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To be read in conjunction with report to Council, 28 March 2017 - Proposed Local Development Plan: Schedule 4 Representation Responses for Submission to Scottish Ministers

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Scottish Natural Heritage Dualchas Nàdair na h-Alba

All of nature for all of Scotland
Nàdar air fad airson Alba air fad

Policy & Projects
Partnerships and Services for Communities
East Lothian Council
John Muir House
Haddington EH41 3HA

Sent by email via: ldp@eastlothian.gov.uk

Date: 04 November 2016
Our ref: CPP142913 / A2108318

Dear Sir/Madam,

East Lothian Local Development Plan – Proposed Plan

Thank you for consulting us on the Proposed Plan and its accompanying Strategic Environmental Assessment (SEA). As in earlier iterations, we have provided comment on the SEA in a separate response sent to Scottish Government's SEA Gateway.

We recognise that your preferred means of comment is via your Consultation website. We have completed the relevant sections of the Consultation website. In addition, our representations on the policies and proposals relevant to our remit are appended in Annex 1 of this letter and our advice on the Action Programme and draft Supplementary Guidance is included at Annex 2.

Habitats Regulations Appraisal

The caveats for international designated sites and protected species in policies and proposals are clearly presented and should leave no doubt as to what is required to successfully develop a site. **At this stage, we consider the Proposed Plan meets the requirements of the Habitats Regulations.** Our detailed comments on the draft HRA Record are included in Annex 2 of this response.

If you would like to discuss any of the matters raised in this response, please contact our planning advisor Vivienne Gray (viv.gray@snh.gov.uk; 0131 316 2644) in the first instance.

Yours sincerely

[by email]

Niall Corbet
Operations Manager
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Annex 1 – SNH representation on Proposed Plan

Proposed Plan section/policy/proposal	Representation	Justification
Spatial strategy – main development proposals (pages 17 to 56)	Policies and proposals in this section should include a clear hook to the draft Development Briefs Supplementary Guidance (parts 1 and 2).	At present, policies and proposals require preparation of “ <i>a comprehensive masterplan that conforms to relevant Development Brief</i> ”. The status of these development briefs is unclear. As the draft Supplementary Guidance will have an important role in securing natural heritage safeguards and enhancements, the LDP must provide “ <i>sufficient hook</i> ” ¹ to give it the required statutory weight. We are concerned that as currently drafted, the position of the development briefs as part of the plan is not sufficiently clear, increasing the risk of loss or damage to the area’s natural heritage assets.
PROP MH10: Land at Dolphingstone (page 20)	In terms of natural heritage impacts we consider that other alternative sites put forward at the MIR stage would have fewer impacts.	We have expressed concern regarding potential allocation of this site throughout the plan preparation process. While PROP MH10 requires mitigation of development related impacts and a careful approach to placemaking, we consider that the mitigation of landscape impacts, including avoidance of the loss of important views to Edinburgh, the Forth Estuary and Fife will be very difficult to achieve, even with close adherence to matters set out in the Proposed Draft Development Brief for this site.
PROP DR5: Land at Newtonlees, Dunbar (page 47)	In terms of natural heritage impacts we consider that other alternative sites put forward at the MIR stage would have fewer impacts.	We have expressed concern regarding potential allocation of this site throughout the plan preparation process. We consider that this site could impact adversely on the distinctive and well-defined landscape setting of Dunbar. While we consider these effects

¹ Paragraph 138, Circular 6/2013.

Proposed Plan section/policy/proposal	Representation	Justification
		will be difficult to mitigate, we advise that partial mitigation could be achieved if this site was subject to a Site Development Brief that sets out key principles for the development in relation to landscape, views and placemaking.
PROP NK4: Land at Tantallon Road, North Berwick (page 53)	In terms of natural heritage impacts we consider that other alternative sites put forward at the MIR stage would have fewer impacts.	<p>We have expressed concern regarding potential allocation of this site throughout the plan preparation process.</p> <p>We consider that full development of this site, particularly on the sensitive upper reaches of the site, will intrude adversely on the important landscape setting of North Berwick Law. If this site is to be retained we consider these impacts could be reduced through the production of a Site Development Brief which retains upper areas of the site as landscaping or open space.</p>
Policy TOUR1: Archerfield Estate, Dirleton (page 63)	We welcome the clear caveat for the adjacent Firth of Forth Special Protection Area (SPA) and the restriction on further infill housing within the Estate.	Further infill development within Archerfield Estate, particularly at Marine Villa, is likely to have a significant effect on the Firth of Forth SPA. These effects may be both direct and indirect. The restriction on further infill development therefore ensures that the Proposed Plan fulfils the requirements of the Habitats Regulations. The restriction also maintains the setting of the existing development within the Estate.
Proposal T3: Segregated Active Travel Corridor (page 90)	<p>We welcome and support the development of a new segregated active travel corridor within East Lothian.</p> <p>In the absence of further detail, we note at this point that the finalised route is unlikely to require HRA beyond screening stage. This caveat may not be required.</p>	The indicative route in the Proposals Map shows that the segregated active travel corridor will play an important role in East Lothian's contribution to meeting the vision of 10% of all journeys being made by bike. The proposed route links settlements and public transport hubs, facilitating choice in travel, including walking and cycling. We also consider this proposal will positively enable people to access and enjoy the outdoors and the natural heritage of East Lothian.

Proposed Plan section/policy/proposal	Representation	Justification
		The indicative route for Proposal T3 as shown on Inset Map 3 places it within existing transport corridors. This, coupled with the limited land-take required to deliver the segregated active travel route, raises doubt over the need for HRA of this proposal. If subject to HRA, we consider it unlikely to require consideration beyond screening stage. We are happy to advise further as required.
Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy (page 90)	We welcome the policy approach of protecting the existing core path and active travel networks. However, in support of delivering Proposals T3 and T5, Policy T4 should extend the network as well as maintain it: <i>The Council will protect its existing core path and active travel network and ensure that new development extends and does not undermine them, including the convenience, safety and enjoyment of their use.</i>	As currently drafted, extensions to the overall active travel and recreation network are specific to particular Proposals. We therefore consider that Policy T4 should support extension/enhancement of the network beyond these specific Proposals if East Lothian is to continue to contribute towards well-designed, sustainable places ² .
PROP T5: Cycle Route Network (page 91)	We welcome and support the proposal to continue to develop and enhance the cycle route network as part of a Cycling Strategy and East Lothian's Green Network.	
Policy T6: Reallocation of Road Space and Pedestrian Crossing Points (page 91)	We welcome and support Policy T6. However, due to the strong links to PROP T3 we suggest that it is referenced in Policy T6.	The segregated active travel corridor identified in PROP T3 is likely to require reallocation of road space if it is to be effective. We therefore consider it appropriate and necessary for Policy T6 to include reference to PROP T3.
PROP T10: Safeguarding Land for Platform Lengthening (page 92)	Remove reference to need for HRA.	The nature and location of the platform lengthening works means that connectivity to the Firth of Forth SPA is not likely. To ensure that the Proposed Plan is proportionate, we do not consider this caveat to be required for PROP T10.

² [National Outcome 10](#) – We live in well-designed, sustainable places where we are able to access the amenities and services we need.

Proposed Plan section/policy/proposal	Representation	Justification
Policy SEH1: Sustainable Energy and Heat (page 102)	To note that district heat networks “ <i>could co-exist satisfactorily with existing or proposed uses in the area</i> ” where these uses include green networks.	Co-location of heat networks and green networks may be an effective way to deliver infrastructure. We look forward to the opportunity to advise further either through consultation on supplementary guidance or review of the LDP, as discussed at paragraph 4.71 of the Proposed Plan.
Policy WD1: Wind Farms (page 103)	Support.	We note and support the content of Policy WD1 and the supporting Technical Note 4.
Policy WD2: Smaller Scale Wind Turbine Development (page 103)	Support.	
Policy WD3: All Wind Turbines (page 106)	Support.	
Policy WD4: Access Tracks (page 107)	Amend policy to include ancillary development such as crane pads, grid connections and energy storage.	<p>Ancillary development is a key component of wind farms and we consider it is not fully addressed in either policy or supporting text at present.</p> <p>With minor modification, Policy WD4 could also usefully cover other non- turbine ancillary aspects of wind farm development that may have significant environmental effects: such as construction compounds, borrow pits, crane pads, substation, cables and connections. This may allow fuller definition between and linkage to, Policy WD3.</p> <p>We are aware of growing interest and applications for energy storage proposals, including on site within wind energy projects. Policy reference to energy storage infrastructure could be usefully accommodated within a modified Policy WD4.</p>
Policy WD5: Re-powering (page 107)	Amend to allow scope within Policy WD5 to develop further planning guidance on repowering.	Given the age of certain wind energy developments within and adjacent to East Lothian, we highlight the potential within the plan period for repowering to become a key issue. It may therefore be pragmatic to allow scope within Policy WD5 to develop further planning guidance

Proposed Plan section/policy/proposal	Representation	Justification
		on repowering, potentially through joint working with neighbouring Local Authorities on the two strategically important cross boundary development clusters (1.Aikengall/ Crystal Rig phases; 2; Dun Law/ Pogbie/ Keith Hill).
PROP EGT1: Land at former Cockenzie Power Station (page 108)	We note and welcome the redrafting of the Proposal to include a Natura caveat. We note and welcome the intention to prepare Supplementary Guidance.	The future use of the site of Cockenzie Power Station remains uncertain. In that context, we consider it appropriate for the Proposed Plan to highlight the need for HRA and to propose that further detail on use of the site is set out in Supplementary Guidance. We will engage in both processes as required.
PROP EGT3: Forth Coast Area of Co-ordinated Action (page 109)	We note that the Proposal has been updated to include a Natura caveat. As the current wording appears to pre-suppose that there will be a likely significant effect, this caveat should be re-drafted: <i>Proposals must be accompanied by project specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations.</i> The supporting text at paragraph 4.97 requires a change of tense to communicate that two developments are consented.	In general, we welcome the clear expression of what East Lothian Council require in relation to grid connections for offshore wind energy. However, the supporting text for this Proposal requires review as it currently reads as though something <u>may</u> come forward when two developments are already consented here. The current Natura caveat prejudices a positive screening result for likely significant effect. To allow the assessment process to run its course, the caveat should be reworded to refer to the HRA process as a whole rather than the latter stages.
PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries (page 113)	There is no recognition in either PROP MIN4 or the supporting text that part of Bangley Quarry is a Site of Special Scientific Interest (SSSI). This should be added to the Proposal to ensure that reopening of the site does not conflict with management of the SSSI.	Our objectives for management of the SSSI include maintaining access to geological features and avoiding damage by quarrying operations. We therefore recommend that PROP MIN4 should set out requirements to minimise impacts on the SSSI that proposals for Bangley Quarry will need to address in order to be acceptable.
Spatial Strategy Diagram 5: Countryside and Coast (page 119)	Review extent of “constrained and developed coast” shown in diagram 5.	The diagram should: <ul style="list-style-type: none"> • Separate out the different categories of

Proposed Plan section/policy/proposal	Representation	Justification
		<p>'constrained' and 'developed' coast to align with Policy DC6: Development in the Coastal Area;</p> <ul style="list-style-type: none"> • Be updated to accurately reflect the extent of unspoiled coast.
<p>Policy DC4: New Build Housing in the Countryside (page 121)</p>	<p>Policy refers only to support “<i>outwith the constrained coast</i>”. This caveat appears unnecessary.</p>	<p>Policy DC6 sets out constraints and requirements in relation to the coast. Policy DC4 should therefore refer to that policy in caveat (iii) rather than emphasise one particular definition of countryside and coast.</p>
<p>Policy DC6: Development in the Coastal Area (page 122)</p>	<p>Policy should be amended to refer to “<i>Unspoiled Coast</i>” rather than “<i>Largely Unspoiled Coast</i>”.</p> <p>Policy DC6 has a more comprehensive Natura caveat than other policies and it is unclear why this detail is required in this particular case. To align with other Policy caveats, we recommend it is amended to:</p> <p><i>Proposals must be accompanied by project specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations.</i></p>	<p>The term “<i>Largely Unspoiled Coast</i>” used in Policy DC6 does not appear elsewhere in the Proposed Plan or Technical Note 7. We recommend it is changed to “<i>Unspoiled Coast</i>” to ensure clarity and consistency throughout the Proposed Plan and supporting documents.</p> <p>The Natura caveat used in Policy DC6 represents good practice. However, it does not align with caveats used elsewhere in the Proposed Plan. As the full caveat is used in Policy NH1 we suggest that the shorter caveat used in other Policies would be sufficient in Policy DC6.</p>
<p>Policy DC8: Countryside Around Towns (page 123)</p>	<p>Support.</p>	
<p>Policy DC10: The Green Network (page 124)</p>	<p>The Policy seeks to secure provision of green network measures through development briefs and proposed Green Network Strategy supplementary guidance.</p> <p>It should be made clear that green infrastructure contributions are included in the draft Developer Contributions supplementary guidance. A hook to the Developer Contributions supplementary guidance should be included.</p>	<p>As a key infrastructure type, we consider green network provision should be treated in the same manner as other infrastructure types.</p>
<p>Biodiversity and Geodiversity (page 125)</p>	<p>Remove reference to “<i>candidate Marine Special</i></p>	<p>The Firth of Forth Banks Complex is solely a</p>

Proposed Plan section/policy/proposal	Representation	Justification
	<p><i>Area of Conservation</i>” in relation to Firth of Forth Banks Complex and update reference to Outer Firth of Forth and St Andrews Bay Complex draft SPA in paragraph 6.7 so that it reads:</p> <p><i>“Offshore, the Firth of Forth Banks Complex is a Nature Conservation Marine Protected Area (MPA). The Outer Firth of Forth and St Andrews Bay Complex is a marine proposed SPA.”</i></p>	<p>Nature Conservation MPA.</p> <p>Since the Proposed Plan was drafted and published the Outer Firth of Forth and St Andrews Bay Complex has moved from draft to proposed SPA.</p>
<p>Policy NH1: Protection of Internationally Designated Sites (page 126)</p>	<p>Support.</p>	
<p>Policy NH2: Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites (page 126)</p>	<p>Support.</p>	
<p>Policy NH3: Protection of Local Sites and Areas (page 126)</p>	<p>Remove reference to <i>“The following sites”</i> as no sites are listed.</p> <p>Amend reference to <i>“associated technical note”</i> to <i>“Planning for Biodiversity Technical Note”</i>.</p>	<p>Policy NH3 would be overly long if sites were listed. We suggest this reference is removed as the Proposals Map and Technical Note 10 provide detail.</p> <p>As the Proposed Plan has several supporting Technical Notes, a specific reference to the Planning for Biodiversity Technical Note is more helpful to readers.</p>
<p>Policy NH4: European Protected Species (page 127)</p>	<p>Support.</p> <p>Recommend that supporting text at paragraph 6.13 includes reference to licensing requirements.</p>	<p>To support proportionate approach to delivering development, the need for a derogation licence for EPS under the Conservation (Natural Habitats &c.) Regulations 1997 (as amended) should be made clear.</p>
<p>Policy NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species (page 127)</p>	<p>Support.</p> <p>Recommend that supporting text at paragraph 6.13 includes reference to licensing requirements.</p>	<p>To support proportionate approach to delivering development, the need for a derogation licence for species protected under the Wildlife & Countryside Act 1981 (as amended) should be made clear.</p>
<p>Policy NH6: Geodiversity Recording and Alternative Exposures (page 127)</p>	<p>Support.</p>	
<p>Policy NH7: Protecting Soils (page 128)</p>	<p>Support.</p>	

Proposed Plan section/policy/proposal	Representation	Justification
Policy NH8: Trees and Development (page 129)	Support.	We welcome the clear policy caveat on loss of ancient woodland and the overall policy approach of protecting the woodland resource of East Lothian.
Policy NH10: Sustainable Drainage Systems (page 130)	Support, however, we recommend that the final sentence of Policy NH10 is altered to read: <i>Proposals must also demonstrate through a design-led approach how SuDS proposals are appropriate to place and designed to promote wider benefits such as placemaking, green networks and biodiversity enhancement.</i>	We welcome the recognition of the role of SuDS in placemaking, green networks and biodiversity enhancement. As green infrastructure, we highlight SPP paragraph 225: that SuDS proposals should be delivered through a design-led approach that results in a proposal that is appropriate to place.
Policy DP2: Design (page 138)	We recommend Policy DP2, bullet 4 is altered to read: <i>Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks both on- and off-site, including green networks, in the wider area ensuring access for all the community, favouring, where appropriate, active travel and public transport then cars as forms of movement.</i>	Policy should more explicitly align with the SPP transport mode hierarchy and the policy principles of Designing Streets.
Policy DP9: Development Briefs (page 141)	In general we support this policy, but for clarity, it should be made clear that the briefs within the <i>Draft Development Briefs Supplementary Planning Guidance Parts 1 and 2</i> , will form adopted briefs when finalised.	We welcome this policy and the development principles established both in the policy and set out in the related draft supplementary guidance. Nevertheless, some sites have natural heritage impacts that we consider will be difficult to mitigate. We have highlighted above the sites which are of greatest concern to SNH.

Annex 2 – Action Programme, Supplementary Guidance and other documents

Document section	Comments
Habitats Regulations Appraisal	
Approach (pages 3 to 10)	<p>This section is a generally useful and thorough explanation of the iterative process followed in the Habitats Regulations Appraisal (HRA).</p> <p>We note that paragraph 2.15 specifies that the screening process has been undertaken in line with the Waddenzee ruling³. It is helpful to see this explicitly referenced. It is also useful to see the screening criteria laid out clearly at paragraphs 2.29 – 2.34, contributing to the generally transparent approach of this report.</p>
Results/conclusions of screening (pages 10 to 15)	<p>This section, alongside Appendix B, establishes a clear and transparent audit trail of decisions and amendments to the Proposed Plan policy text.</p> <p>Explicit reference is made to Policy EGT1 (Cockenzie Power Station) in paragraphs 3.9 and 3.13, thereby screening out two Natura sites. However, other Natura sites are screened out without this audit trail at paragraphs 3.11-12 and 3.14-15. There appears to be a lack of consistency here as our advice has been that Isle of May Special Area of Conservation (SAC), Firth of Tay and Eden Estuary SAC, Moray Firth SAC and Outer Firth of Forth and St Andrews Bay Complex proposed (Special Protection Area) have connectivity with the Cockenzie site.</p> <p>The conclusions set out in Table 3.1 are reasonable; however, we consider that the explanation behind some of them could be more explicit. In the context of plan preparation and review timescales, it is important that HRA Records establish a clear audit trail so that the basis for decisions is clear to subsequent plan-makers.</p>
Appropriate Assessment in relation to Firth of Forth SPA (pages 15 to 36)	<p>The analysis of proposals is based on the best available information available at the time of the HRA.</p> <p>Under <u>increased recreational disturbance at the coast from housing</u> (paragraphs 4.1 to 4.30), in the context of recent discussions on survey work in support of the LDP, paragraph 4.9 contains the key point “<i>there does not appear to be a linear relationship between the housing stock in East Lothian and levels of recreational use of the coast</i>”. With this in mind our advice is</p>

³ <http://www.snh.gov.uk/protecting-scotlands-nature/protected-areas/international-designations/natura-sites/hra-likely-significant-effect/>;
<http://curia.europa.eu/juris/liste.jsf?language=en&num=C-127/02>

Document section	Comments
	<p>that further consideration of this topic may be better placed outside of the LDP context.</p> <p>Paragraph 4.29 recommends a study of visitor numbers and disturbance levels, and subsequent mitigation. We agree that this is an issue the Council is going to have to address; however, as discussed above we are less certain that the LDP process is the correct context within which to pursue this work.</p> <p>The section on <u>loss of high tide roost sites for waders</u> generally sets out clear arguments in support of the conclusions of no adverse effect on site integrity. However, the conclusions for redshank (paragraph 4.50), lapwing (paragraph 4.65), golden plover (paragraph 4.70) and grey plover (paragraph 4.73) could be clearer. Lapwing and golden plover appear to have no conclusion at all. In the case of redshank and grey plover, we assume that the conclusion is based on the rationale that only coastal tetrads contain higher numbers. Therefore, as allocations are inland, the proposals will have no adverse effect on site integrity. If this is the case, it should be stated more clearly.</p> <p>Discussion of <u>loss or disturbance of pink-footed goose roosts</u> notes several relevant factors – this qualifying interest is in favourable condition, there is a preference for feeding sites north of the A1, ability to use a wide range of crop fields and the impact of disturbance (from roads in particular). This is useful contextual information.</p> <p>There are five proposals identified as likely to disturb pink-footed goose. Of these, PROP PS1 and PROP DR8 are presented as single outlier records and therefore not important feeding areas. We agree with this assessment.</p> <p>PROP NK7, PROP NK8 and PROP NK9 identify a need for HRA at project level. As the competent authority it is for you to decide on the requirements set out in the proposals. However, we highlight at this point that our own position on this, as advised by our ornithologists, is that the extent of work set out is not required.</p>
Appropriate Assessment in relation to Fala Flow and Gladhouse SPAs (pages 36 to 37)	We agree with the conclusion for the plan itself and in-combination with other plans.
Appendix E (pages 62 to 65)	This appendix references the Dirleton Airfield proposal (planning case ref and page ref) as a proposal that was refused. Our understanding is that this

Document section	Comments
	<p>is not correct and that the proposal is proceeding through application and assessment processes once more. This part of the HRA Record will require update.</p>
<p>Draft Developer Contributions Framework supplementary guidance</p>	
<p>Delivering the Spatial Strategy for East Lothian</p>	<p>Paragraph 1.22 (page 5) discusses the importance of early clarity on how issues will be addressed in support of development appraisals, proposals and masterplans. As discussed in our representation on Policy DC10 in Annex 1 of this response, we consider this should include green infrastructure as an integral element of successful places and green networks.</p> <p>For example, we consider that by setting the developer contributions for cycling and open space more firmly within a wider context of delivering green infrastructure (in line with the policy principles set out in paragraph 194 of Scottish Planning Policy) that a wider set of benefits could be derived from developer contributions.</p> <p>We have considered the policy tests set out in Circular 3/2012 in giving this advice to you and we believe that developer contributions for active travel and open space in the context of a multi-functional green infrastructure, where such measures are required, meet the 5 tests.</p>
<p>Draft Development Briefs supplementary planning guidance</p>	
	<p>We welcome the preparation of development briefs for sites to be allocated within the Local Development Plan and the work progressed jointly to date. We are happy to continue to engage with you to help finalise the draft briefs, to take account of feedback received.</p> <p>We see the opportunity for further refinement of the content of the briefs. In relation to our own remit; one such example would be in relation to the use of colour in development. Appropriate guidance on this matter would be beneficial, particularly with respect to larger buildings and business facilities on the edge of settlements and where local landscape character and visual impact issues may suggest the need for further consideration of colour in development. In certain specific circumstances the need for a design led approach to colour co-ordination as a form of mitigation could usefully be set out in the briefs.</p> <p>While we support the preparation of development briefs, as highlighted in Annex 1 of our response there are a number of sites which continue to raise</p>

Document section	Comments
	<p>concerns for us and where we consider it will be difficult to achieve acceptable mitigation of development-related impacts on the natural heritage. In terms of natural heritage impacts we consider that other alternative sites considered at MIR stage would have fewer impacts.</p> <p>Finally, we note that this document is identified as “<i>supplementary planning guidance</i>” in contrast to other consultation documents which are “<i>supplementary guidance</i>”. We assume that this distinction means that the draft Development Briefs guidance are non-statutory and therefore not part of the LDP at present. As a key mechanism for delivering the spatial strategy we consider that, as part of finalising them, the development briefs should be adopted as supplementary guidance.</p>
Action Programme	
General	<p>The Action Programme has Priority Actions and Guidance Actions, which are described in the preamble on page 6. It is not clear how Priority Actions are those that “<i>must be implemented in the short term</i>” as they are shown with short, medium and long timescales. On that basis, it is unclear how actions have been assigned to different tables, particularly as several transport actions are essential to timely delivery of the LDP. There is also overlap between these tables in places, adding further confusion on how these tables should be read alongside each other.</p> <p>The difference in format between the Priority Actions and Guidance Actions is also somewhat confusing and we find the RAG rating⁴ used for Priority Actions much clearer than the format used for Guidance Actions.</p>
PROP T3: Segregated Active Travel Corridor (Proposed Plan page 90)	<p>The Council’s commitment to developing a segregated active travel corridor is not reflected in the current version of the Action Programme. As the Action Programme includes short- to long-term actions, this raises concern regarding the actual status of the commitment to this key element of the area’s transport infrastructure.</p> <p>We recommend that this proposal is included in the Action Programme.</p>
Blindwells Development Area Design Framework (page 18)	<p>The current Blindwells allocation and the long-term safeguard represent an area of significant change within which there could be both opportunities and constraints for the natural heritage. Given the extent of change, unseen in this area in recent generations, we consider that the joint working interests</p>

⁴ RAG rating – red, amber, green rating

Document section	Comments
	<p>at Blindwells are broader ranging than those listed in this version of the Action Programme.</p> <p>We would welcome being included in certain elements of joint working for this site.</p>
Special Landscape Areas SPG (page 19)	<p>We are identified for joint working on the Special Landscape Areas supplementary guidance. We welcome our proposed role and look forward to working on this with the other partners.</p>
Policy NH9: Water Environment (page 45)	<p>We are unclear on the reason for our inclusion against this action. While we have an interest in the water environment where it supports delivery of our remit, SEPA are the lead agency for WFD and WEWS and related policy requirements.</p>
Policy NH11: Flood Risk (page 46)	<p>Please see our comments on actions for Policy NH9 above.</p>
Policy CH9: High Street/Inch View, Prestonpans (page 50)	<p>We assume that we are identified as a joint lead here as Policy CH9 includes a Natura caveat. We will provide advice on HRA in the normal manner and do not consider that there is a requirement for the Action Programme to identify us as a joint lead.</p>