy for a significant number of years and, as such, there is no justification for applying a further layer of policy restriction. In very simple terms, there is no need.

#### In-Site Property Solutions Ltd (0262/4)

The proposed mixed residential and employment use allocation is based on the extant planning permission in principle, reference 13/00800/PPM; circumstances have changed since the time the Proposed Plan was initially prepared.

### **Inset Map 21 – Humbie**

#### Chris & Joy Clark (0377/3)

Reduce area of land allocated for TT15 from 1.7ha to 0.5ha.

### **Inset Map 22 – Innerwick**

#### Neart na Gaoithe Off-shore Wind Ltd (0386/5)

Neart na Gaoithe Off-shore Wind Ltd seek modifications to the Proposals Map (Inset Map 22) to illustrate site of extant planning permission 15/00634/PM. This planning permission relates to the Neart na Gaoithe Off-shore Wind Farm onshore transmission infrastructure

### **Inset Map 26 – Musselburgh and Wallyford**

#### SportsScotland (0367/9)

Proposals Map 26 Musselburgh - There is inconsistent designation of golf courses with Musselburgh Golf Course being designated under policy OS1 whilst Royal Musselburgh Golf Course is not designated. We would note that SPP provisions do not differentiate between public and private facilities and suggest a consistent approach may be more appropriate.

#### Michael Izzì (0380/3)

Proposals Maps (Inset Map 26) should be amended to exclude Eskfield Cottages from the green belt and include it in a settlement boundary. Map is drawn in an inconsistent way

that cuts across private garden ground.

### **Inset Map 28 – North Berwick**

#### SportsScotland (0367/10)

Proposals Map 28 North Berwick - There is inconsistent designation of golf courses with North Berwick Golf Course and Glen Golf Course being only partially designated under policy OS1. We would note that SPP provisions do not differentiate between public and private facilities and suggest a consistent approach may be more appropriate.

### **Inset Map 32 –Prestonpans, Port Seton & Cockenzie**

#### SportsScotland (0367/11)

Proposals Map 32 Prestonpans, Port Seton & Cockenzie - There is no designation on the Meadowmill Sports Centre and associated grounds to the south of these settlements. This is inconsistent with the approach to other outdoor facilities (i.e. pitches) and we would recommend policy OS1 designation is applied particularly due to the site's importance as a local multi-pitch multi-sport facility for the local settlements. We would note that SPP provisions do not differentiate between public and private facilities and suggest a consistent approach may be more appropriate.

#### Messrs Dale (0243/2)

The site [land at Port Seton Links] is shown in Appendix 1 accompanying this representation, and in our view it should be allocated for residential use in the Local Development Plan. The site has a capacity of up to 90 homes.

### **Inset Map 35 - Tranent**

#### Walker Group (0138/15)

PROP TT1 is only required to provide housing. PROP TT2 will include community uses including the full sized grass pitch with changing facilities as part of the expansion of Windygoul Primary School. Amend inset map and show PROP TT1 as a housing site and not a mixed use site.

### **Support**

### **Inset Map 32 –Prestonpans, Port Seton & Cockenzie**

#### Scottish Power Generation (0391/10)

Scottish Power Generation supports the EGT1 site boundary shown on the Proposal Map Scottish Power Generation considers this area to be key for infrastructure to support development on the main site. Scottish Power Generation reserves the right to make further representations should a third party propose to make changes to this paragraph as it relates to its assets. No modifications proposed.

## **Modifications sought by those submitting representations:**

### **All Maps**

#### Ritchie Brothers (0259/3)

Delete references to areas designated as DC8 and replace with DC1.

### **North Berwick Cluster**

#### Wallace Land (0281/3)

A new Inset Plan is required for Fenton Barns which is designated as a settlement

#### CRS Ltd (0251)

A new inset Plan for Fenton Barns proposing a designated settlement

### **Landscape Designation - Inset Map 3**

#### Neart na Gaoithe Off-shore Wind Ltd (0386/4)

Modify Proposals Map (Inset Map 3) to illustrate site of extant planning permission 15/00634/PM.

#### Gullane Community Council (0166/14)

Apply DC8 to site covered by proposal NK8 if this site is removed. Amend Proposals Map Inset 3 and Inset 19 (consequential).

#### Michael Izzi (0380/1)

Amend proposals map (Inset Map 3) to allocate Eskfield Cottages in a settlement boundary

#### Mrs R. Lothian (0345/2)

Proposal Map for North Berwick is modified to include Williamstone Farm within the settlement limit, subject to RCA1 and outwith the countryside designation.

### **Inset Map 5 - Aberlady**

#### SportsScotland (0367/5)

None specified

#### Donald Hay (0183/3)

Inset Map 5 should be updated to include Policy CH6.

### **Inset Map 9 - Dirleton**

#### SportsScotland (0367/6)

None specified

Muir Homes Ltd (0165/2)

The Dirleton Village boundary (Inset Map 9) should be amended in order to include the subject site at Foreshot Terrace, Dirleton.

**Inset Map 10 – Drem**

James Millar (Kilduff) Ltd (0204/8)

Identify a Safeguarding for Drem Expansion Area more clearly identify the car parking safeguard, and introduce a new safeguard for car parking to the south of the railway at Drem.

**Inset Map 11 - Dunbar, Belhaven and West Barns**

SportsScotland (0367/7)

None specified

Taylor Wimpey (0330/2)

Allocate the Eweford land for residential led mixed use development through inclusion of a new proposal and identification of the site on the Proposals Map.

**Inset Map 14 - Elphinstone**

SportsScotland (0367/8)

None specified

**Inset Map 19 - Gullane**

Gullane Community Council (0166/7)

The land to the south of the school should be earmarked for education and should be treated in a similar way to Whitecraig Primary School and have designation SECF1. This should be treated as related to, but separate from, the Saltcoats NK7 site.

**Inset Map 20 - Haddington**

Wemyss Trust (0277/3)

The representation seeks removal of DC8 designation from Inset Map 20.

In-Site Property Solutions Ltd (0262/5)

Modification to Inset Map 20 - Haddington in relation to HN4. It seeks a change from Mixed Use Proposal to Mixed Residential Proposal.

**Inset Map 21 - Humbie**

Chris & Joy Clark (0377/3)

Reduce area of land allocated for TT15 from 1.7ha to 0.5ha.

**Inset Map 22 - Innerwick**

Neart na Gaoithe Off-shore Wind Ltd (0386/5)

Modify Proposals Map (Inset Map 22) to illustrate site of extant planning permission 15/00634/PM.

**Inset Map 26 – Musselburgh and Wallyford**

SportsScotland (0367/9)

None Specified

Michael Izzi (0380/3)

Amend proposals map (Inset Map 26) to allocate Eskfield Cottages in a settlement boundary

**Inset Map 28 – North Berwick**

SportsScotland (0367/10)

None Specified

SportsScotland (0367/11)

None Specified

Messrs Dale (0243/3)

Allocate the Port Seton Links for residential development through inclusion of a new proposal and identification of the site on the Proposals Map.

**Inset Map 35 - Tranent**

Walker Group (0138/15)

Amend inset map and show PROP TT1 as a housing site and not a mixed use site.

**Support****Inset Map 32 – Prestonpans, Port Seton and Cockenzie**

Scottish Power Generation (0391/10)

None

## Summary of responses (including reasons) by planning authority:

### Ritchie Brothers (0259/3)

The Council submits that the inclusion of this land within the area proposed to be designated as Countryside Around Town is justified for the reasons given in the Council's response to representation 0259 (see Schedule 4 no.26: Special Rural Landscapes). The Council submits that the CAT designations will be reviewed as part of the review of the LDP. Since this suggested modification to the proposals map would be consequential to the modification suggested by representation 0259, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

### Wallace Land (0281/3)

No additional allocations are justified as the housing land supply is sufficient. Therefore, there is no justification for the addition of this site to meet the housing requirements within the lifetime of this plan. As such, since this suggested modification to the proposals map would be consequential to the modification suggested in representation 0281 at Issue 13, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

### CRS Ltd (0251)

In respect of the definition of a settlement boundary at Fenton Barns, the Council submits that policies that seek to control development in the countryside would allow for the continued diversification of employment uses within existing buildings, as well as the expansion of existing businesses beyond their current site boundaries in to adjacent land within the countryside. This would be without the need to demonstrate an operational requirement for a countryside location (see LDP paragraph 5.5). Housing may be used as enabling development, subject to policy provisions. Until now, employment uses have made use of the existing war time buildings in the area – i.e. the buildings were there to be used and this is the reason that businesses located there, not because the location is of any wider strategic significance as an employment location. In terms of housing development, the Council also submits that the policies of the LDP would allow for some limited new build affordable housing here, as well as the conversion of existing buildings to residential uses, subject to policy provisions. As such the Council submits that policies of the plan on rural diversification and housing development in the countryside, taken together allow for an appropriate scale and nature of development in this area and that no change to the LDP is necessary to define this area as a settlement. **The Council submits that no modification of the plan is necessary.**

## Landscape Designation - Inset Map 3

### Neart na Gaoithe Off-shore Wind Ltd (0386/4)

The Council submits that it is premature to safeguard routes for potential enhancements to the High Voltage Electricity Transmission Network for the reasons given in response to representation 0386/2 (see Schedule 4 Issue: 22b: Energy Generation and Transmission – other) and 0386/3 (see Schedule 4 Issue: 25: Diverse Countryside & Coast). The indicative illustration on Strategy Diagram 3 is sufficient. The Council submits that the

suggested change to the Proposals Map is unnecessary. As such, since this suggested modification to the proposals map would be consequential on the modification suggested in representation 0386, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

Gullane Community Council (0166/14)

NK8 is considered a suitable site for development. Should the site be removed from the plan as a housing allocation, the Council considers that there is not a requirement in respect of it to protect the landscape setting of Gullane, prevent coalescence, or to provide green networks and recreation. It should therefore not be included in DC8. As such, since this suggested modification to the proposals map would be consequential on the modification suggested in representation 0166, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

Michael Izzì (0380/1)

The entire site at Eskfield Cottages, including the access road, is intended to be designated as Policy DC7: *Development in the Edinburgh Green Belt*. The Council acknowledges that the DC7 boundary as shown on Inset Map 26 does not currently reflect this. However, the entire site at Eskfield Cottages is considered appropriate for inclusion within policy DC7 given its character and setting. For this reason, the Council submits that the site should remain outside of any defined settlement boundary. Whilst the Reporter may see merit in amending the DC7 boundary on Inset Map 3 to clarify this matter, **the Council submits that no modification of the plan is necessary.**

Mrs R. Lothian (0345/2)

The steading buildings, by being Category B listed, are of special architectural or historic interest. They are all well contained within their landscape setting and are part of the historic form and character of this part of the East Lothian countryside. They make a positive contribution to the rural landscape and built heritage of the area. This is maintained by the designation of countryside. A change of designation to RCA1 would allow for potential alterations, extensions and structures and other curtilage development harming the character, integrity and appearance of the buildings, including the setting of the listed buildings. It could also lead to an intensification of the site in terms of density which would be harmful to the character and amenity of the area or cause harmful impacts on the privacy and amenity of neighbouring residential properties. As such, since this suggested modification to the proposals map would be consequential on the modification suggested in representation 0345/1, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

**Inset Map 5 - Aberlady**

SportsScotland (0367/5)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of golf courses within East Lothian that are adjacent to a settlement or within the open countryside. Previous plans have designated these areas as open space, but for this plan the Council considers that the designation of these areas as countryside better reflects their location. The Council further submits that



the application of policies DC1 and DC2 etc to such sites also provides further clarity concerning any acceptable after use of such sites, should the current use cease, than would the application of policy OS1 only. The Council submits that the continued use and diversification of sites as golf courses would be supported by policies that seek to manage development within the countryside, and that any applications for the change of use of such sites would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. As such, **the Council submits that no modification of the LDP is necessary.**

Donald Hay (0183/3)

A total of six of the LDP Inset Maps have been produced at a scale which allows the whole of the East Lothian area to be shown. Inset Maps 1 - 4 identify relevant policy designations including CH6 with Inset Map 5 produced at a scale which allows individual settlements and their boundaries to be shown, in order for the relevant policy and proposal boundaries to be shown in detail. The policies detailed in Inset Maps 1–4 are not repeated in the individual settlement maps as a number of these apply to wide areas that could not be shown in their entirety on the individual settlement maps. There is however a statement at the top of each settlement map which states 'Please refer to other inset maps 1-4 and the relevant settlement maps'. This is designed to direct the user to other maps (such as Inset Maps 1-4) in order for all the relevant policies, proposals and other implications to be identified for their area of search. As such, **the Council submits that no modification of the plan is necessary.**

### **Inset Map 9 – Direlton**

SportsScotland (0367/6)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of golf courses within East Lothian that are adjacent to a settlement or within the open countryside, and in this case, located within a wider area that is subject to an area wide proposal that is specific to this location. The Council further submits that the application of policy TOUR1 to this site provides clarity concerning the Council's position on any future development here, rather than the application of Policy OS1 alone. The Council submits that the continued use and diversification of the golf courses would not be contrary to Policy TOUR1, and that any applications for the change of use of such facilities would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. As such, **the Council submits that no modification of the plan is necessary.**

Muir Homes Ltd (0165/2)

The Council does not support the proposed site at Foreshot Terrace for the reasons given within responses to Schedule 4 Issue: 13 – New Sites. The suggested modification to Inset Map 9 would be consequential on the modification suggested in representation 0165, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

### **Inset Map 10 - Drem**

#### James Millar (Kilduff) Ltd (0204/8)

No further housing land allocations or safeguards are justified as part of the LDP as the housing land supply is sufficient, and for the reasons given in Schedule 4 Issue No:13: New Sites. There is therefore no justification for the addition of this site to meet the housing requirements within the lifetime of this plan. Inset Map 10 shows the safeguards for both the car park and the area for platform lengthening. There are no park and ride facilities proposed for Drem. The suggested modification to the proposals map would be consequential on the modification suggested in representation 0204, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

### **Inset Map 11 – Dunbar, Belhaven and West Barns**

#### SportsScotland (0367/7)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0367/1 dealt with at Issue 11, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

#### Taylor Wimpey (0330/2)

The Council submits that the current strategic housing allocations (with approved planning permissions) should be substantially complete before any more housing land allocations of the scale proposed through this representation at Eweford Farm are considered at Dunbar. This will be a matter that can be considered in the review of this LDP. In respect of Blindwells, the Council has safeguarded the Blindwells Expansion Area, in line with SDP1. The Council submits that this is on the basis that SDP1 expects the LDP to identify Blindwells as a location that can be safeguarded for development beyond the life of this plan, but this is not a requirement of the strategic plan in respect of other sites/locations. The Council removed proposed land safeguards from its Draft Proposed Local Development Plan within the west of East Lothian, and has indicated within the written statement of the plan the potential future direction of the spatial strategy for the area. This will be subject to the scale and nature of development requirements and the environmental and infrastructure opportunities and constraints prevalent at the time the LDP is to be reviewed and should the need for further development land feature as a consideration within this. Other than at Blindwells, the identification of formal safeguard areas at this stage may be perceived to prioritise certain locations over others as potential development locations. However, this would need to be considered in the context of the scale of any additional development requirements and the timescales within which they may need to be met, as well as the opportunities and constraints that would feature in formulating an appropriate updated strategy for the future planning of the area. This could have a bearing on the size and preferential location of any sites that may need to be allocated or safeguarded for development in future LDPs. Importantly, there is no approved SDP context to safeguard such a size of site in this specific location at this stage, and similarly there is no basis against which the Council could select appropriate boundaries to define an appropriate size of site – e.g. include and exclude certain areas of land/ownerships. The Council therefore submits that the indication of potential future development locations provided by the written statement of the plan is the appropriate

approach to follow at this stage and that the LDP should not be modified in light of this representation. This suggested modification to the proposals map would be consequential on the modification suggested in representation 0330/3 dealt with at Issue 13: New Sites, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 14 - Elphinstone**

##### SportsScotland (0367/8)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of sports facilities within East Lothian that are adjacent to a settlement or within the open countryside. The Council further submits that the application of policies DC1 and DC2 etc to such sites provides further clarity concerning any acceptable after use of such sites, should the current use cease, rather than the application of policy OS1 alone. The Council submits that the continued use and diversification of sites as playing fields would be supported by policies that seek to manage development within the countryside, and that any applications for the change of use of such sites would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. As such, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 19 - Gullane**

##### Gullane Community Council (0166/7)

The Council submits that the expansion of Gullane Primary School campus has not been assessed as required at this stage, but the plan indicates that a potential expansion of the facility's campus may take place, should it be required in future, to the south of the school site within the Saltcoats site NK7 (see LDP page 79-80 Proposal ED7). This is unlike other schools where the need for campus expansion has been assessed as required during the plan period, and thus land has been safeguarded to accommodate their campus expansion where required. The Council submits however that the plan indicates where additional campus land may need to be provided at Gullane in future within the text of the plan so that this can be taken into account within the layout of development for site NK7. This is also shown indicatively within the draft Development Brief for that site. The Council's position in terms of retaining the allocation of NK7 is detailed within Schedule 4 Issue 9a: Gullane. As such, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 20 - Haddington**

##### Wemyss Trust (0277/3)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0277, and given the Council's position in respect of that representation that is dealt with at Schedule 4: Issue 7, **the Council submits that no modification of the plan is necessary.**

##### In-Site Property Solutions Ltd (0262/5)

The Council notes that the application for a care home on the land allocated for employment and which the Council is minded to grant is subject to the completion of a Section 75 agreement. Proposal HN4 therefore reflects the extant planning permission in principle for the site. The Council further submits that Policy EMP1 which would apply to this site would not presume against such a use, and in the circumstances would be the most appropriate policy to apply. This suggested modification to the proposals map would be consequential on the modification suggested in representation 0262/1 that is dealt with at Schedule 4: Issue 7, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 21 - Humbie**

Chris & Joy Clark (0377/3)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0377/1 and 0377/2 that are dealt with at Schedule 4: Issue 6, and given the Council's position in respect of those representations, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 22 - Innerwick**

Neart na Gaoithe Off-shore Wind Ltd (0386/5)

The Council submits that it is premature to safeguard routes for potential enhancements to the High Voltage Electricity Transmission Network for the reasons given in response to representation 0386/2 (see Schedule 4 Issue: 22b: Energy Generation and Transmission – other) and 0386/3 (see Schedule 4 Issue: 25: Diverse Countryside & Coast). The indicative illustration on Strategy Diagram 3 is sufficient. The Council submits that the suggested change to the Proposals Map is unnecessary. As such, since this suggested modification to the proposals map would be consequential on the modification suggested in representation 0386, and given the Council's position in respect of that representation, This suggested modification to the proposals map would be consequential on the modification suggested in representation 0386, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 26 – Musselburgh and Wallyford**

SportsScotland (0367/9)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of golf courses within East Lothian that are adjacent to a settlement or within the open countryside and green belt. Previous plans have designated these areas as open space, but for this plan the Council considers that the designation of these areas as countryside or green belt better reflects their location. The Council further submits that the application of policies DC1 and DC2 etc to such sites also provides further clarity concerning any acceptable after use of such sites, should the current use cease, than would the application of policy OS1 only. The Council submits that the continued use and diversification of sites as golf courses would be supported by policies that seek to manage development within the countryside or green belt, and that any applications for the change of use of such sites would be read together with SPP and

Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. As such, **the Council submits that no modification of the plan is necessary.**

Michael Izzi (0380/3)

The entire site at Eskfield Cottages, including the access road, is intended to be designated as Policy DC7: *Development in the Edinburgh Green Belt*. The Council acknowledges that the DC7 boundary as shown on Inset Map 26 does not currently reflect this. However, the entire site at Eskfield Cottages is considered appropriate for inclusion within policy DC7 given its character and setting. For this reason, the Council submits that the site should remain outside of any defined settlement boundary. Whilst the Reporter may see merit in amending the DC7 boundary on Inset Map 3 to clarify this matter, **the Council submits that no modification of the plan is necessary.**

### **Inset Map 28 – North Berwick**

SportsScotland (0367/10)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of golf courses within East Lothian that are adjacent to a settlement or within the open countryside. Previous plans have designated these areas as open space, but for this plan the Council considers that the designation of these areas as countryside better reflects their location. The Council further submits that the application of policy DC1 to such sites also provides further clarity concerning any acceptable after use of such sites, should the current use cease, than would the application of policy OS1 only. The Council submits that the continued use and diversification of sites as golf courses would be supported by policies that seek to manage development within the countryside, and that any applications for the change of use of such sites would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. As such, **the Council submits that no modification of the plan is necessary.**

### **Inset Map 32 –Prestonpans, Port Seton & Cockenzie**

SportsScotland (0367/11)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of sports facilities within East Lothian that are adjacent to a settlement or within the open countryside. The Council further submits that the application of policies DC1 and DC2 etc to such sites provides further clarity concerning any acceptable after use of such sites, should the current use cease, than would the application of policy OS1 only. The Council submits that the continued use and diversification of sites as playing fields would be supported by policies that seek to manage development within the countryside and countryside around town areas, and that any applications for the change of use of such sites would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013.

As such, **the Council submits that no modification of the plan is necessary.**

#### Messrs Dale (0243/3)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0243 that are dealt with at Schedule 4: Issue 13, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 35 - Tranent**

#### Walker Group (0138/15)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0138/2 dealt with at Issue 34 and 0138/3 dealt with at Issue 6, and given the Council's position in respect of those representations, **the Council submits that no modification of the plan is necessary.**

#### **Support Proposals Map**

#### **Inset Map 32 – Prestonpans, Port Seton and Cockenzie**

#### Scottish Power Generation (0391/10)

Scottish Power Generation's support the EGT1 site boundary shown on the Proposal Map is noted.

#### **Other Mapping Issues**

Whilst not affecting the interpretation of the LDP, there may be a number of mapping improvements which the Reporter may see merit in recommending:

#### **Proposals Map**

#### **Special Landscape Areas (SLA)**

In respect of Inset Map 4, some minor modifications to the Special Landscape Area boundaries may be of merit. This would be to better tie the boundaries to their intended features on the 1:10,000 map. On published mapping this issue is not apparent, but the boundaries may benefit from minor improvement that would not materially affect the LDP.

#### **Geological Conservation Review (GCR)**

On Inset Map 1, the boundaries of Ramsar Sites, Special Protection Areas and SSSI's within the normal East Lothian boundary for planning control purposes have been shown. The inclusion of background mapping outwith East Lothian could be taken as implying that there are no such sites outwith East Lothian, which is not the case. As such, the background mapping outwith the East Lothian planning boundary could be removed to make it clearer that such sites are only shown on the map if they are located within East Lothian. This will have no effect on the application of LDP Policy regarding such nationally recognised sites which would apply regardless of whether or not such sites are noted on

the Proposals Map. SNH maintain the boundaries of such sites and information on their location and boundaries is readily available from them

### **Inset Map 1**

The Council notes there is a text box with 'text' next to the Traprain Law shown on Inset Map 1. The Reporter may see merit amending Inset Map 1.

### **Inset Map 2**

The Council notes that the map key states '*BGS 'Geodiversity Sites'*'. This should read '*Local Geodiversity Sites'*'. As such, the Reporter may see merit in amending Inset Map 2.

### **Inset Map 3 and Inset Map 11**

The Council notes that the boundary for Policy DC8 should extend around the whole of the Seafield Caravan Park site at West Barns/Belhaven (see Technical Note 8). As such, the Reporter may see merit amending Inset Map 3 and 11.

### **Inset Map 4**

The Council notes that the Forth Islands are shown only as 'Largely Unspoilt Coast' on Inset Map 4. They may also be shown as 'Special Landscape Areas'. The Reporter may see merit in amending Inset Map 4.

### **Inset Map 26**

#### *PROP MH12 and MH13*

The Council notes that there may be a discrepancy between the boundary of PROP MH12 and the planning application ref. 10/00341/PPM approved on appeal (PPA-210-2018 30 September 2013). As such, the Reporter may see merit in amending the Proposals Map in respect of the boundary of MH12 and MH13.

#### *Other Matters*

The Council notes that the printed version of Inset Map 26 does not have any text boxes labelling the site allocations. The Council submits that the finalised version of this map should include these annotations as appropriate. There is also a text box with reference to '*MH19'* on Inset Map 26 (digital version only). There is no policy/proposal under this reference. As such, the Reporter may see merit in amending Inset Map 26 accordingly.

### **Inset Map 28**

The Council notes that Inset Map 28 shows the site at Mill Walk Business Park, which is an employment location, as a Local Centre. The Reporter may see merit in amending Inset Map 28.

### **Reporter's conclusions:**

**Reporter's recommendations:**

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<b>Issue 33</b>	<b>Appendix 1: Developer Contribution Zones</b>	
<b>Development plan reference:</b>	Appendix 1(Pages 145 – 214)	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Network Rail (0180) Gladman Planning (0213) Wemyss and March Estate (0295)		
<b>Provision of the development plan to which the issue relates:</b>	Developer Contributions Zones - Education (Pg 145 – 178) Developer Contribution Zones – Transportation (Pg 179 – 193)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Appendix 1 Contribution Zones</b></p> <p><u>Network Rail (0180/21)</u></p> <p>The developer contributions maps set out in Appendix 1 in relation to rail are welcomed. More detailed information on the contributions and how these would be assessed to provide the rail infrastructure required would assist, along with detail on the Developer Contributions Framework Supplementary Guidance.</p> <p><u>Gladman Planning (0213/10)</u></p> <p>The introductory section of the plan (paragraph 1.33) suggests existing capacity issues in the transport network are as a result of 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.</p> <p><u>Wemyss and March Estate (0295/9)</u></p> <p>Local junction modelling has been undertaken for Salter's Road Interchange A1 (T) as presented in the supporting Transport Appraisal. However, there is no gravity model and traffic assignment presented for each of the proposed LDP site allocations. The Salter's Road Interchange primarily serves Whitecraig and Wallyford and the potential impact of development at PS1 - Longniddry South on this junction is expected to be negligible. Unless ELC can confirm the impact of the proposed allocation with detailed trip assignments/traffic modelling results then the PS1-Longniddry South must be removed from the Salter's Road Interchange contribution zone.</p>		
<b>Modifications sought by those submitting representations:</b>		
<b>Appendix 1 Contribution Zones</b>		

Network Rail (0180/21); Gladman Planning (0213/10)

No Modification sought

Wemyss and March Estate (0295/9)

Amend contribution zone for Salter's Road Interchange A1(T)

**Summary of responses (including reasons) by planning authority:**

**Appendix 1 Contribution Zones**

Network Rail (0180/21)

Support welcomed. In respect of wider questions raised within the representation, Network Rail is directed to the Transport Appraisal prepared in support of the LDP as well as Technical Note 14 prepared in support of the Developer Contributions Framework. **The Council submits that no modification is necessary.**

Gladman Planning (0213/10)

It is the role of the LDP (consistent with Scottish Government Circulars 6/2013 and 3/2012) to identify the key additional infrastructure capacity, new facilities or other interventions that will be required in association with the development of LDP sites, and to ensure that applicants or developers make provision for the delivery of these as appropriate. The need for the key interventions is based on assessment of the impact of planned development on an individual and cumulative basis as appropriate. Detail on how applicants or developers must provide for their developer contributions towards the delivery of key interventions necessary to deliver this Plan is detailed in Supplementary Guidance: Developer Contributions Framework.

Developer contributions for interventions will not be sought to resolve pre-existing deficiencies or problems, or to achieve objectives not necessary to overcome an obstacle to the approval of planning permission for an appropriate development; however, proportional developer contributions will be required from uncommitted developments to uncommitted interventions, if those interventions would address pre-existing issues as well as the impact of uncommitted development. This is the basis against which the Developer Contributions Framework has been prepared, consistent with Circular 3/2012.

Every effort has been made in the preparation of the LDP and the Supplementary Guidance to identify the need for 'developer contributions' in respect of uncommitted LDP sites. However, it has not been possible to identify all developer contributions that will be required. The need for developer contributions will be identified as early as possible in the Development Management process. This will include any fresh proposals for committed sites and for windfall proposals. For all development proposals early engagement and collaborative work with service or infrastructure providers will be essential to seek to scope the full extent of likely developer contributions that may be associated with a proposal. **The Council submits that no modification is necessary.**

Wemyss and March Estate (0295/9)

The Council submits that it has undertaken sufficient Transport modelling at a strategic

and local level in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CDxxx). The Council has considered the impacts of the housing and employment allocations and has sufficiently developed and modelled within the Strategic Regional Model (SRM12), s-paramics micro- simulation model and the use of junction modelling tools the existing road, rail and Public transport impacts and interactions to determine the nature and scale of infrastructure mitigations necessary. The 2012 version of the SESplan area regional model was used. This is a multi-modal transport model, which covers the entire SESplan area, and features road and public transport assignment models (which reflect traveller route choice). This is strategic in nature and provides aggregate representations of transport links and zones throughout the East Lothian area. The Council submits that in considering the impacts of the housing and employment allocations it has sufficiently developed and modelled within the Strategic Regional Model (SRM12), the strategic and local road network the impacts and interactions of traffic to determine the nature and scale of infrastructure mitigations necessary. The Council has assessed the travel demand forecasts with full build out to 2014 and made provision for appropriate infrastructure interventions. The Council is satisfied that all productions including background grow and committed development has been taken into account in the modelling exercise. Consequently, the output from the model does reflect that trips produced from PS1 - Longniddry South impacts on Salter's Road interchange and that this impact in addition to other trips accumulates to the intervention required. **The Council submits that no modification is necessary.**

**Reporter's conclusions:**

**Reporter's recommendations:**

<b>Issue 34</b>	<b>Local Development Plan Miscellaneous</b>	
<b>Development plan reference:</b>	Across the whole Plan	<b>Reporter:</b>
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Alan Buchanan (0041)  Dennis W Harding (0052)  Lynne Simpson (0125)  Walker Group (0138)  Brian Morland (0153)  Martin White (0158)  Kirsty Towler (0164)  J M Stevenson (0175)  E MacDonald (0176)  Wemyss &amp; March Estates (0315)  Musselburgh Grammar School Parent Council (0317)  East Lammermuir Community Council (0414)  Conchita Campbell (0440)</p>		
<b>Provision of the development plan to which the issue relates:</b>	None specifically	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>LDP General Comments</b></p> <p><u>Alan Buchanan (0041/1)</u></p> <p>The document is difficult to interpret and read. It isn't an easy pleasant read and this will discourage a wider public involvement of the plans and process.</p> <p><u>Dennis W Harding (0052/2)</u></p> <p>The consultation website only seemed to cater for positive support, and encouraged respondents to delay in responding. This doubtless benefits the developer but is not conducive to local democracy.</p> <p><u>Lynne Simpson (0125/1)</u></p> <p>The LDP is not presented in a way that is easy for people without expertise in planning matters to read and digest.</p> <p><u>Walker Group (0138/2)</u></p> <p>The term "mixed use" is used throughout the LDP and Main Strategy Diagram lists it separately from housing and employment. Clarification of what exactly is meant by mixed use is required to guide development.</p>		

Brian Morland (0153/1)

Unaware of the Main Issues Report at the time it was publicly available and next time there is a Main Issues Report local residents should be notified.

Martin White (0158/3)

No EIA has been made at the level of the overall effect of the 4 sites in Gullane. No cumulative assessment has been done.

Kirsty Towler (0164/1)

The emerging LDP seems of limited merit as it does not identify land for future development but simply a series of existing consents.

The main issue is the lack of infrastructure to support levels of infrastructure to support additional housing.

The amount of employment land identified is miniscule.

The road and rail network cannot cope with existing level of traffic and ELC has failed to obtain funding to improve matters.

J M Stevenson (0175)

Housing development should be on brownfield and inland sites, developers seem to get the opportunity to develop on the best sites. Development should be directed along the Tyne Valley from Pathhead to Dunbar (Tyne Valley Ribbon).

Employment - new jobs should be provided in localised areas and the Tyne Valley 'Ribbon' should be explored.

Tourism - The proposals are likely to impact on tourism due to wrecking the characteristics of lowland East Lothian.

Agriculture - Why does ELC not have a high rise building instead of taking prime agricultural/coastal land.

E MacDonald (0176/1)

The LDP is a travesty. Its proposals for housing, energy generation, industrial development and transport in no way concur with its objectives. Objects to PROP PS1, PS2, BW1, HN2, NK7, NK8, NK9, NK10 and NK11. Would also object to proposed sites with extant planning permissions but cannot. Objects to housing proposal NK7, NK8 & NK9. East Lothian is seriously overdeveloped - a massive commuter area with housing coalescence from Musselburgh to Dunbar; Loss of identities of communities; Impact on tourism; There are sufficient luxury homes which are wasteful of energy and encourages the use of cars.

Musselburgh Grammar School Parent Council (0317/2)

Musselburgh Grammar School Parent Council considers the LDP has a lack of structure being a series of policies lacking cohesion to deliver an enlarged community that is a great place to live and work. There is no education impact summary and overall it is difficult to read and piece together with too many long documents making it very hard to understand or to properly engage people in.

East Lammermuir Community Council (0414/1)

Council chose to consult on the LDP over a period of time which included the Community Council elections which undermines the capacity of the CC to make full and informed comments for a significant part of the consultation period. This displays a deliberate disrespect for our voluntary roles as community councillors.

As was the case for the MIR it appears that land proposed for housing in the LDP was without any discussion with the landowners (Innerwick).

East Lammermuir Community Council (0414/9)

Could there be any way of asking developers to offer construction apprenticeships?

Conchita Campbell (0440)

Away during representation period, notes where to view documentation upon their return.

**LDP Support**

Wemyss & March Estates (0315/7)

LDP has addressed many of the major issues facing East Lothian and is a very worthwhile and positive document and we are happy to offer our conditional support.

**Modifications sought by those submitting representations:**

**LDP General Comments**

Alan Buchanan (0041/1); Dennis W Harding (0052/2); Lynne Simpson (0125/1); Brian Morland (0153/1); Martin White (0158/3); Kirsty Towler (0164/1); J M Stevenson (0175); E MacDonald (0176/1);Musselburgh Grammar School Parent Council (0317/2);East Lammermuir Community Council (0414/1)(0414/9); Conchita Campbell (0440)

No Modification sought

Walker Group (0138/2)

Clarification of what exactly is meant by mixed use is required to guide development.

**LDP Support**

Wemyss & March Estates (0315/7)

No Modification sought

## Summary of responses (including reasons) by planning authority:

### LDP General Comments

#### Alan Buchanan (0041/1)

Noted. The LDP has a contents page which sets out what is within the document allowing the reader to find a specific area if need be. It has been split into Clusters firstly on and west to east geography, based on the Spatial Strategy for the area. It is then split into sections that are more topic specific. Additionally there is a colour code throughout the document to help guide the reader. However, it is noted that planning in general is a complex subject and the ability to make it reader friendly is a difficult task. As the representor does not make reference to specific issues/difficulties with reading the plan, Council acknowledge feedback on the layout/style of the proposed LDP. **The Council submits that no modification is necessary.**

#### Dennis W Harding (0052/2)

There were 3 main ways of responding to the consultation on the LDP; by writing in, email, or use of the Consultation hub. The Hub was set up to reflect the structure of the LDP and for each section asked for suggested modifications followed by the justification for that modification. It was not canvassing support. The Hub did not open until the start of the consultation period, rather than opening immediately upon the Council approval of the documents (a delay to allow for printing of documentation). This may be why the respondent considers using it encouraged a delay to the making of the response. **The Council submits that no modification is necessary.**

#### Lynne Simpson (0125/1)

The LDP is a complex document covering many areas and used by many audiences, and is a quasi-legal document as well as a public statement of intent. To some extent the problems noted are unavoidable, however, it is the Council's intention that the LDP is a clear statement of policy for everyone to be able to understand, and the comments are noted. **The Council submits that no modification is necessary.**

#### Walker Group (0138/2)

The term mixed use used in respect of proposed site allocations within the plan is applied where more than one land use other than housing is proposed. This normally applies where there is housing, employment, retail or community uses intended for one site. There may be situations where the application of that term may be reviewed. In this respect the Council notes the Walker Group's concerns in respect of Proposal TT1 (0138/5). The Council submits that this term was applied to that site to reflect that an expansion of Windygoul Primary School is proposed, but accepts that the primary school site is separately defined by Proposal TT2. However, the Council considers that the 'mixed use' term could apply to Proposal TT1 without prejudicing a residential development on the site as proposed, so submits that a modification of the LDP is unnecessary both in terms of the TT1 description and the expansion of the term mixed use within the glossary of the LDP. **The Council submits that no modification is necessary.**

#### Brian Morland (0153/1)

The Council notes that the representor was unaware of the Main Issues Report which it was published, notwithstanding the statutory publication requirements and wider public consultation events, adverts and video etc that was produced to raise the profile of the document there, is no requirement to notify residents directly if sites are included in a Main Issues Report. The Main Issues Report was well publicised (Refer to Core Doc Participation Statement). **The Council submits that no modification is necessary.**

Martin White (0158/3)

The Council submits that Environmental Impact Assessment is a project level assessment tool, not one that can be used in plan making. The Council submits that it has prepared a Strategic Environmental Assessment (SEA) Environmental Report (ER) to accompany the LDP. This Draft Environmental Report, including the associated site assessments, has been prepared by the Council in consultation with the Consultation Authorities (SEPA/HES/SNH). The Council submits that the SEA ER provides the necessary 'strategic' environmental assessment of the LDP strategy, policies and sites. The Scottish Government's expectation that the SEA and ER is to be proportionate and focus on 'significant environmental effects of the plan' (PAN 2/2010 para 3.1 bullet 2); it is not to be a detailed assessment of project level impacts, as would be expected through a project level Environmental Impact Assessment (PAN 1/2010 para 6.5). In a strategic sense the cumulative impacts of the LDP spatial strategy on SEA objectives is set out at page 93 – 100 of the SEA ER. This assessment finds that a negative impact on landscape would be an environmental effect of the compact or dispersed spatial strategy, and that this derives from a need to allocate land to accommodate the SDPs requirements. The SEA Environmental Report also identifies a series of mitigation measures, including the design policies of the plan itself and development briefs (supplementary planning guidance on site layout and design) and the Developer Contributions Framework (statutory Supplementary Guidance prepared to ensure that the cumulative impact of development on infrastructure and facilities can be mitigated). Additionally, the Council has completed a Habitat Regulation Appraisal and AA of the LDP, and has included the recommendations of that assessment into the plans' proposals where necessary. The Council further submits that masterplans will be required to accompany major development proposals. The Council therefore submits that the necessary assessments, including cumulative assessments, have been undertaken and that appropriate mitigation measures either form part of the plan, are associated with it, or will be required in association with planning applications. **The Council submits that no modification is necessary.**

Kirsty Towler (0164/1)

Approximately 40% of the sites allocated for proposed future development have planning consent. Many of these consents relate to sites allocated by previous plans or for which planning permission has already been approved during LDP preparation, either on appeal or in recognition of there being a shortfall of effective housing land in the area. The LDP provides the vision for how East Lothian's communities will grow and develop in the future. The intention is that they provide certainty for communities and investors alike about where development should take place and where it should not and the supporting infrastructure required for growth. This is important regardless of the fact planning permission has been granted, as a granted planning permission may not be implemented in the correct timeframe by the developer and the permission may expire, allowing the LDP to guide any new proposals for that site.

The LDP identifies the key additional infrastructure capacity, new facilities or other



interventions that will be required in association with the development of LDP sites, and ensures that applicants or developers make provision for the delivery of these as appropriate. This is set out in Policy DEL1.

The approved SDP requires the LDP to retain at least 76 hectares of allocated employment land. It identifies four strategic employment locations in East Lothian which the LDP is to retain (sites at Craighall, Musselburgh and at Blindwells, Macmerry and at Spott Road Dunbar). The LDP also sets out mixed use proposals for some developments which will give the opportunity for employment uses. **The Council submits that no modification is necessary.**

J M Stevenson (0175)

The Strategic Development Plan for South East Scotland (SDP) and the associated Supplementary Guidance on Housing Land sets the Housing Land Requirement for each local authority area within the city region, including for East Lothian. The Housing Land Requirement for the period 2009-2024 for East Lothian is set at 10,050. East Lothian Council is not able to reallocate its requirement. There are limited developable urban brownfield sites in East Lothian and those that are available have been supported by Council.

Employment - it is unclear exactly where the Tyne Valley Ribbon is. However the LDP is required to maintain strategic employment sites at Craighall, Macmerry, Blindwells and at Spott Road Dunbar by SESPlan. A significant challenge for the Council is to increase job density in East Lothian and to ensure that opportunities for job creation and economic growth are generated alongside an increase in population and the delivery of new homes. EMP1 sets out the preferred business and employment locations within East Lothian.

Tourism - The LDP policies and proposals seek to ensure that a balance is found between encouragement of tourism, including activity based tourism (e.g. walking and cycling) and the economic benefits that it provides and the protection of for example, important landscape and nature conservation interests. Specific policies are in place to protect listed buildings, conservation areas, tourist attractions e.g Dunbar Castle Vaults, Greywalls, SPAs etc.

Agricultural - East Lothian has an attractive landscape and any development must be sympathetic to its surroundings and be in keeping with its context. High rise development in East Lothian would detract from the area. The plan expects 30 dwellings per hectare (Policy DP3) to be delivered across the plan, subject to policy provisions. This will promote an acceptable form of development for the area and move towards higher density development. **The Council submits that no modification is necessary.**

E MacDonald (0176/1)

The representor's comments are noted. The Council submits that many of the objections raised arise from the need to accommodate the SDPs development requirements for East Lothian, and to mitigate the impacts of the associated development through provision of additional infrastructure capacity or facilities. The Council submits that because its LDP must be consistent with the SDP the Council must identify sufficient and appropriate land to accommodate as well as plan to mitigate the SDPs development requirements. A number of objections are submitted opposing the principle of allocating certain sites: PS1; PS2 (see Issue 4); BW1 (see Issue 5); HN2 (see Issue 7); NK7; NK8; NK9; NK10 and

NK11 (see Issue 9), and the Council responses to these objections are set out in the respective Schedule 4s. The Council submits that East Lothian is part of the wider Edinburgh city region, and has a relationship with the city in terms of being part of the wider Edinburgh Housing Market Area (and accommodating mobile housing demand) as well as being part of the Edinburgh Labour market Area. Taken together, these two characteristics mean that some people do want to live in East Lothian and work in Edinburgh as well as there being a need to accommodate need and demand for housing, economic and other types of development that might be perceived to originate only from East Lothian. The Council submits that its planning strategy seeks to identify land for development in appropriate sustainable locations to meet these development pressures in suitable locations, which maximise opportunities to use public transport, reduce the need to travel and the distances that need be travelled as well as associated CO<sup>2</sup> emissions. The policies of the plan seek to ensure that this new development can be delivered in an appropriate way that respects and responds to the characteristics of the local area in which it is to be situated. The Council submits that the plan provides a positive policy framework to support tourism developments in appropriate locations and circumstances, such as within the countryside where this can also assist rural diversification. The Council further submits that POLICY SEH1 and SEH2 of the plan seek to reduce energy consumption and improve the energy efficiency of buildings, as well as promote energy generation from renewable or low carbon sources, as far as is reasonably possible through the planning system. **The Council submits that no modification is necessary.**

Musselburgh Grammar School Parent Council (0317/2)

It is acknowledged that the LDP is a complicated document with many appendices. These are required to provide sufficient detail to allow people to understand the issues involved in planning for the future of East Lothian, for example, the draft development briefs supplementary planning guidance provides further detail on how the Council sees a site being developed. The LDP has a contents page which sets out what is within the document allowing the reader to find a specific area if need be. It has been split into geographical Clusters west to east, based on the Spatial Strategy for the area. It is then split into sections that are more topic specific. Additionally there is a colour code throughout the document to help guide the reader. However, it is noted that planning in general is a complex subject and the ability to make it reader friendly is a difficult task. The Council has tried to ensure that the text of the LDP only contains the information required. Supporting information is generally kept to technical notes but it is acknowledged that there is no summary of the education position. The consultation questionnaire was designed to allow people to respond to specific issues or to all issues that they had an interest in and to be as user friendly as possible. **The Council submits that no modification is necessary.**

East Lammermuir Community Council (0414/1)

The Council submits that the timing for the publication of the proposed LDP was not deliberately timed to undermine the ability of the Community Council to comment. The Council determined on 15 November 2015 that the proposed plan be put out to public representation once the required technical work was finalised. On 6 September 2016 Council agreed to publish to Proposed Plan as the technical work was finalised. The Proposed Plan was out to representation for a period of 7 weeks to allow all members of the public, Key Agencies, Governmental Bodies, Neighbouring Authorities, Local Area Partnerships and Community Councils the opportunity to comment on the plan. The extant East Lothian Local Plan is out-of-date, and it is important to advance the Local

Development Plan toward adoption to ensure up-to-date development plan coverage for the area as soon as possible.

The sites at Innerwick west (PM/DR/HSG091) and Innerwick east (PM/DR/HSG104) were consulted on through the Main Issues Report. This allowed for the owners, members of the public and statutory consultees to express their opinion on the proposed allocations. As a result of MIR consultation, the site at Innerwick east has been proposed for housing allocation in the LDP. **The Council submits that no modification is necessary.**

East Lammermuir Community Council (0414/9)

Developers should be approached directly for apprenticeships. This is not a consideration for the LDP, however, the Council through other services has started a construction academy and addresses this matter through contracts. **The Council submits that no modification is necessary.**

Conchita Campbell (0440)

Noted.

**LDP Support**

Wemyss & March Estates (0315/7)

Conditional support welcomed.

**Reporter's conclusions:**

**Reporter's recommendations:**