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Authorised By	Douglas Proudfoot
Designation	Head of Development
Date	21/03/17

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Draft Environment Report related to the proposed Local Development Plan: Response to Comments

Introduction

Strategic Environmental Assessment (SEA) is a means to judge the likely impact of a public plan on the environment and can help enhance public understanding of a plan's effect on the environment. It is a statutory requirement for qualifying plans, of which the Local Development Plan is one. The Council is required to consult the public and the Consultation Authorities (Scottish Natural Heritage (SNH), Historic Environment Scotland (HES) and the Scottish Environment Protection Agency (SEPA)) on the draft Environment Report.

In preparing the Local Development Plan (LDP) the Council has previously consulted on a Main Issues Report. The Interim Environment Report was published alongside this, and was made available for consultation and to inform comment on the MIR at that time. The draft Environment Report has been published alongside the proposed LDP, and was made available for consultation alongside the proposed LDP in the same manner, timescales and locations.

A total of twenty one organisations or members of the public made comments relating to the Draft Environment Report. Responses were received from the three Consultation Authorities, Scottish Natural Heritage (SNH), the Scottish Environment Protection Agency (SEPA), and Historic Environment Scotland (HES). Dunpender Community Council, Gullane Community Council and the Royal Society for the Protection of Birds (RSPB) also commented. Four members of the public gave comments. This response rate is too low to allow useful analysis for equalities issues. The remainder of responses (11) were received from potential developers or their agents.

No responses were received which in the Council's view require a change to the Environment Report at this stage. The comments made are summarised below by the person or organisation making them, along with the Council's response.

Historic Environment Scotland

Introductory comments

Some proposals were assessed in the ER under a different boundary to that included in the LDP, normally reflecting alterations made through consultation. Mostly, the SEA assessment covers a wider area. Boundary differences are a concern where the alteration has brought proposals closer to heritage assets, if this has not been reflected in the assessment. HES identify one case of this at PS1 Longniddy.

Some ER site assessments cover more than one LDP proposal. This is confusing as the narrative of the assessment does not always make clear whether the development of part of the area would have the same effect as the whole.

Response: Site assessments in some cases cover a wider area than the proposal in the LDP, often following a reduction in site area to meet concerns identified in the assessment or comments from key agencies. The approach has allowed the identification of significant impacts however and the SEA is therefore, as HES notes, complete. The Council notes the comments on confusion and will take this as a learning point for future assessment however does not consider that change to the ER is necessary as impacts have not been missed. The SEA is not a substitute for project level assessment, for which Environmental Impact Assessment (EIA) will be carried out where necessary. In the case of PS1 Longniddry, the site assessment PM/PP/HSG050 extends further eastwards than the allocated site, so in fact the ER assessed site is closer to Gosford GDL than the LDP proposal. Impacts on this asset have therefore been fully considered in the SEA. No change to the ER is required.

Allocations within Pinkie Battlefield

There are a substantial number of other allocations (in addition to MH13 Howe Mire to which HES object) that have the potential to impact Pinkie Battlefield. Most would be individually capable of mitigation however the cumulative impact of allocations in this area needs to be considered in a strategic fashion, especially if land at Howe Mire, Goshen Farm (PM/MH/HSG037) and the Loan, Musselburgh (MIR.MH/HSG133) were all to be included.

Response: It is not the intention of the plan to include all three sites mentioned. Cumulative assessment of these three sites is therefore not necessary at this stage. No change to the ER is required.

MH2 – Land at Old Craighall Village - PM/MH/HSG056

HES note the assessment states HES may object due to impact on setting of Monkton House; following boundary changes HES are content that significant impacts are less likely.

Response: Noted. No change to the ER is required.

MH5 Edenhall hospital - PM/HM/HSG113

Inclusion of mitigation of impact on listed buildings on this site is fundamental for this allocation as stated in the ER. Requests consideration of the potential for impacts on remains associated with the battle of Pinkie, and setting of nearby scheduled monuments, including the Catherine Lodge, SM3612.

Response: The potential for impacts on listed buildings, scheduled monuments and the Pinkie Battlefield are noted in the ER. No change to the ER is required.

MH6 and MH7 Pinkie Mains

The site is within Pinkie Battlefield, though outline permission was granted prior it being placed on the Inventory. Note that this site was not assessed in the ER, and no SEA of this impact has previously been undertaken.

Response: See response to 'Allocations not assessed in the ER' below.

MH8 – Levenhall – PM/MHSG002

Notes the ER identifies the area makes some contribution towards the appreciation of Pinkie battlefields characteristics, and are content that mitigation through design can avoid significant impacts.

Response: Noted

MH10 and MH11 – Dolphingstone

HES note the ER identifies potential impacts on the setting of the dovecot and states this impact has the potential to be significant if not mitigated through design, but agrees that any impacts on Pinkie Battlefield are unlikely to be significant.

Response: Noted

MH12 Barbachlaw – PM/MH/HSG067

The ER assesses the impact of this site along with MH13 as part of PM/MH/HSG067. This assessment does not entirely reflect HES advice on this allocation in isolation. The assessment states that development here would raise issues of national significance, which may not be the case for this allocation. The area at Barbachlaw makes a significant contribution to the understanding of Pinkie’s landscape characteristics, as well as potentially having in situ remains. Without mitigation there is potential for development here to have a significant adverse impact on the nationally important battlefield.

Response: HES notes that the assessment states that development here would raise issues of national significance, but consider this may not be the case for this allocation. As it ‘may’ be the case, it is fair for the assessment to conclude that such issues would be raised, even if in the end development is found to be possible (which in fact has been the case). A planning application 01/00892/FUL for a greyhound stadium was granted for the northern part of the site in 2001, and is partly built. Planning application 10/00341/PPM for residential development on the southern part of the site was granted on appeal in 2011.

No change to the ER is required.

MH13 Howe Mire – PM/MH/HSG067

The ER identifies potential impacts on Pinkie Battlefield both on understanding of the battle landscape and on potential archaeological remains. This impact has been scored as negative, but HES considers it has the potential to be very negative. A battlefield monument would be purely compensatory and not effective mitigation of the potential impacts of development.

Response: The ER notes that a battlefield monument has been proposed but does not state that this would be effective mitigation. The impacts of development of the site on one asset are accepted as being potentially very negative; however this does not represent the complete loss of the asset and is an impact on only one asset. The potential for adverse impact on the Pinkie Battlefield is highlighted in the text and shown as adverse through the scoring system.

No change to the ER is required.

MH15 Whitecraig North – PM/MH/HSG055

The ER site boundary extends north and east of the site comparative to the LDP site. References to a proposed scheduled monument Monktonhall Neolithic cursus are therefore not relevant though its setting should be considered. This area lies in a part of Pinkie Battlefield which contributes to its landscape characteristics and special qualities as the ER recognises. Without mitigation, there is potential for development here to have a significant adverse impact.

Response: The ER site assessment notes potential for impacts on a proposed scheduled monument ‘in this area’. The proposed monument is in this general area so the comment is valid; HES note the monument is close enough to this site so that its setting should be considered.

No change to the ER is required.

PS1 Longniddry PM/PP/HSG050

The allocation contains a number of listed buildings and is adjacent to Gosford House Garden and Designed Landscape. The boundary in the LDP is closer to the designed landscape than that assessed in the ER. Alterations to the boundary increase the possibility of impacts on its setting, though it is likely such impacts could be mitigated.

Response: As above, the site boundary in the ER is closer than that in the allocation, so impacts on Gosford GDL have been noted.

PS2 Land at Dolphingstone North – PM/PP/HSG009

The ER identifies potential impacts on Pinkie Battlefield, and HES is content these are unlikely to be significant. Significant impacts on the setting of the adjacent Scheduled Monument appear unlikely.

Response: Noted.

EGT1 – Former Cockenzie Power Station – PM/PP/OTH001

The ER acknowledges that the southern part of the area contributes to the understanding of the Prestonpans battlefield, and development is not proposed here.

Response: Noted

BW1 – Blindwells – PM/TT/OTH103

The site is within the Prestonpans Battlefield. The ER assessment includes additional land at BW2 and to the north, and therefore identifies impacts which have already been mitigated through exclusion from the allocation. It also identifies impacts which are only relevant to BW2. The adopted Development Framework for the area contains appropriate mitigation.

Response: Noted. Although the boundary of the assessment and the allocated site differ, no impacts have been missed. No change to the ER is required.

BW2 Expansion area – PM/TT.OTH103, PM/TT/HSG004/PMOTH003

The area contains Scheduled Monuments and Listed Buildings, and along with BW1 has the potential to impact on the setting of Seton Castle and its Inventory Garden and Designed Landscape. The ER assessment is given under a number of references, which together identify the impacts on these assets, as well as assets no longer with the boundary.

Response: Noted that HES accept that together the site assessments cover the relevant assets. No change required

TT5 Bankpark Grove PM/TT/HSG076

The ER identifies potential impacts on Prestonpans Battlefield and Tranent Conservation Area and the setting of the B listed parish church. The site contributes to the understanding of the battle through topography.

Response: Noted

TT14 Park View, Easter Pencaitland PM/TT/HSG111

Notes the ER acknowledges sensitive design will be required to minimise impacts on Winton House GDL and other assets.

Response: Noted

TT16 Dryden Field East Saltoun – PM/TT/HSG012

Notes the ER recognises development in this area has the potential to fundamentally change the character of the Conservation Area.

Response: Noted

HN1 – Letham Mains – SDP/HN/HSG001

HES agree with the ER statement that the existing development framework and current masterplan safeguards the setting of the Scheduled Monument.

Response: Noted

DR1 – Hallhill South West

This site has not been assessed in the ER. As the national inventory of battlefields was not in place in 2008, no SEA of this impact has previously been undertaken.

Response: See comments on ‘Allocations not assessed in the ER’ below.

At DR1, planning application reference 09/00486/OUT has been granted which covers the site.

Detailed applications relating to conditions including 14/00778/AMM, 12/00660/AMM have also been granted. 09/00623/FUL covering the central part of the site has been granted and construction has begun.

No change to the ER is required.

DR5 – Land at Newtonlees – SDP/DR/HSG008

This site is within Dunbar 2 Battlefield and adjacent to Broxmouth Park GDL. The ER concludes significant impacts on these assets are unlikely and HES concur, considering potential impacts can be mitigated by design.

Response: Noted

DR7 – Land at Spott Road – PM/DR/OTH10

The ER identifies potential for impacts on Broxmouth Park GDL; HES are content this can be mitigated through design. The site is within the Dunbar 2 Battlefield boundary. The ER states that

the area is removed from the main area of battle however this does not preclude the possibility of effects. HES consider the impact to be uncertain.

Response:

The site assessment PM/DR/OTH010 refers to a site to the east of this, part of DR5, not this site, which has not been assessed. Changes to PM/DR/OTH10 are not therefore appropriate in respect of comments made on this site.

See response to *Allocations not assessed in the ER* below.

NK1 – Mains Farm

HES raise concerns over setting of North Berwick Law and potential for cumulative impact with any future proposed development especially to the east.

Response: This site was allocated in the previous plan. Planning application 13/00227/PPM was granted in 2014 for 420 houses, community facilities, open space, employment uses and associated infrastructure.

See comments on *Allocations not assessed in the ER* below.

NK10 Aberlady West – PM/NK/HSG116

Notes the ER acknowledges potential impacts on Aberlady Conservation Area and Gosford GDL.

Response: Noted

NK11 – Castlemains, Dirleton – PM/NK/HSG048

Notes the ER acknowledges potentially significant impacts on Dirleton Castle and for fundamental change to the character of the Conservation Area.

Response: Noted

OS5 – Potential Cemetery Extensions

HES have previously advised on three allocations and are content that this is reflected in the ER.

Response: Noted.

HES General comments on the ER

HES are content that cultural heritage policies are identified as mitigation, with exception of DC5: Housing as Enabling Development. HES request changes to policy wording of the LDP.

Response: On mitigation of cultural heritage impact it is not clear how HES intend their comment on the wording of DC5 to be taken into account in the ER rather than in the LDP itself; no representation to the LDP has been submitted. Nonetheless, the Council submits that the LDP needs to be read and applied as a whole and that the other cultural heritage policies will provide adequate mitigation. HES have not stated what should occur within the ER if the policy wording within the LDP is not changed. Accordingly, no change to the ER is proposed.

Site assessments

HES welcome the detailed assessment. Reference is made to protection of setting as well as the assets themselves and the methodology is therefore in line with local and national policy. Where

two values for impact have been identified it may be helpful to explain this in the text where possible, especially where impacts on multiple designations are identified.

It would have been helpful to have further text to explain where allocations with the same SEA score have been given different planning assessment values.

Response: It is noted that the detail of assessment is welcomed, and that the methodology is in line with local and national policy regarding impacts on setting. Where two values for impact have been given, reasoning is given in the accompanying text, which sets out which assets have been impacted. It is considered that this is preferable to giving one overall score as this could suggest that a negative impact on one asset could be mitigated by a positive impact on another, potentially obscuring a negative impact on an asset. Reading the score and the text together is considered sufficiently clear, so no change to the ER is proposed.

The method for giving planning assessment values has been set out at the start of the assessment. The reason for the assessment can therefore be found by reference to this methodology. The site assessments are already lengthy documents and it is not considered necessary to include this explanation in each one.

No change to the ER is required.

Allocations not assessed in the ER

There are a number of allocations in the plan which have not been assessed in the ER. It is not clear how this distinction has been made, but it appears that sites with planning permission have not been assessed. HES note that this is in line with PAN 1/2020 paragraph 4.22 which states that sites with consent should be viewed as part of the baseline, but taken into account within the assessment of cumulative effects. However, while these sites were allocated through the ELLP 2008 the Inventory for Historic Battlefields was not in place at the time. This change to the baseline means that their impact on the historic environment have not been fully considered through the SEA process. Such sites could contribute to cumulative impacts, particularly at Pinkie.

Response: PAN 1/2010 is clear that SEA should focus on the strategic environmental effects of the plan (PAN 1/2010 para 3.1) and avoid excessive data collection and descriptions of baseline data (PAN 1/2010 para 5.2). The SEA has therefore considered cumulative effects of additional sites in this context. Housing sites PROP NK3 and PROP DR1 are the only proposals not to have a site assessment, both of which are established housing sites carried forward from ELLP 2008. PROP NK3 is now constructed, while PROP DR1 has received planning permission and is under construction. For areas listed in the Tables at the end of each Cluster Area, the sites given are not allocations: this is made clear in the pre-text to the table. The LDP explains that the development of these sites in accordance with relevant LDP policies is supported in principle by the Council – i.e. not necessarily by consultees to any planning application, such as SEPA. Whilst some of the sites have been rolled forward from previous plans, the majority of the sites set out in the relevant table already have planning permission for development, and so are committed sites. The majority of the sites covered by EMP1 consist of existing development. In SEA terms they have been treated as such and thus as part of the baseline, in accordance with PAN 1/2010 (paragraph 4.22). It is important to note that this is also true of many sites where a policy reference is given. Development on some of these sites has also already commenced, but in some cases stalled, so planning permissions are being implemented or remain live. For some sites their planning permission references are shown instead of policy references. This is because some of them are within the countryside and it would be impractical in a mapping sense or in a policy / proposals sense to specifically identify those sites: yet the Council would support the principle of their development in line with LDP policies, subject to the development management process. Should the Reporter consider it is required, the Council is willing to supply further site assessments for any of these areas or proposals. Any implication for the Environmental Report arising from this consultation response will be dealt with in light of any recommendations from the Examination Reporter. However, the Council considers that no change to the ER is required at this stage.

Allocations with boundary alterations not reflected in the ER

Some assessments cover a wider area than the LDP allocation, normally reflecting boundary changes through consultation process. This means generally the assessment identifies more significant effect than there actually would be. However at PS1 the boundary is closer and it is not clear if this has been reflected in the assessment. Where the area assessed in the ER covers more than one allocation although this is a complete assessment it is confusing.

Response: It is agreed that although the boundary alterations of allocations have not been reflected in the ER the assessment is complete, as impacts have not been missed. Nonetheless, the Council takes the point that the clarity would be improved by aligning boundaries, and will consider this for future assessments. The important point to note is that this reflects that the LDP has acknowledged the SEA findings, and sought to mitigate these. No change to the ER is required.

Appendix 1

Welcomes inclusion of relevant documents for cultural heritage however:

- The reference to SHEP should be updated to the Historic Environment Scotland Policy Statement <https://www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/historic-environment-scotland-policy-statement/>

- PAN 71, Conservation Area Management is relevant to Cultural Heritage as well as Landscape and Townscape

Response: There is a large amount of policy and guidance relevant to the LDP and this is continually updated. The update to the Historic Environmental Scotland Policy Statement (June 2016) will not affect the outcome of the assessment. PAN71 has been included, and although it could have been included in Cultural Heritage rather than Landscape and Townscape it fits within either and has been taken into account. This is considered sufficient. No change to the ER is required.

SNH

Summary

SNH were consulted on the Interim Environmental Report. SNH note where previous comments have been taken into account and so make no comment or no further comment on some sections.

Response: Noted

SEA of Aims and Objectives

SNH consider that very positive outcomes could be achieved but it is difficult to confirm this as it is heavily reliant on mitigation delivered through individual developments. Changes to the draft Development Briefs would reduce the chance of relevant SEA objectives being met.

Response: Comments on this section are noted. The assessment is of the Aims and Objectives themselves, which by their nature are aspirational. SNH do not appear to be suggesting a change to the assessment but attention to implementation. No change to the ER is required.

SEA of Sustainability and Climate change

An approach where sustainability and climate change are embedded in Spatial Strategy is expected to lead to positive effects.

Response: The ER assesses the effect of embedding sustainability and climate change into the Spatial Strategy as neutral. The Town and Country Planning (Scotland) Act 1997 as amended requires planning authorities to carry out their development planning functions with the aim of contributing to sustainable development. The Climate Change (Scotland) Act 2009 places a duty on public bodies to act in the way best calculated to contribute to the delivery of the Acts emissions reduction targets, and in the way, it considers most sustainable. SPP states that all planning decision should contribute to the reduction of greenhouse gas emissions in line with targets. SPP sets out the Core Values of the planning service, including that it plays a key role in facilitating sustainable economic growth. Sustainability and climate change mitigation therefore run through planning decisions regardless of whether the approach is embedded in the plan or explicitly considered. The effect of this approach is therefore considered neutral. No change to the ER is required.

SEA of Town Centres

On Town Centres, Biodiversity sub-objectives B2 and B3 are expected to be positive, especially if the new town centre(s) at Blindwells are fully integrated into their surroundings. H1 and H2 would also then be positive.

Response: The strategy approach of maintaining a hierarchy of centres and establishing a new centre at Blindwells is concerned mainly with encouraging appropriate uses in town centres. Details of the relationship of the proposed Blindwells centre including its effect on accessibility to open space or the CSGN is addressed through masterplanning. The effect of this on sub-objectives B2 and B3 are therefore considered neutral, as there is no direct adverse impact on designated sites or wider habitat connectivity. The scoring of H1 or H2 is considered correct as the effects are uncertain. No change to the ER is required.

SEA of Green Belt, Cumulative assessment and Green Network

On the sections on Green Belt and cumulative assessment, a clear expression of requirements for individual allocations is needed if positive outcomes are to be achieved for biodiversity and landscape sub-objectives. SNH considers this more likely with Policies DC8, DC10 and NH1 – NH9 in place as well as the Development Briefs. On the Green Network, to achieve the positive outcomes identified in this assessment, a structured approach to the Green Network will be required.

Response: Noted. Comments on the Green Network apply more to implementation of policy than the SEA itself. No change to the ER is required.

SEA of Development in the Countryside and Coast

On Development in the Countryside and Coast, the narrative of the assessment needs explanation that is more robust. It is not clear why “current policy emphasis on reuse/redevelopment of existing vernacular buildings” would be undermined by the development of affordable housing in particular. SNH agrees with the scores for the landscape sub-objectives.

Response: Comments on Development in the Countryside and Coast are noted. The scores were applied as the approach potentially could allow more new build in these areas than previously, despite policies on the Countryside and Coast being protective in that without them a greater amount of development would be possible. The Council considers this is clear from the narrative and no change to the ER is proposed. The assessment notes that relaxation of previous countryside policy towards housing to modestly increase the scope for new build affordable housing, replacement dwellings and enabling housing development is likely to undermine the aim of re-using existing buildings. It is logical that this impact could result from increasing the availability of alternative housing in the countryside for those wishing to live there. No change is required.

SEA of Energy and Minerals

On the LDP strategy for Energy, regarding Cockenzie, SNH agrees that the status and impacts of different potential uses of the site differ and that the effects on biodiversity are generally unknown at present. It is also reasonable to state (as the ER does) that landscape effects are likely to be negative. SNH agrees with the assessment of renewable energy. SNH re-states comment on the alternative approach to energy and the preferred approach to minerals in the Interim Environmental Report.

Response: Noted

Mitigation section of SEA

On mitigation, SNH generally agrees with the conclusions of the draft Habitat Regulations Assessment Record however a small number of allocations will require project level HRA.

Response: Proposals where HRA will be required are noted in the plan. Regardless of whether they are noted or not, the Regulations would still apply. No change to the ER is required.

SEA Site Assessments

SNH commends the approach to individual site assessments. However, differences in site referencing between the LDP and the ER lead to difficulties.

Response: On site assessment, referencing the Council takes this as a learning point for the future however considers the inclusion of mapping allows the areas to be sufficiently identified in the assessment. No change to the ER is required.

SEPA

General Comments

SEPA are impressed with the thoroughness of the ER in relation to SEPA's interests, and the site assessments.

The water environment is assessed as one issue (containing both flood risk and ecological status) which could mask an adverse impact.

No table of abbreviations has been included.

Response: Comments in support of the SEA are noted.

The Council notes comments on scoring of the water environment. However the SEA topics are set out by legislation and it appears a valid approach to sum up the impact overall. The addition of scoring allows for both positive and neutral score to be included which should make clear where there is a neutral impact. The Council notes comments on a table of abbreviations. No change to the ER is proposed.

Table B: Key Environmental Issues

This table provides an important choice of the LDP regarding the impact of development options.

Response: Noted

Table D: Cumulative Assessment of the Proposed Spatial Strategy approaches.

Tables show further housing and employment sites in each cluster area which are not shown on the spatial strategy drawings, but mostly are on the Proposals Map. Some of these sites have not been site assessed. It is not clear how the distinction has been made, but it appears that those with planning permission and those which have been allocated under the previous plan have not been fully considered. SEPA have not had an opportunity to comment on these sites previously during the preparation of the LDP. The majority of these sites have not been assessed by the SFRA and requirement for FRA has not been included in the proposed LDP. As less consideration of flood risk has been given to these sites, it is not possible to establish the principle of development there. This approach to site allocation undermines the transparency of the LDP process.

Response: See response to HES *Allocations not assessed in the ER*

Key messages: Flooding

Commends the identification of the role the LDP can plan in avoiding flood risk. However, SEPA note that the Key Message Water (Flooding) paragraph states that “with its criteria based policies it can help ensure that the design and layout of buildings respond to flood risk where necessary”. This approach does not fully comply with the strategy of flood avoidance of SEPA and the LDP. Therefore, SEPA request that the word “respond” be amended to “avoid”.

Response: The Council considers that the word ‘respond’ to flood risk clearly intends ‘avoid’. No change to the ER is proposed.

Key Messages: Climatic Factors

SEPA commend the inclusion of this information. It is important that these policy principles be applied in development management decisions.

Response: Noted

Material Assets: Water and Drainage Capacity

Inclusion of this information is valuable. The ER states that sometimes private waste water treatment may be needed. Note this may not always be acceptable to SEPA.

Response: Noted

Current State of the Environment (Q1) Key Environmental Issues (Q2), Evolution of the Baseline without the LDP (Q3)

Agree that information in the Current State of the Environment is sufficient and appropriate, that the key issues are identified, and appreciates linkages between topics.

Response: Noted.

SEA of Aims & Objectives for the LDP (Q4), SEA of Sustainability & Climate Change (Q5)

The SEA is appropriate.

Response: Noted.

SEA of Development Locations (Q6)

The SEA of the preferred approach is generally appropriate.

However, Policies HOU1 and EMP1 are significant allocation policies which bring forward a number of “established” development sites from previous local plan regimes and/or grant of planning permission.

These sites have not been fully assessed under the most up to date legislation, regulation and guidance which inform the decisions to allocate these sites into the future.

Response: See response to HES: *Allocations not assessed in the ER*

SEA of Development Locations (Alternative) (Q7)

The SEA of the alternative approach is appropriate. The ER, unlike some SEAs, recognises measures such as the CSGN as mitigation and not like for like compensation.

Response: Noted.

SEA of Town Centres (Q8 and Q9)

The SEA of the proposed approach is appropriate. However, dense town centre development could possibly lead to deterioration of air quality. The assessment including of a new town centre at Blindwells, is given as neutral overall on the water environment. This depends on a number of actions and circumstances. There are flooding issues associated with the Seton Burn and Blindwells development must not increase the risk of flooding downstream. Groundwater flood risk could be an issue, though currently controlled. FRA for this site has to take account of changes from mining activity, with no increase in runoff rates downstream. At present flood risk and surface water management might be achievable but climate change and reliance on pumping by a third part may challenge this long term.

Response: Noted: as regards flooding issues on Seton Burn/Blindwells, see response to SEA of Planning for Housing, below.

SEA of Planning for Employment (Q10 and 11)

The SEA of the preferred approach is appropriate and agrees there would be a neutral (in some cases positive) effect on the water environment subject if the detail in the site specific assessments are taken forward and incorporated in the LDP.

Response: Noted.

SEA of Planning for Housing (Q12 and Q13)

The preferred approach is appropriate, however as noted above the 'water environment' assessment continues to combine flood risk and ecological status considerations, leading to a 'neutral' score. Notes there are issues of flooding associated with the Seton Burn and that development must not increase the risk of flooding downstream. Groundwater flood risk could be an issue, but currently this is controlled by pumping by the Coal Authority. Flood Risk Assessment must include changes from mining activity; there should be no increase in runoff rates downstream. Climate change and reliance on third party pumping may challenge sustainability of large development in the longer term.

Policy HOU1 is a significant allocation policy which allocates a number of "established" development sites which have been considered under previous local plan regimes and or planning permissions. SEPA do not support this approach to land allocation. These sites have not been fully assessed under

the most up to date legislation, regulation and guidance which inform the decisions to develop sites into the future.

Response: The Council notes comments on separating flood risk and ecological status considerations in the scoring for the water environment and has commented above. Neither the SEA section on Planning for Housing nor the SEA section on Town Centres includes issues of flooding on the Seton Burn, however this is considered in the Site Assessments for PM/TT/OTH103 and others, so the effect has been identified and the LDP proposal requires a flood risk assessment to be submitted. Flood Risk Assessment will be / has been carried out at project level. No change to the ER is required.

SEA of Green Belt and Countryside Around Towns (Q14 – Q19).

The SEA is appropriate. However, we are not certain about the conclusions of impact on the water environment. In assessing removals from the Green Belt loss of water storage potential should be considered. For the alternative approach there are also impacts to human health via poorer air quality as well as to climate change as identified.

Response: The Council notes that SEPA considers the SEA to be appropriate on this topic. The narrative captures potential impacts on human health through air quality. No change to the ER is required.

Central Scotland Green Network (Q18 and Q19)

The SEA of the both approaches is appropriate. The potential for positive benefits to the water environment could be explored further. For the alternative approach the assessment identifies that the lack of detail in the Supplementary Guidance could limit the potential for CSGN to lead to enhancements.

Response: While there is potential for benefits to the water environment, the impact of the policy itself is expected to be neutral, dependent on implementation at project level. No change to the ER is required.

Development in the Countryside & on the Coast (Q20 and Q21)

The SEA of the preferred approach is appropriate, though there could be a more emphasis on avoiding development where there is a risk of coastal flooding. The SEA of the alternative approach is appropriate however individual or small groups of housing in the countryside are likely not to be in areas served by the Scottish Water sewer network, which could affect the quality of the water environment. There is therefore the potential for a negative impact on the water environment.

Response: For the preferred approach, policy on flooding is intended to avoid development where there is a risk of coastal flooding. Although the policy on the coast restricts development in some cases, it will not affect the amount of property at risk of flooding as this would be controlled by policy on flooding. Avoidance of coastal flooding should therefore not be reflected in the assessment of this section. Policy NH9 on the Water Environment provides that development proposals that would have a detrimental impact on the water environment will not be supported. Advice Box 6 notes that developments should be connected to the public sewer where possible. At project level, SEPA will be consulted. If there is likely to be a detrimental impact on the water environment, this should be identified at the time. It is possible that the development of individual or small groups of houses under the alternative approach could have led to this effect, however that would not have been the intention of the plan or a reasonably foreseeable outcome, so the impact is considered to be correctly assessed as neutral.

Cumulative Assessment of Preferred Spatial Strategy Approaches (Q22).

The SEA of the preferred approach is considered generally appropriate however it is still uncertain if the 'positive' scoring identifies an enhancement or a least negative outcome.

The commentary leading to this question identifies uncertainties regarding air quality and the need for mitigation which would have to be effective and assured before a positive impact on human health could be concluded. Also, unless air quality could be improved by effective strategies, the most accurate and best outcome might be a 'neutral' scoring for air quality and human health.

The ER predicts neutral impact on the water environment. If the water environment includes both flood risk and ecological status of water bodies, positive and negative impacts could neutralise each other and lead to a neutral score. If the LDP were to assure no increase flood risk, then there is a neutral impact. If, as is possible, there are improvements leading to enhanced ecological status there is a positive impact. The scoring is undermined by the failure to fully consider HOU1 sites, including identifying appropriate mitigation and developer requirements; development impacts cannot be fully accounted for as part of the SEA.

Response: Negative and positive scores are given based on the assessment questions which are used as prompts. This is explained on page 85 with reference to Appendix 2, which contains the assessment questions. Whether a positive score represents an enhancement or avoidance of a negative effect varies between and sometimes within topics. For example, for Population Assessment Question 1 is "would the strategic option maintain or enhance contribute to the regeneration of a disadvantaged area". A positive score would therefore indicate an improvement. However for Soil, the first assessment question is "Would the sites development ensure that prime agricultural land is not lost". A positive score here would indicate a neutral outcome ('least bad'). This variability in scoring is considered necessary to allow comparison between options. For example in the case of Soil, it is not possible to create prime agricultural land, so all options would be negative or neutral, which could obscure differences between options. With the scoring, the important point is that it allows easier comparison to be made between the different options. The actual outcome is described in the text, and can be further explored by reference to the assessment questions.

This approach is considered to be effective and no change to the ER is required.

Air quality is scored as negative due to expected increases in traffic. Although the aim of the strategy overall is to minimise the increase, it is nonetheless recognised there is likely to be an increase. Although mitigation is proposed where air quality standards are currently, or risk, being breached the plan *overall* will not maintain or enhance current levels of air quality, and this is recognised in the negative score. This is considered correct. The scoring on human health is wider than air quality issues alone, and includes access to open space, enhancing the CSGN, noise issues. A positive impact is considered correct.

The assessment of the water environment notes that the proposed strategy avoids areas of flood risk and that plan policies ensure the risk of flooding is not increased as a result of new development in the area, and that SUCS are required. The policies of the plan also provide that the ecological status of the water environment is maintained or enhanced. Mitigation of proposals is currently unknown, and while it is hoped they would improve the ecological status of the water environment this should not be relied upon; a positive score would therefore be inappropriate.

Policies on flooding will apply equally to HOU1 sites. Assessment on the water environment was carried out for SESPLAN Housing Land Supplementary Guidance, which confirmed the carry forward of these sites. The results were that the impact was neutral, it being considered that although there was potential for negative impacts, it must be considered that legislation and LDP level input would prevent negative impacts occurring. A secondary impact was identified that soil sealing due to development on greenfield land has the potential to impact on flooding incidents as water cannot soak away.

For East Lothian, the SEA environmental objective for Water in the Supplementary Guidance was “To avoid creation of flood risk and adverse significant effects on water bodies from impacts as a result of additional or re-phased allocations”. The assessment against this objective was “Even without knowing the exact location of additional and re-phased allocations it is considered that LDP work will avoid areas of known flood risk. In addition existing legislation and policy which seeks to promote and protect the water environment will help avoid negative effects. As a result the assessment is judged to be neutral”. Development impacts will be addressed at the project level. A neutral score is justified. No change to the ER is required.

Cumulative Assessment of Alternative Spatial Strategy Approaches (Q23).

The SEA of the preferred approach is generally appropriate, however see response to Q22 above. Dispersed growth could lead to development in non-sewered areas or where there are sewage capacity issues. This could lead to additional pressure on the water environment. However, such development could also lead to sewage capacity improvements with a positive impact.

This strategy would also incur increased CO2 emissions, as the ER recognises.

Response: All development sites would be required to comply with legislation on the water environment. The alternative strategy would not have resulted in development in non-sewered areas (or areas where a sewered connection could be provided) – such developments tend to be small scale and arise through planning application rather than through allocation in the LDP. Further development at North Berwick could have triggered improvements to the WWTW. At Dunbar, there is a WWTW already. Overall, it is considered that the effect (as far as predictable) is likely to be neutral. No change to the ER is proposed.

SEA of Developer Contributions (Q24 and Q25)

There is a need for site specific flood risk assessments to accompany and inform planning applications for several sites.

Response: The requirement for Flood Risk Assessment will be considered at project level. No change to the ER is required.

SEA of Affordable Housing (Q26 and Q27)

The SEA approach is appropriate.

Response: Noted

Energy, Including Renewable Energy (Q28 and Q29).

The SEA of the preferred approach is appropriate. However, SEPA re-state their view Policy SEH1 on district heating networks fails to comply with SPP and omits reference to specific locations for this. This leads to significant uncertainties regard to the identification of a neutral impact on air and climate.

Response: A neutral score is justified. This assessment takes in wind energy, LZCGT proposals and policy towards thermal generation at Cockenzie (insofar as it is attributable to the LDP), not just policy towards heat networks, which are a small part of the overall assessment. No change to the ER is required.

Minerals, Including Aggregates & Coal (Q30)

The SEA of the preferred approach is appropriate though previous comments on scoring and amalgamating flood risk and ecological status are relevant. If the plan is altered to the reasonable alternative, impacts to (and from) ground water and mine waste water, and implications for increased flood risk and deterioration of ecological status should be assessed.

Response: Noted. No change to the ER is required.

SEA of Waste (Q32 and 33)

The SEA of approaches are appropriate, though there is the potential for some positive outcomes if waste was linked more closely to the energy section of the assessment, such as energy from waste and district heating systems.

Response: Noted

Mitigation (Q34)

The proposed mitigation measures are sufficient and appropriate. They could usefully be developed in greater detail.

Response: It is not proposed to develop mitigation in greater detail at this stage. Mitigation of impacts will also be considered at project level. No change to the ER is required.

Monitoring (Q35)

SEPA agree that it is challenging to identify relevant, affordable monitoring indicators. This could be the subject of further joint working with SEPA and others.

Response: Noted

Limitations of the Assessment (Q36)

SEPA consider the description accurate. The SEA is comprehensive.

Response: Noted

Site Assessments (Appendices 5 - 9)(Q37)

The detail of the Site Assessments has allowed the identification and removal of unsuitable sites, which is a positive use of SEA and their thoroughness is commended. However see comments on Table D above on non-assessment of some sites. There are inconsistencies between the Site Assessments and the SFRA. This undermines the reliability of the Site Assessments.

Response: Comments on detail and use of Sites Assessments is welcomed. See comments on Table D above. SEPA have not indicated where they see inconsistencies between the Site Assessments and SFRA. No change to the ER is therefore proposed.

Other Comments (Q 38)

SEPA will be more that satisfied if the amendments outlined in this response are made.

Response: Noted

Other Relevant Plans, Policies & Strategies.

On page 204, the “Flood Risk Management (Scotland) Bill 2008 (as introduced)” should be replaced with “The Flood Risk Management (Scotland) Act 2009”. PAN 69 as referenced in Appendix 1 Other Relevant Plans Policies and Strategies has now been replaced by the Scottish Government Online Planning Advice on Flood Risk.

Response: The updates to relevant legislation and guidance are noted, however this does not affect the outcome of the assessment. No change to the ER is required.

Gullane Community Council

The SEA did not undertake a cumulative assessment of the impact of the allocation of all 4 sites (Proposal NK6 Former Fire Training School, PROP NK7 Saltcoats, PROP NK8 Fentoun Gait East and PROP NK9 Fenton Gait South) at Gullane.

Response: The purpose of the SEA is to identify the significant effects of the plan overall. An overall cumulative assessment of the plan on each of the SEA topics was carried out and shows where the plan is expected to have a particular effect cumulatively. The Environmental Report is also clear that it is a guide in the plan making process (page 9 paragraph 2). The approach used to carry out the SEA is explained at Section 5.1 of the Environmental Report (paragraph 9 – 11). The LDP has been split into four parts to be assessed, namely the aims and objectives for the LDP, the Spatial Strategy, the Policy approaches and proposed sites. When taken together these sections provide the overall strategic environmental assessment of the emerging LDP. Site assessments were included to ensure that no significant effect was missed at the most local level and to aid site selection and mitigation. This is not required by legislation and few LDP SEAs do in fact include this. The purpose of the SEA is to consider the impacts on the environment, taking into account the factors listed (biodiversity, fauna, flora, air, water &c). It is not to examine the economic or social impacts of the plan other than insofar as they impact on the environmental receptors. No change to the ER is required.

RSPB

Flooding (page 33)

Although the threat posed by fluvial flooding is low, natural flood management should be used where possible in conjunction as necessary with “hard” flood defences and should include native tree planting in the upper River Tyne Catchment and along riparian areas of the main river and its tributaries.

Response: The LDP contains in Advice Box 6 a presumption against unnecessary engineering in the water environment. Different Flood risk management measures are properly considered through the Flood Risk Management Plan and strategies rather than the LDP. No change to the ER is required.

Natural Heritage ((3.2.5 page 39)

The identification and designation of Local Biodiversity sites (LBS) in East Lothian should be expedited so that the remaining important natural habitats and features of the county can be effectively conserved and protected against inappropriate development.

Response: The proposed LDP designates Local Biodiversity Sites through Policy NH3. No change to the ER is required.

SEA of Planning for Housing (Q12)

RSPB agrees that housing could be accommodated in the west of East Lothian without a negative impact on the Firth of Forth SPA, though this would require rigorous assessment including Habitat Regulation Assessment (HRA). Increased usage of Levenhall Links could impact the qualifying interest of the SPA. The Lagoons complex should therefore include measure to avoid this. Increased

housing at Dunbar is likely to result in increased usage of the coast to the east; creation of wildlife habitats at Oxwellmains should therefore be a high priority.

Response: Where HRA is predicted to be required this is noted in the pLDP. The regulations apply regardless of whether this is noted or not however. The potential for recreational disturbance arising from increased population has been considered in the HRA of the LDP. Mitigation has been identified. This will be further considered at project level. Land at Oxwellmains is in private ownership and any proposals there will be considered against relevant LDP policy. It is not clear what if any changes to the ER are intended. No change to the ER is required.

SEA of CSGN (Q18)

RSPB commends the adoption of and involvement in the CGSN and the aim to have a positive effect on biodiversity.

Response: Noted.

SEA of Developer Contributions (Q24)

No mention is made of developer contributions to environmental mitigation or enhancement. Developers should be obliged to make provision for the enhancement of natural features and biodiversity within developments, or if that is not possible, elsewhere.

Response: Mitigation is provided for through Natural Heritage policies. This will be secured at project level as appropriate. The Developer contributions Framework page 1.24 is clear that environmental mitigation can be subject to developer contributions at project level. It is not clear what if any change the RSPB intends to the ER. No change to the ER is required.

SEA of Energy, including Renewable Energy (Q28)

RSPB would not support construction of thermal energy generation at Cockszie. There would be potential impacts on qualifying species of the Firth of Forth SPA and impacts on CO₂ emissions, and consequently on biodiversity. The impact is predicted to have a 'neutral' effect on climate. The aim should be to have a positive effect i.e. reduction of CO₂ emissions.

Response: The requirement to safeguard Cockszie site for thermal generation arises from National Planning Framework 3. The LDP should conform to this document. The impacts from the safeguard for this use do not therefore arise from the proposed LDP but from a higher tier plan, which has undergone SEA. The need for HRA is highlighted in Proposal EGT1: Land at Former Cockszie Power Station. One of the aims of the LDP is to contribute to climate change objectives; to have a positive effect through reduction of CO₂ emissions through 'low carbon' energy generation. However the effect as assessed through the ER is neutral. This assessment considers the impact of the Energy policies overall, including wind policy, community heat, and LZCGT. No change to the ER is required.

SEA of Minerals, Including Aggregates and Coal (Q30)

RSPB support not identifying a search area for opencast coal, as expansion is incompatible with the climate change targets. Failures relating to restoration is a serious concern. RSPB is concerned about the potential climate change impacts and cumulative impact on wildlife of the development of unconventional gas. There is also risk to the water environment and of methane release.

Response: The ER identifies an uncertain impact on biodiversity, and notes uncertainties over the details of project level restoration proposals is one of the reasons for this uncertainty. Policy MIN 10: Restoration and Aftercare would however be relevant. The ER predicts a neutral impact on the water environment as the plans policies would ensure that its ecological status is maintained and flood risk avoided. No change to the ER is required.

SEA Appendix 5: Musselburgh

Monktonhall Terrace site is likely to support a variety of birds and wildflowers, the loss of which can have considerable negative consequences for biodiversity. An ecological/biodiversity assessment should be carried out at this site.

Response: Specific surveys for particular sites for general biodiversity value are too onerous and detailed for SEA and are more appropriate for project level if required. The Site Assessment notes that the site contains several priority habitats. No change to the ER is required.

SEA Appendix 6: Prestonpans

Any development at Cockenzie Power Station and Coalyard would require HRA. Meadowland and scrub should be conserved where possible.

At Dolphinstone Farm the scrub and trees here should be protected from development and planting undertaken for connectivity.

The woodland at Prestongrange Museum should be managed for biodiversity.

The area of scrub/woodland at Wallyford should be managed for biodiversity.

Response: The site assessment notes the likely need for HRA and presence of lowland meadowland at Cockenzie Power Station and Coalyard site. The presence of scrub at Dolphinstone Farm is noted in the assessment. Areas of priority habitat woodland are noted in the Prestongrange site assessment. It is not clear which site is being referred to as 'Wallyford' here. No change to the ER is required.

SEA Appendix 6: Haddington

At Liberty Hall/Land at Liberty Hall woodland should be retained and managed for biodiversity.

Response: The LDP does not allocate sites at Liberty Hall for development. The presence of woodland is noted in the draft ER. No change to the draft ER is required.

SEA Appendix 9: Dunbar Area

RSPB strongly support restoration and management of the north west quarry at Dunbar for nature conservation to create a site unique in Scotland.

Response: The LDP does not allocate the north west quarry at Dunbar for development. The ER notes positive impacts on biodiversity from the potential development of the site for the proposed use. No change to the ER is required.

SEA Appendix 10: North Berwick

The Bickerton Field, Aberlady site is adjacent to the Firth of Forth SPA and impacts on this would need to be assessed.

Response: The LDP does not allocate this site for development. The assessment highlights the potential for impact on the Firth of Forth SPA. No change to the ER is required.

Magnus Thorne

Mr Thorne recommends that the SFRA to be appended to the Environment Report.

He notes that there are potentially existing issues at Andrew Meikle Grove which he is concerned development at DR8 should not repeat/worsen.

On Appendix 9: the water impact assessment (page 59) does not appear to take into account the areas adjacent to the proposed DR8 site as it does not mention the nearby areas at high risk of flooding, and should be amended.

The soil impact assessment identifies the site as class 3.1 agricultural land.

The Landscape impact assessment incorrectly states that there is a tree belt on the Eastern boundary of the proposed DR8 site, which screens the adjacent housing development. This tree belt is very far from being established and currently consists of some thinly planted saplings of an average height of two feet, which are struggling to survive. The landscape impact should be classified as 'significant' not 'some'.

Response: The Council intends to retain the SFRA as a standalone document. The DR8 site assessment assesses 'water' as amber, which is "The site is at some risk of flooding and/or its development may increase the risk of flooding elsewhere and/or it may have a negative impact on the water environment". The assessment of sites was done according to a consistent methodology and the Council considers this to be accurate.

The 'tree belt' referred to in the Landscape section is mature at its southern end and does form part of the boundary to the east. The Landscape assessment as 'some' acknowledges that there is likely to be an impact on the landscape however it is not within an area designated for landscape value, and would not lead to coalescence. It would allow for consolidation of existing settlement pattern and would not impact on existing areas of open space. A score of 'some' is considered correct. No change to the ER is required.

Gail Hardy

The plan is not sufficiently structured to take into account support services that would be needed for the expansion with key services (education, transport and health services) at capacity. Any expansion needs a more robust examination of these - including full user consultation rather than just a look at the numerical indicators provided by the Council. There will be an impact of sites in Gullane including that there will be a cumulative impact from development of all four sites on infrastructure and resources. Requests changes to LDP.

Response: Consultation was undertaken with the Education Authority, Roads Authority and NHS Lothian for their views on services, and Transport Appraisal undertaken. It is not clear what changes the submission seeks to the ER. No change required.

[name withheld by request]

PM/TT/HSG012 - Dryden Field, East Salton

Confusingly there are two versions of the assessment on the ELC website. Despite the narrative descriptions for Dryden Field in both assessments being identical the scoring assigned to each item within the assessment differ.

One states the site area is 4ha; it is 10.7. The proposed use states 50 units but 75 units are proposed. The scoring is inconsistent comparing this assessment with that of PM/TT/HSG093, West Crescent East Saltoun. Accessibility: sites are both within 400m of a bus stop, with no train station and limited facilities within 1600m in East Saltoun. HSG012 is rated amber while HSG093 is rated red. Ratings for exposure are also inconsistent. If the scoring was accurate HSG012 would be assessed as having a greater impact on the environment. Queries why there are two versions and who determined the scoring.

Response: The Council approved the Environment Report for consultation on 17 November 2015. The related papers including the site assessment referred to were available during the consultation period in libraries and online. Unfortunately a version of the Tranent Site Assessments which was not the one approved for consultation was briefly uploaded onto the Councils consultation hub, although the correct document approved for consultation remained available online in the Committee Management Information System. There are differences between the two versions of this draft consultation document, which are minor and would not affect the outcome of the SEA process as a whole. The site is 4 hectares, which is 10.07 acres. The number of units is given as approximately 50, with the PROP TT16: East Saltoun giving the number as 'circa 75'. This does make a material difference to the assessment. The decision on which of these sites to allocate took the SEA site assessments into account however the reason for allocating this site and not West Crescent was the involvement of a willing landowner which was not certain with the West Crescent site. Change to the ER is not required.

Barratt David Wilson Homes

MIR/DR/HSG132 - Preston Mains, East Linton

The assessment is based on the site comprising 250 units while the current proposal is for 100 - 150 units. The assessment fails to consider potential mitigation measures that could be adopted in the future development of the site. Since the promotion of the site in response to the MIR, its assessment has been further developed in terms of landscape, traffic and archaeology and is provided within the Clarendon Planning and Development Limited Written Statement to the LDP and takes account of mitigation. That assessment concludes that the site scores very well in terms of appropriateness for housing development and that with mitigation will not result in any negative impact on the surrounding landscape or heritage environment.

Response: Site assessment was based on the methodology set out at the start of the document, and aims to be consistent across sites. The assessment considers the allocation of land for the use proposed, not an individual proposal as this could change and would be overly detailed for this stage of the process. The impacts of the details of a proposal will be assessed at project level. No change to the ER is required.

Stewart Milne Homes per [name withheld by request]

MIR/MH/HSG133 - Galt Terrace/The Loan Musselburgh

Compares the assessment of this site with allocated housing sites.

- Location and accessibility , exposure – notes comments of this site in comparison to allocated sites
- Aspect: the site is assessed as having a northerly aspect however the site is flat. Notes that other allocated sites including Craighall and others are also 'red'.
- Suitability for proposed use: Mitigation measures would be required for potential noise from the rail (supporting information supplied by CD).
- Fit with policy objectives: assessment states the site is within the Green Belt and is so assessed as 'red' while other sites also within the Green Belt including Craighall, Pinkie Mains, Levenhall, Howe Mire, Whitecraig North and South are 'green', whilst Dolphingstone is amber. This is a clear discrepancy.
- Notes comments and scoring on physical infrastructure, service capacity, population, human health, soil, air, material assets.
- Deliverability - states infrastructure upgrades and financial contributions can be provided; the site has national housebuilder involvement and is deliverable in the short term.
- Biodiversity, Cultural Heritage, Water, deliverability; notes additional studies/surveys are being undertaken.
- Climatic factors - states the site does offer some potential for development that is resource efficient through siting (i.e. solar gain).
- landscape - assessment notes the site is the only remaining open area between Wallyford and Musselburgh here, however, coalescence of these settlements has already occurred and this strip of land does not now contribute to wider Green Belt objectives. Craighall and others are also rated negatively for landscape coalescence issues.

Overall the site compares favourably with allocated LDP housing sites. The only criteria rated differently is that of 'fit with local/strategic policy objectives' due to conflict with Green Belt designation.

Response: The assessment considers the allocation of land for the use proposed, not a particular individual proposal. The impacts of the details of a proposal will be assessed at project level. Mitigation included in individual proposals could not be taken into account at this stage. It is more suited to the project level as mitigation might not be available for all sites this would affect the consistency of the assessment and also undermine the transparency of the process; it would be disproportionate for this stage. Aspect was judged using GIS information on DTM and aimed to be consistent across sites. On Fit with Policy Objectives/landscape, this site is considered to be very important in maintaining Green Belt objectives including prevention of coalescence. There are other policy objectives which feed into Fit with Policy Objectives score besides Green Belt issues. On solar gain, this is assessed looking at the topography of the site in particular whether it is south facing. This considers the sites potential, though it is recognised that good design will also help achieve this. No change to the ER is required.

BS&S Group per [name withheld by request]

Refers to South Gateside, A6093, Haddington, Proposal HN2, PM/HNHSG044 Site B. Provides analysis of the assessment of this site in its support to show how the allocation could be extended westward to integrate the proposal area [does not give a map here]. Comments on the assessment of the PM/HNHSG044 Site B. Notes the for 'Location' the allocated site is noted as being well related to the proposed Letham Mains but rated 'red'. Notes there is an existing bus service on the A6093 which could be upgraded in frequency. Planned development would improve wind protection.

Response: The LDP does not propose this site for development and it was not submitted at the 'call for sites' stage. Accordingly no site assessment for it was carried out. PM/HNHSG044 Site B is rated 'red' for Location as it is currently not well related to an existing settlement. This is consistent with the scoring methodology. Mitigation such as improvements to bus services is not taken into account at this stage (see Response to Stewart Milne Homes re MIR/MH/HSG133 above). No change to the ER is required.

The Esperance Trust per [name withheld by request]

Summary

Refers to MIR/TT/HSG132 [Hillview Road, Ormiston]

Location - should be 'positive' as well related to existing settlement.

Accessibility - notes site is within 400m of a bus stop and 1600m of services. Should be 'positive'.

Exposure - notes site benefits from shelter from northerly winds and so should be 'positive'

Agrees with assessment on Suitability for Proposed Use/Fit with local/strategic policy objectives/Deliverability/Biodiversity, flora and fauna/Population

Physical Infrastructure Capacity - should be positive as would have pedestrian and vehicle capacity and water treatment is available though waste water treatment is required.

Service Infrastructure capacity - as proposal is for retirement housing there would be no impact on schooling, so should be 'positive'.

Water - assessment notes site is not at risk of flooding though to the east and south there are areas at risk. Should be 'positive'

Air - development on site would not be affected by existing sources of air pollution and would have moderate public transport accessibility. Should be 'neutral'.

Climatic factors - risk of car based journeys increasing emissions is similar to all housing allocations in smaller settlements.

Material assets - site assessed negatively but this is the case in the majority of LDP allocated sites. Considered neutral.

Cultural heritage - Not in a Conservation Area, adjacent to a Scheduled Monument or containing Listed Buildings, HES do not comment. Considered 'neutral'.

Landscape -. Landscape should be assessed as amber as suitable landscape design (submitted) would improve long range views.

Notes content of assessment on other factors.

The site would offer landscape enhancement and provide retirement housing in a suitable location accessible to public transport and services.

Response: Location is scored correctly as well related to but outwith an existing settlement. The site does not meet accessibility standards on rail so is rated as 'amber'. Not all of the site is sheltered by existing development so is correctly rated as 'amber'. Physical infrastructure capacity is correctly rated as 'amber' as the site has some transport and waste water constraints. Education is correctly taken into account as the assessment considers the allocation not the proposal. For flooding the assessment takes into account that there are areas at risk of flooding nearby, and correctly rates it as 'amber'. For Air, the assessment notes that realistically car use will increase which could exacerbate air quality issues in Tranent High Street, and is therefore correctly marked as '-' and 'amber'. This site, consistently with others taking prime agricultural land, is marked as 'red', '-' for Material Assets. For cultural heritage, as the Esperance Trust note, it is not in a Conservation Area or affecting a Scheduled Monument or Listed Building. It is correctly 'green' and 'o'. For landscape, development of the site would impact on the setting of the historic heart of Ormiston. SNH comment that its development could present locally adverse landscape impacts. The impact is considered to be correctly scored. No change to the ER is required.

Dunpender Community Council Per [name withheld by request]

Current State of the Environment

Does not consider that the ER provides sufficient and appropriate information on current state of the environment. Changes could be made to landscape, biodiversity and cultural heritage assessments to more clearly identify the situation on the ground. The key issues are those identified but are too broadbrush to be applied at local level.

Response: The Council notes comments on the current state of the environment and that the Community Council does not suggest specific areas that have been missed or what is required to more clearly identify the situation on the group. Specific points are addressed below:

SEA Approach

Agrees with the approach taken by the SEA other than as below:

Response: Noted.

Development locations

In relation to development locations a more specific approach should be taken when assessing local issues for development locations

Response: The purpose of the SEA is to identify the significant impacts of the plan on the environment, and not to identify every impact at a project level. The site assessments do provide a detailed examination of potential impacts locally.

Planning for housing

The proposed approach for planning for housing is not suitable as landscaping should be more rigorously assessed especially when large-scale developments (25+units) are proposed. The land adjacent to East Linton and allocated as having potential for housing development should be reassessed as DC8.

Response: Impacts on landscape were considered by ELC Landscape Officers, with SNH also providing comments through formal and informal consultation prior to the publication of the draft ER. Landscape issues will be addressed more specifically at the project level. Assessment of Policy DC8 and the impact of the application of that policy has been carried out in the ER section on DC8. Site assessment for specific pieces of land covered by that policy has not been carried out as this policy does not promoted change

Green belt

Disagrees with the proposed approach to Green Belt as too much green belt is being built on already; priority should be given to appropriate brownfield sites

Response: The LDP gives priority to appropriate brownfield sites and provides appropriate protection for the Green Belt. It is not clear how this comment relates to the ER or what if any changes to this document are envisaged.

Countryside Around Town

Disagrees with the proposed SEA approach for CAT as environmental, landscaping and cultural/heritage assessments need to be much more stringent to protect the immediate environment we live in.

Response: The SEA took into account comments from ELC Landscape and Heritage Officers, as well as comments through formal and informal consultation with SNH, HES and SEPA. The assessment is intended to examine the impacts of the policy while it is the policy itself that protects the environment. It is not clear what further assessment is envisaged.

CSGN

Agrees with the approach to SEA of CSGN but with the caveat that greater protection should be given to greenbelt rather than losing it to development

Response: Noted; the assessment is intended to examine the impact of the CSGN policy and not to protect greenbelt.

Cumulative Assessment of proposed & alternative Spatial Strategy

Agrees with the Cumulative Assessment of proposed & alternative Spatial Strategy Approaches but only if localised assessments are stringently applied.

Response: Noted: where the need for mitigation is noted in the assessments this has fed into Development Briefs where these have been prepared. The application of matters noted in the assessments is a matter for project level decision.

Developer Contributions

Agrees with the proposed approach to SEA of developer contributions provided SUDS area adoption/handover of new developments is addressed before developer walks away.

Response: The SEA of developer contributions considers the impact of the policy. The assessment assumes that it will be applied as set out in the policy and associated Supplementary Guidance. SUDS area adoption and handover of new development will be addressed at the project level.

Affordable Housing

Does not agree with the proposed approach to SEA for affordable housing as more affordable housing for younger and elderly people is required. "Luxury build" only developments should not be considered.

Response: The plan does not specify 'luxury build' housing and policy on density aims to avoid designs with only detached houses (as this would be difficult to achieve while meeting density targets) which should lead to a greater variety of house types within a site. The plan specifies an affordable housing requirement for larger sites. It is not clear how the approach to SEA on this topic is intended to be changed.

Mitigation

Does not agree that proposed mitigation measures are sufficient and appropriate.

Response: The Community Council has not specified where mitigation measures should be improved. Mitigation has included policies of the plan, alteration of site boundaries, developer contributions and requirements for design of specific sites. It is considered that mitigation as set out in the ER is sufficient.

Limitations of SEA

Agrees that the draft ER provides an accurate description of the limitations of a SEA of a LDP overall the report provides the minimum required. More detailed and thorough assessment of individual areas of development are needed.

Response: The ER has given extensive assessment of individual sites given that the assessment is of the plan overall. Where Environmental Impact Assessment is required for particular developments, any planning application will be accompanied by an Environment Statement, which will provide further detailed information. Where EIA is not required, further information where required will be sought through the planning application process. The purpose of the site assessments was to identify the main environmental effects of the development of the site for the proposed use, especially where this had the potential to be significant in the context of the LDP as a whole. Further detailed assessment will be carried out at project level.

Dunbar Area Assessment

From Dunbar area assessment: The East Linton "site search" assessment is far too vague and should be dropped. The assessment of the Pencraig/Orchardfield site should be changed to "DC8" to reflect the area surrounding and adjacent to it.

Response: The assessment of the East Linton 'site search' was included in the ER to reflect its inclusion as an 'Other' option in the MIR. It was an option that was considered, and is therefore

rightly included and assessed as an option in the ER. The site assessment of the Pencraig/Orchardfield site should remain in the ER as this site is proposed for development within the pLDP. No changes to the ER are required.

Traquair and Stewart Families per [name withheld by request]

Comments relate to a representation submitted to the LDP (ANON-ZMS3-3M73-Q); [Ewan Rutherford per Justin Lamb re extension to MH2: 2 parcels of land shown on supporting document, Area A being 2.5 ha, a former walled garden on the SW edge of Old Craighall, Area B being 5 acres to the immediate south of Area A bounded by proposed housing site MH2 to the east and the landscape edge to the A720 City Bypass to the south].

The proposed site is partly included in PM/MH/HSG056 (Part A), part in SDP/MH/HSG003 (Part B) and partly in MIR/TT/HSG132.

Refers to supporting document sent by email. Provides a comments under the Site Assessment headings with regard to the proposed site.

Response: The assessment given considers a site boundary which differs from that assessed by the Council, which was based on sites submitted in the call for sites. This site has not been included in the pLDP and there is no requirement for it to be assessed with the boundaries now given. The ER must include an assessment of the proposed strategy and its reasonable alternatives. The sites proposed through the LDP are included within assessments carried out for the sites submitted to the Council, and where these sites have been reduced in size impacts have not been missed. The Council is not required to examine through SEA alternatives that were not considered. It is therefore not proposed to add a site assessment for this site specifically.

Assessment of the impacts has been carried out between the site assessments for the sites submitted as detailed above. While impacts of the site now proposed may as a result not be as set out in those site assessments, impacts that do remain will not have been missed. The assessment is therefore adequate in identifying the impacts.

[name withheld by request]

Agrees that the proposed approach to SEA Cumulative Assessment of proposed and alternative Spatial Strategy Approaches is appropriate.

The responder's main concern is that Land in PROP HN2 Letham Mains Expansion was deemed in 2008 to be protected, protecting existing housing on the south edge of Letham Main. What has changed as development of the site would result in loss of Type 2 agricultural land.

Health and safety risk could arise from building housing next to a working farm with heavy vehicles, crop drying and fires being a risk to children in the area.

Noise for new residents could arise from businesses in the Holdings.

The number of houses at Letham Mains is disproportionate to other areas of Haddington. Haddington will not cope with the infrastructure and the market town reputation will be spoiled.

Wildlife including grey partridge, deer and badgers will be pushed out.

Refers to PM/HN/HSG044 Site B

Water - notes assessment that very small areas are shown to be at risk of surface water flooding on SEPA's flood map. The responder has encountered severe problems with water running off the fields around his property and has had to extend soakaways. House building must not impact or worsen the drainage of the site.

Response: The site of PROP HN2 Letham Mains Expansion was assessed as PM/HN/HSG044 Site B.

The assessment notes that there will be loss of prime agricultural land. The assessment does not consider there will be conflict with surrounding uses noting the adjacent small holdings. It is not considered that health and safety risks arising from the location of the site close to a working farm would be abnormal. This site will not impact on the historic centre of Haddington and it is not considered that its market town reputation will be spoiled. There are no records of Notable Species within or adjacent to the site. The Assessment notes that a Flood Risk Assessment will be required for this site. No change to the ER is required.

Apt Planning & Development Ltd per Toney Thomas

Refers MIR/ NK/OTH024 Whitekirk Burial Provision

This assessment should be deleted. The proposal is based on incorrect land ownership information and the assumption that this land would be gifted to East Lothian Council. The land is in private ownership and is not available at no cost. It is not suitable for a cemetery as it has no safe access, and would be totally out of character with the remainder of the field of which it is part.

Response: The proposal was included in the LDP as the site was considered potentially suitable for providing burial ground in Whitekirk. The Environment Report requires to assess the significant environmental impacts of the plan. Therefore it is appropriate that a site assessment of this proposal is included within the Environment Report. Access is considered to be possible onto the West Road. It is considered that development of the site for the use proposed would have to be sensitively designed to retain the character of area, and landscape is thus marked as 'amber' and '?' which is considered correct. No change to the Environment Report is required.

Sirius Sport and Leisure per Stuart Salter, Geddes Consulting Ltd

Refers to PM/MH/HSG067 South West Wallyford (Gula Flats)

The allocated site MH13 Howe Mire is a significantly different and smaller site to that assessed as PM/MH/HSG067. The Council has assessed the site but excluded mitigation measures introduced by the proposal, and this is reviewed following the Council's methodology. The findings are the proposal scores more positively than the Council's assessment for Biodiversity, flora and fauna, Human Health, Water, Air, Climatic factors, Cultural Heritage, Landscape, and remains the same as regards Population, Soil and Material assets. This takes into account the proposals inclusion of

greenspace and gardens, exclusion of areas of flooding and proposals for surface water drainage, details of design to benefit from solar gain, and results of studies into impacts on the Battlefield. Concludes there are now net environmental benefits, and that the site performs as well as others in the Proposed Plan in Musselburgh Cluster. Landscape – assessment of views from the west need to take into account the large scale of development already allocated.

Response: The assessment was made for the larger site. It is recognised that as the size of the site has been reduced, the impact is likely to be less and no worse than that identified for the larger site. This means the significant impacts of its development – in strategic terms – have been captured. Mitigation included in individual proposals including their specific design cannot be taken into account at this stage. It is more suited to the project level as mitigation might not be available for all sites this would affect the consistency of the assessment and also undermine the transparency of the process; it would be disproportionate for this stage. The assessment for Landscape considers the impact against the current baseline. No change to the ER is required.

Wallace Land Investments per Stuart Salter, Geddes Consulting Ltd

Drylawhill, East Linton SEA ref MIR/DR/HSG124

Site assessments were undertaken by the Council. Wallace Land Investments has reviewed the site assessment for Drylawhill, and updated it to take account of the proposals approach to sustainability and mitigation measures. The proposal scores more positively for water, air, climatic factors, cultural heritage and landscape, and is the same for the remaining SEA topics. This takes into account that potential flooding issues in the east of the site can be completely addressed through SUDS measures; details of the proposal avoiding impacts on cultural heritage assets; landscape and visual assessment will be carried out to determine mitigation. For impacts on air, impacts would be similar to other sites with similar accessibility, and the potential rail station would improve modal share. For climatic factors notes Council assessment that an increase in car based travel would be inevitable. The range of facilities in East Linton would however reduce the need to travel, and there is potential for the railway to take modal share. The site is south facing so there is some potential for houses to benefit from solar gain.

Response: Mitigation included in individual proposals including their specific design cannot be taken into account in site assessments at this stage. As mitigation might not be available for all sites taking it into account would affect the consistency of the assessment and also undermine the transparency of the process; it would be disproportionate for this stage and is more suited to project level assessment. The site assessments aim to be consistent in their approach, so impacts on air should be assessed similarly to sites with similar accessibility those this is particularly in regard to distances travelled and impact on areas where there are existing air quality concerns. It is considered that despite the range of facilities in East Linton the assessment correctly considers that some increase of car based travel would be inevitable. No change to ER is required.

Fishergate, Prestonpans PM/PP/HSG130

Site assessments were undertaken by the Council. Wallace Land Investments has reviewed the site assessment for Drylawhill, updating it to take account of the proposals approach to sustainability and mitigation measures. The proposal scores more positively against the Council's assessment for Biodiversity, flora and fauna, water, climatic factors, cultural heritage, landscape and remain the

same for the other SEA topics. This takes into account the proposals inclusion of greenspace and planting, SUDS, provision of a sustainable travel pack, proposed design of the site and mitigation of impacts on cultural heritage assets, which allows the score to be upgraded. Landscape – SNH raise coalescence issue; the proposed site and Blindwells is separated by over 600m of countryside, the A198, a railway and areas of structure planting. There is no coalescence.

Response: Mitigation included in individual proposals including their specific design cannot be taken into account in site assessments at this stage. As mitigation might not be available for all sites taking it into account would affect the consistency of the assessment and also undermine the transparency of the process; it would be disproportionate for this stage and is more suited to project level assessment. SNH is the key agency with responsibility for landscape, and they have raised issues of coalescence with the emerging new settlement at Blindwells. No change to the ER is required.

Hamilton Farming Enterprises Ltd

Re Dryden Field PM/TT/HSG012

The Council carried out a site assessment, excluding the mitigation included in the proposal. A review has been carried out by Hamilton Farming Enterprises Ltd which concludes the sites scores more positively for water, air, climatic factors, cultural heritage, landscape and remain the same for the other SEA topics. There are now net environmental benefits, taking into account the proposals landscape, provision of SUDS, design in accordance with the Conservation Area and avoiding harm to listed buildings. Landscape impact can also be minimised through design. These factors allow the score to be upgraded. Climatic factors – primary school, shop and bus stop are within an easy walk of the site and homes facing south east to south west can benefit from solar gain so the score can be upgraded.

Response: Mitigation included in individual proposals including their specific design cannot be taken into account in site assessments at this stage. As mitigation might not be available for all sites taking it into account would affect the consistency of the assessment and also undermine the transparency of the process; it would be disproportionate for this stage and is more suited to project level assessment. As regards Climatic Factors, the shop in East Saltoun has now closed. Despite the fact East Saltoun has a small range of facilities in assessment correctly considers that some increase of car based travel would be inevitable. No change to the ER is required.

Lothian Park Ltd

PM/MH/BUS002

The Council carried out a site assessment, excluding the mitigation which would be included in the proposal. A review has been carried out which concludes the site scores more positively for biodiversity flora and fauna, water, climatic factors and cultural heritage and remain the same for the other SEA topics. There are now net environmental benefits. The re-assessment takes into account the details of a specific proposal in greenspaces is included, that the area potentially at risk of flooding is proposed as open space and the design of buildings to benefit from solar gain. Cultural heritage – the site does not contribute to the battlefield landscape so the score can be upgraded.

Response: Mitigation included in individual proposals including their specific design cannot be taken into account in site assessments at this stage. As mitigation might not be available for all sites taking it into account would affect the consistency of the assessment and also undermine the transparency of the process; it would be disproportionate for this stage and is more suited to project level assessment. The assessment notes the site does not contribute strongly to the battlefield landscape. No change to the ER is required.

Wallace Land Investments Ltd

Refers to PM/MH/HSG005 – PROP MH15 Whitecraig North.

The Council carried out a site assessment, excluding the mitigation which would be included in the proposal. A review has been carried out which concludes the site scores more positively for biodiversity flora and fauna, human health, water, climatic factors, material assets, cultural heritage and landscape, and remain the same for the other SEA topics. There are now net environmental benefits. This takes into account mitigation provided by the proposal in that biodiversity enhancement and gardens, exclusion of the northern part of the site where contamination, radon gas and noise could impact human health, as well as avoiding much of the flood risk; design of housing to benefit from solar gain; and reduction in size of the proposal and provision of a robust new green belt boundary. On cultural heritage, the HES scheduling has now been confirmed and is not within the proposal site. It is on the edge of Pinkie Battlefield however research shows development will not undermine the understanding of the battle. The proposal mitigates impacts on listed buildings, allowing the score to be upgraded.

Response: The site assessments show the worst case. PROP MH15 is smaller than site assessed through SEA as PM/MH/HSG005. As the size of the site has been reduced, the impact is likely to be less and no worse than that identified for the larger site. This means the significant impacts of its development have been captured. Mitigation included in individual proposals including their specific design cannot be taken into account in site assessments at this stage. As mitigation might not be available for all sites taking it into account would affect the consistency of the assessment and also undermine the transparency of the process; it would be disproportionate for this stage and is more suited to project level assessment. The assessment notes the site does not contribute strongly to the battlefield landscape. Cultural heritage – HES comments that there may be cumulative impact on the Pinkie Battlefield if all sites development of this site on its own does not have significant impacts which cannot be mitigated, it could, with others, have incremental impact on its landscape and special qualities. No change to the ER is required.

Refers to PM/NK/HSG137 – Fenton Barns

The Council carried out a site assessment, excluding the mitigation and approach to sustainability, which would be included in the proposal. A review has been carried out which concludes the site scores more positively for population, human health, water, air, cultural heritage and landscape, and remain the same for the other SEA topics. There are now net environmental benefits. This takes into account mitigation including for human health that any contamination would be remedied and open space and sports provision would be incorporated; for water that SUDS and new foul drainage will be introduced; for cultural heritage that design will ensure no designated sites are affected; for landscape the greenspace strategy will provide further containment. For air, the current industrial

use at Fenton Barns is compatible with residential amenity. The rail station is nearby so modal share of rail should be higher than other proposed allocations. Landscape – the site is not sensitive and the proposal works with topography, with greenspace strategy providing further containment. There will be views from the Garleton Hills but alterations need to be seen in the context of changing urban form of existing towns and villages.

Response: The sites were assessed against a consistent methodology, which did not take into account specific proposals or suggestions of mitigation as this is for project specific assessment to do. It is not appropriate to take mitigation into account at this stage as the assessment is looking at the general sensitivities of the site itself and allocation for the particular type of development proposed. It does not consider mitigation put forward by a proposal as the assessment is of the allocation not of the proposal. It is recognised improvements to drainage at Fenton Barns are desirable however it is not a prerequisite of development that an existing issue be addressed, so this is not included in assessment: such improvements could be delivered by means other than an LDP allocation. As regards air it is considered that development here would result in increased vehicle emissions despite the proximity of the train station, and this was reflected in scoring. Current industrial use may be compatible with residential amenity however, permitted changes of use may not be so and this was considered during assessment.