

REPORT TO: East Lothian Council

MEETING DATE: 24 April 2018

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Report on Examination of Proposed East Lothian Local Development Plan

1 PURPOSE

- 1.1 To request that the Council notes the findings of the Scottish Ministers' Examination in Public of the proposed East Lothian Local Development Plan (LDP), set out as conclusions within each section of the completed [Report of Examination](#) as previously made available to elected members and available to view on the Council's website within the Local Development Plan web pages.
- 1.2 To advise the Council of the Reporter's consequent recommended post-examination modifications to the proposed LDP also set out within the Report of Examination, and in the Table of Reporter's Recommendations by Issue (Appendix 1 of this report).
- 1.3 To advise the Council that the Reporter's recommended post-examination modifications are largely binding on the Council as it finalises the content of the LDP for adoption as set out in Section 19 (10-11) of the Town and Country Planning (Scotland) Act 1997 and Regulation 2 of the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 (see paragraph 3.24 below).
- 1.4 To advise the Council that, in the context of point 1.3 above, before the LDP can be adopted by the Council all the Reporter's recommended post-examination modifications should be fully incorporated within the LDP, unless any one of them falls within a category that means the Council should decline to follow it, as defined within Regulation 2 of the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009.
- 1.5 To further advise the Council that it should also make any requisite minor consequential modifications to the proposed LDP arising as a consequence of the Reporter's modifications themselves (e.g. minor

mapping changes or changes to policy, proposal or paragraph references etc.) and that, other than this and in the circumstances described in point 1.4 above, no further modifications to the proposed LDP can be made by the Council before it adopts the LDP.

- 1.6 To advise Members of the requirement within the Town and Country Planning (Scotland) Act 1997 (as amended) for a decision of the Council on whether it intends to adopt the LDP (as modified following Examination in Public) within three months of receiving the Report of Examination. A decision to this effect will be sought at a separate and later Council meeting.

2 RECOMMENDATIONS

- 2.1 That Council notes the findings of the Scottish Minister's Report of Examination in respect of the proposed East Lothian Local Development, in particular its conclusions and recommended post-examination modifications to the proposed LDP.

3 BACKGROUND

Components of the Development Plan

- 3.1 The Council is required to review the development plan every five years in order to maintain up-to-date development plan coverage for East Lothian. The development plan broadly comprises two parts, a strategic development plan and a local development plan. A local development plan must, by law, be consistent with a strategic development plan.
- 3.2 The development plan is the starting point for determining planning applications, and if kept up to date its provisions carry significant weight in planning decisions. If any part of the development plan is out of date, that part carries less weight in planning decisions. In these circumstances, decision makers may choose to place greater weight on other relevant material considerations such that they outweigh the strategy and policies of the Council's development plan. It is therefore important that both parts of the development plan are kept up to date.
- 3.3 A strategic or local development plan can also be supported by statutory Supplementary Guidance. Statutory Supplementary Guidance must be scoped within the main plan and its content must only address, in more detail, matters of principle set out in the main plan. Once adopted, statutory Supplementary Guidance becomes part of the development plan, and can therefore carry significant weight in the determination of planning applications.
- 3.4 Additionally, a strategic or local development plan can also be supported by non-statutory Supplementary Planning Guidance, but this cannot become part of the development plan. Therefore, as a material

consideration it does not carry as much weight in the determination of planning applications. Non-statutory Supplementary Planning Guidance must be consistent with the main plan and can only provide more detailed policy guidance on the interpretation and application of its policies than would be appropriate in the main plan itself.

- 3.5 Statutory and non-statutory guidance are prepared separately from the main plan(s) to which they relate and are subject to their own separate adoption procedures. They are not subject to Examination in Public.

The Current Development Plan for East Lothian

- 3.6 Currently, the development plan for East Lothian is under review and it comprises the following parts:

- the approved Strategic Development Plan for Edinburgh and South East Scotland (SDP1) prepared by the South East Scotland Strategic Development Plan Authority (SESplan) and approved by Scottish Ministers in June 2013;
- SESplan's statutory Supplementary Guidance on Housing Land. This was prepared by SESplan to support SDP1 and became operative in June 2014. It specifies how much of the city region's requirement for new homes must be satisfied by new housing land allocations within each local authority area; and
- the adopted East Lothian Local Plan 2008.

- 3.7 The Council is in the process of replacing the East Lothian Local Plan 2008 with a new Local Development Plan and has now reached a very advanced stage. The completed stages of this process are described in the following section of this report. If adopted by the Council, the new Local Development Plan will replace the East Lothian Local Plan 2008 as the up-to-date Local Development Plan for the area.

- 3.8 The new Local Development Plan is intended to be accompanied by statutory Supplementary Guidance and non-statutory Supplementary Planning Guidance. Initial drafts of some of this guidance were consulted on when the proposed LDP was published for representation. Comments received on these early draft versions will be taken into account in updated consultation drafts of these documents, as will the findings of the Examination in Public on the proposed LDP. Additional draft Supplementary Planning Guidance has also been prepared for consultation.

- 3.9 All of these planning guidance documents must be published for consultation prior to adoption by the Council. Decisions from the Council to initiate public consultation exercises on these planning policy guidance documents will therefore be sought at separate and later meetings of the Council. The intention is to minimise any delay between adoption of the LDP and adoption of its associated statutory and non-statutory supporting guidance.

- 3.10 Once in consultative draft form, these documents could be taken into account as material considerations but would not carry as much weight in the determination of planning applications as they will once adopted by the Council.

Emerging Local Development Plan: Completed Stages

- 3.11 The Council published the LDP Main Issues Report (MIR) for consultation on 17 November 2014 following significant early consultation and engagement work. Publication of the MIR was the first statutory stage of preparing the LDP. The MIR process consulted on a range of preferred and reasonable alternative approaches and other options for East Lothian's future planning strategy and policies. Around 1,000 consultation responses were received to the MIR, which were reported to Council on 21 April 2015.
- 3.12 On 17 November 2015 the Council approved an amended draft proposed LDP to reflect its consideration of the responses to the MIR. That decision set the context for the necessary technical work to be concluded by officers in support of the planning strategy and policies the Council wanted to include within its proposed LDP.
- 3.13 On 6 September 2016 the Council approved its proposed LDP and associated supporting technical work. That decision confirmed the Council's settled view on its proposed future planning strategy and policies for East Lothian. The proposed LDP was published for a seven-week period of representation until 7 November 2016. Around 440 representations to the proposed LDP were received during the representation period.
- 3.14 Having considered the representations, the Council decided on 28 March 2017 not to make any pre-examination modifications to the plan. Instead the decision was to submit the proposed LDP and its supporting evidence base, the unresolved representations and the Council's responses to these to the Scottish Ministers for Examination in Public, as required if there are unresolved representations to a proposed LDP. In these circumstances Scottish Ministers appoint an independent Reporter to examine the plan and whether the unresolved representations would, in the Reporter's view, justify changes to the proposed LDP. This submission was made on 3 May 2017.
- 3.15 When preparing the submission for Examination in Public, Scottish Ministers required the Council to consider whether the unresolved representations contained common themes – e.g. the amount of new development to be delivered in the area / whether the proposed spatial strategy is appropriate / concern over the impact of new development on infrastructure and the intended approach to mitigation / the scale of development in particular locations or sites / omission of sites etc. Overall, a number of broad themes were identified in the unresolved representations and these were grouped in to issues. In total, 34 separate issues were identified within the unresolved representations.

3.16 The Council responded to each of these separate issues within the standard forms for Examination known as Schedule 4 Forms. The Schedule 4 Forms, taken together, address each individual objectors' unresolved representations. To do this some objectors appear in more than one Schedule 4 Form. This reflects situations where more than one point of objection was made by an individual objector. Each Schedule 4 Form prepared by the Council is completed during the Examination in Public by the Examination Reporter(s), who detail their conclusions and recommendations in respect of each issue. These forms, once completed by the Reporters, become the final chapters of the Report of Examination.

Scope and Purpose of the Examination in Public

3.17 The Examination in Public comprises two stages:

- Stage 1 of the Examination considered whether the Council complied with the minimum publicity and consultation requirements associated with preparing the proposed LDP. This stage of the East Lothian proposed LDP Examination found that the Council met the statutory minimum publicity and consultation requirements, and allowed the Examination to proceed to the next stage;
- Stage 2 of the Examination considers whether, in the Reporter's view, the unresolved representations to the proposed LDP, notwithstanding but also considering the Council's position on these, ought to result in changes to the proposed LDP before it can be adopted by the Council. Stage 2 of the Examination commenced on 8 June 2017.

3.18 During the course of an Examination in Public it is always at the Reporter's discretion to decide whether further information should be sought from parties in order to reach conclusions and recommendations on any issue, and to decide how this further information is to be obtained. Reporters may seek further information through a range of means including written submissions, accompanied or unaccompanied site visits, or hearing or inquiry sessions. During the course of the Examination the Council received 21 requests for further information and 3 other interested parties requests. No hearing or inquiry sessions were considered necessary. All of the information required to reach conclusions on the issues was provided to them at the point of submission, or through the limited amount of further written submissions they requested.

Findings of the Examination in Public on the Council's LDP

3.19 Notwithstanding the content of the [Report of Examination](#) itself, the key highlights of the Report of Examination that support or recommend changes to the proposed LDP are set out below.

Support for the Proposed LDP Approach

3.20 The overall key messages from the Report of Examination that support the Council's approach are as follows:

- The compact spatial strategy and the overall distribution of new development with planned mitigation (including infrastructure provision) is supported as a sustainable settlement strategy for the area that responds appropriately to the pressures for development it faces; in the vast majority of cases the proposed development sites are also supported. The overall strategy will manage change in an appropriate way and is the spatial strategy that should be followed;
- Support is also provided for the introduction of new policies that, taken together with those that facilitate appropriate new development in suitable locations, provide balance to the spatial strategy and offer appropriate strategic landscape protection, conservation and, where appropriate, scope for enhancement – examples of these policies include those on the Green Network, Special Landscape Areas and Countryside Around Towns;
- The supply of employment and housing land within the LDP (as modified) would be appropriate and sufficient, there would be an adequate supply of effective housing land at this time and therefore no need for additional housing land allocations or releases other than those recommended to be included within the LDP. The Report of Examination also concludes that, due to the slower than anticipated rate of housing delivery, a sufficient number of house completions is now unlikely to be possible to meet the SDP1 'interim' housing requirement to 2019, and therefore allocation, release or approval of any additional housing sites in order to meet that 'interim' requirement is not required. The overall Housing Requirement to 2024 does, however, need to be met;
- The Report supports the framework of policies that identify the need for new infrastructure and community facilities provision expected to arise directly as a result of new development, including interventions to provide additional capacity in our schools and community facilities, on the road and rail networks and, where appropriate, NHS provision. Significantly, it also supports the method by which the Council has assessed and justified the need for developer contributions towards these items;
- The safeguard of land for a larger new settlement at Blindwells is supported. The emphasis for the future planning of this area is to be on collaborative working in order to produce a vision for the development of the larger new settlement that will realise the opportunities it could bring in future for East Lothian; on demonstrating how such a vision for the expansion of the new settlement can be made effective; on identifying the nature and

scale of development and land uses that it could contain; on maximising opportunities for regeneration and environmental improvement; and on identifying the mechanisms for delivery, including for required mitigation. In advance of the review of LDP1, the Council can seek to prepare non-statutory Supplementary Planning Guidance, working with stakeholders as appropriate, to describe and illustrate this vision spatially across the expansion area;

- In terms of the wider policy framework within the LDP, the suite of policies on employment and housing (including affordable housing), on town centres, on open space, and on development in the countryside and on the coast, on natural and cultural heritage, on minerals and waste, on energy generation (including sustainable energy generation and the spatial and policy framework for wind farm and wind turbine development), as well as on digital communications networks, on water and air quality and on noise, and on design are all supported with only minor modifications recommended in respect of the wording of some policies or their preambles;
- In light of the Supreme Court Judgement issued during the Examination period (*Aberdeen City and Shire Strategic Planning Authority v Elsick Development Company Ltd*), and in response to a request from the Reporter for further information on this matter as relevant to the proposed LDP, the Council suggested modified wording in respect of Policy DEL1. This was to take account of the above Supreme Court judgement and to clarify within Policy DEL1 that the use of statutory Supplementary Guidance is to be used to indicate the *'likely nature and scale'* of developer contributions, and cannot lawfully be used to predetermine and prescribe these. This modified wording clarifies how Policy DEL1 must be operated by the Council and it is supported by the Report of Examination;
- In that context, the Report also supports the use of the proposed statutory Supplementary Guidance: Developer Contributions Framework to set out in advance, for communities and developers alike, the required infrastructure items and an outline delivery strategy for them as well as the *'likely nature and scale'* of developer contributions that will be expected from developers towards their delivery.

Recommended Post-examination Modifications to the Proposed LDP Approach

3.21 The overall key messages from the Report of Examination where post-examination modifications to the LDP are recommended are as follows:

- The removal of the following sites from the spatial strategy of the LDP:

- MH13: Howe Mire (170 homes and 1 hectare of employment land)
- TT15: Humbie North (20 homes)
- TT16: East Saltoun (75 homes)

In reaching this conclusion the Reporter took into consideration the potential of some allocations helping to sustain local schools and environmental reasons (including cultural heritage constraints and the size and location of some of the settlements). The Report conclusions on the supply of housing land, particularly in the period to 2019, may also have been relevant to supporting the recommendation to remove these sites from the overall supply of housing land. The Reporter also considered that the level of generosity provided results in an adequate supply of housing land. Similarly, the Reporter makes no requirement to re-provide land for employment deleted from the land supply in view of the overall generous supply of land for employment within the LDP;

- The addition of one site for 115 homes and for cemetery provision at Newtonlees Farm, Dunbar is recommended to reflect the Council being minded to grant planning permission in principle for housing and cemetery development at that site as the Examination in Public was ongoing;
- Proposal EGT1: Former Cockenzie Power Station Site is recommended to be modified to reflect the wording of National Planning Framework 3 as interpreted by the Scottish Government. Scope is retained for the Council to prepare non-statutory Supplementary Planning Guidance for this site when the LDP is operative to help guide future planning decisions for development on the land in line with Proposal EGT1 as proposed to be modified;
- Proposal BW2: Safeguarded Blindwells Expansion Area is recommended to be modified only so as to remove the references to the preparation of statutory Supplementary Guidance as a means to allocate the site for development. The Report considers this to be an inappropriate procedural approach, since the Supplementary Guidance was proposed to be used to confirm an allocation of more than only local significance. Additionally, references to the inclusion of a sub-regional town centre within the new settlement is recommended to be removed from the LDP, although the Report notes that future technical work might support the inclusion of this ambition within future plans. Overall on this issue, the Report concludes that these matters should be addressed through a review of the Local Development Plan;
- The Report recommends that references to potential longer-term areas for development to the south-west of Haddington at Dovecot, to the south-west of Dunbar at Eweford Farm and, in particular, at Drem are recommended to be removed from the LDP. The Report

notes that sufficient land would be allocated by the LDP to meet the development requirements of SDP1, and that land is proposed to be safeguard for an expansion of Blindwells in to the longer term. There is therefore no need to identify additional potential development areas at this time, as these are matters more appropriately dealt with through a review of the LDP;

- In terms of cemetery provision, the Report of Examination recommends that Proposal OS5: Potential Cemetery Extensions and the associated cemetery safeguards, be removed from the LDP. The Report of Examination concludes that further technical work will be needed to demonstrate that these sites can be developed for the purpose intended, and that to safeguard them now might prejudice any other appropriate types of development. Nonetheless, it remains possible for the Council to pursue its proposals for these sites via planning applications, as required when the LDP is operative.

Implications of the Reporter's Recommendations on the Council's LDP

- 3.22 Examination in Public is an independent, detailed and public scrutiny of the Council's proposed LDP. It is the means by which objectors can challenge the proposed LDP. Objectors can seek a determination from an independent and impartial Reporter on whether and how the proposed LDP should be modified in light of their representations before it can be adopted by the Council.
- 3.23 The Reporter's conclusions and recommendations have been reached objectively in the course of the Examination in Public, and are to be largely binding on the Council in so far as the adopted content of its LDP is concerned. It is therefore essential that the outcome of this due process is acknowledged.
- 3.24 However, the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 does set out very limited circumstances in which the Council may justify a departure from the Report of Examination's recommended post-examination modifications before adopting the LDP. Regulation 2 sets out the only grounds on which the Council may decline to make such post-examination modifications to the proposed LDP, and these are:
- a. the modification, if made, would have the effect that the proposed Local Development Plan would not be consistent with:
 - i. the National Planning Framework;
 - ii. the strategic development plan for the land to which the proposed Local Development Plan relates; or
 - iii. any plan adopted as a National Park Plan under section 12(7)(a) of the National Parks (Scotland) Act 2000 for such land;

- b. that the adoption of the Local Development Plan as so modified would not be compatible with the requirements of Part IVA of the Conservation (Natural Habitats, etc.) Regulations 1994;
 - c. the recommendation in respect of the modification is based on conclusions that the appointed person could not reasonably have reached based on the evidence considered in the course of the examination under section 19(3) of the Act
- 3.25 Before officers make any recommendation to the Council advising that any of the Reporter's recommendations are incorporated within the LDP prior to its adoption, officers will have considered whether any of these modifications fall within the scope of the provisions of Regulation 2 above.
- 3.26 Before this can be determined further detailed consideration of the Report of Examination as well as further technical work on the implications of the recommended post-examination modifications require to be concluded. Officers will report to the Council the outcome of this further consideration in due course to inform the Council as it decides whether it intends to adopt the LDP as modified following Examination in Public.

Next Steps Towards Adoption of the Local Development Plan

- 3.27 The Town and Country Planning (Scotland) Act 1997 (as amended) requires that the Council submit to Scottish Ministers the LDP it intends to adopt within three months of receiving the Report of Examination. Accordingly, once officers have concluded the necessary further technical work and made appropriate post-examination modifications to the proposed LDP, the next step for the Council will be to decide whether it intends to adopt the LDP as modified following Examination in Public. This decision of the Council will be sought at a later Council meeting.
- 3.28 If the Council approves the Local Development Plan as modified following the Examination in Public as the LDP it intends to adopt, the Act requires that this version of the LDP be submitted to Scottish Ministers for their review before it can be adopted by the Council. The Scottish Ministers must be formally notified of this submission, and at the same time be sent copies of the LDP the Council intends to adopt with the relevant information, including the Report of Examination and any updated environmental assessments.
- 3.29 If the Scottish Ministers' review of the Local Development Plan is relatively straightforward it should take around 28 days to complete. However, if their review is more complex, for example, if all the recommendations from the Scottish Ministers' Report of Examination in Public have not been fully incorporated within the LDP the Council intends to adopt, it may take significantly longer to conclude.

4 POLICY IMPLICATIONS

- 4.1 Subject to decision on adoption

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The original Integrated Impact Assessment that accompanies the proposed LDP (see Members' Library Ref: 159/16, August 2016 Bulletin) will be updated following consideration of the Reporter's recommended post-examination modifications to the proposed LDP.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The growth resulting from the implementation of the adopted Local Development Plan will have significant implications for the Council and its wider Community Planning partners in respect of financial and other strategic plans. These implications continue to be a significant input to the budget setting process. The Proposed LDP and the draft Supplementary Guidance: Developer Contributions Framework provide for the development of additional capacity or new facilities/infrastructure so as to ensure that developers contribute towards these where appropriate. The cumulative impacts, mitigation interventions and high level costs and contribution requirements would be set out within the LDP Action Programme as well as the Supplementary Guidance: Developer Contributions Framework if these documents are adopted. Once adopted, they will help the Council to maximise recovery of required developer contributions, government grants and other contributions to help accommodate its own commitments within both capital and revenue forward planning. The Financial Strategy approved by the Council in February 2018 signalled the future significance of the LDP although it was accepted that the vast majority of this would lie outwith the existing 3-year strategy period. Upon adoption of the LDP, there will be a clear imperative that the Council continues to refresh and extend the financial planning horizon, particularly in respect of the Council's Capital Programme but also in anticipation of the associated revenue implications that will flow from any such investment.
- 6.2 The Planning Service budget includes for the remaining Examination costs and cost for making post-examination modifications to the proposed LDP. Other services budgets may also be affected in concluding this work too.
- 6.3 Personnel - staff of the Planning Service and other services of the Council will be required to complete further technical work to address the recommendations of the examination report, including in terms of the preparation of other planning policy documents as required, and to deliver the LDP.

7 BACKGROUND PAPERS

- 7.1 East Lothian Proposed Local Development Plan: Report of Examination [RoE](#)
- 7.2 Representations to the Proposed LDP (Members Library Ref 21/17 March 2017)
- 7.3 Strategic Environmental Assessment Environmental Report on consultation responses (Members Library Ref 32/17 March 2017)
- 7.4 Proposed LDP Action Programme report on consultation responses (Members Library Ref 33/17 March 2017)
- 7.5 Participation Statement and Statement of Conformity with the Participation Statement (Members Library Ref 34/17 March 2017)
- 7.6 Proposed Local Development Plan and supporting documents September 2016 [Proposed LDP](#)
- 7.7 Consultation Feedback – summaries and key messages April 2015 [CF](#)
- 7.8 Consultation Feedback – summaries and key messages April 2015 [CF](#)
- 7.9 Draft Proposed Local Development Plan and supporting documents November 2015 [draft LDP](#)
- 7.10 Interim Environmental Report October 2014 (with appendices – Site Assessments) October 2014 [IER](#)
- 7.11 East Lothian Local Development Plan Main Issues Report October 2014 [MIR](#)
- 7.12 Monitoring Statement October 2014 [MR](#)
- 7.13 Transport Appraisal October 2014 [TA](#)
- 7.14 SESplan Supplementary Guidance on Housing Land October 2014
- 7.15 National Planning Framework 3 [NPF3](#)
- 7.16 Scottish Planning Policy: June 2014 [SPP](#)
- 7.17 SESplan Strategic Development Plan, June 2013 [SDP](#)

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**Proposed East Lothian Local Development Plan
Report to East Lothian Council – 12 March 2018
Recommendations by Issue Number**

ISSUE	REPORTER'S RECOMMENDATION	REPORT PAGE NO
01. Introduction	<p>Modify the local development plan by:</p> <p>1. In paragraph 1.47, amending the second sentence to read:</p> <p>“The Central Scotland Green Network is also a National Development which extends into East Lothian.”</p> <p>2. In paragraph 1.47, amending the third sentence to read:</p> <p>“It is to help maintain the environmental quality of the area, tackle vacant and derelict land, and promote active travel and healthier lifestyles.”</p>	20
02. Spatial Strategy	No modifications.	53
03. Musselburgh Cluster	<p>Modify the local development plan by:</p> <p>1. Altering the text within PROP MH1: Land at Craighall, Musselburgh to comprise separate paragraphs as follows:</p> <p>“Land at Craighall is allocated for a mixed use development including 1,500 homes, around 41 ha employment land, a new local centre, a new primary school and community uses as well as infrastructure and associated works.</p>	129

Approximately 21ha of land to the north west of Queen Margaret University is allocated for economic uses that support the key sectors of learning, life sciences and food and drink. The servicing of this land will be enabled by housing development on other parts of the Craighall site and this will be a subject of a legal agreement associated with the entire site.

The 55ha of land to the east of Millerhill Marshalling Yards between the freight rail loop and south of the A1 is allocated for mixed use development including circa 800 homes and around 20ha of employment land to which Policy EMP1 will apply: access to this land will be from the A1 via a modified junction with an underpass of the A1 at Queen Margaret Drive. This, in combination with existing bridges of the east coast rail line and rail freight loop, and bus access from land at Newcraighall and the transport network within the Craighall site, must significantly improve connections to the site and through it to the surrounding area, particularly for bus based public transport.

Approximately 1.5ha of land to the north west of Queen Margaret University, south of Musselburgh Station, is safeguarded as part of this proposal for any future improvement of Musselburgh rail station, which shall become more accessible and able to be better served by bus as a result of the improved connections.

The 21ha of land to the south of the A1 at Old Craighall is allocated for a mixed use, predominantly housing development which has capacity for circa 350 homes once sufficient land for the required local centre and primary school is identified.

The 15ha of land to the east of Queen Margaret University and north of the A1 is allocated for housing and has capacity for circa 350 homes: access to these sites will be from the local road network.

The 3ha of land to the north east of Queen Margaret University is allocated for mixed use development, potentially including housing and employment uses.

A comprehensive masterplan for the entire allocated site that conforms to relevant Development Brief will be required as part of any planning application for the allocated land, accompanied by a single legal agreement for the entire allocated site. A Habitats Regulation Appraisal and if necessary Appropriate Assessment of the proposal will also be necessary, in accordance with Policy NH1 of this Plan. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate.”

2. Adding a new fourth sentence to PROP MH2 as follows:

“The safeguarding of the setting of the category A listed Monkton House and category B listed Monkton Gardens should be a consideration in the development of a masterplan or proposals for this site.”

3. In paragraph 2.36, adding the following sentence at the end: “A Flood Risk Assessment will be required for this site.”

4. Deleting PROP MH13: Land at Howe Mire, Wallyford and the accompanying text in paragraphs 2.38, 2.39 and 2.40.

5. In paragraph 2.45, inserting third and fourth sentences as follows:

“Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”

6. Deleting Policy MH17: Development Briefs.

04. Prestonpans Cluster	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Deleting paragraph 2.51 and replacing it with the following text: <p>“National Planning Framework 3 recognises that the Cockenzie and Torness area is a potentially important energy hub and therefore Cockenzie is safeguarded as a site for future thermal generation. It is acknowledged within NPF3 that Cockenzie may present significant opportunities for renewable energy related investment. As a result, NPF3 expects developers, the council and the key agencies to work together to ensure that best use is made of the existing land and infrastructure in the area. In accordance with NPF3, given the particular assets of Cockenzie, the plan requires that if there is insufficient land for competing proposals, that priority is given to those which make the best use of Cockenzies assets and which will bring the greatest economic benefits.”</p> 2. In paragraph 2.60, inserting the following sentence at the end: “A Flood Risk Assessment will be necessary for this site.” 3. In paragraph 2.62, inserting third and fourth sentences as follows: <p>“Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”</p> 4. Deleting Policy PS3: Development Briefs. 	146
05. Blindwells Cluster	<p>Modify the local development plan by:</p>	182

1. In paragraph 2.9, deleting the text “sub-regional” within the third sentence.
2. In paragraph 2.9, deleting the penultimate sentence.
3. In paragraph 2.10, deleting the text “sub-regional” within the last sentence.
4. In paragraph 2.71, deleting the text “sub-regional” within the second sentence.
5. In paragraph 2.75, deleting the text “and would be adopted by the Council as Supplementary Guidance” in the third sentence.
6. In paragraph 2.75, deleting the last two sentences.
7. Amending the third paragraph of PROP BW2 to read:
“If a comprehensive solution for the development of the entire area is found, it will be detailed in a Development Brief. This brief will also detail the delivery mechanisms for the provision of shared infrastructure as necessary to enable an appropriate phasing and timing of development, including the identification of areas of land to which the associated legal agreement would relate. The preparation of this brief will be led by the Council working collaboratively with others, including relevant landowners, the Key Agencies and other stakeholders.”
8. Deleting the entire fourth paragraph within PROP BW2: Safeguarded Blindwells Expansion Area commencing: “Once such Supplementary Guidance has been adopted by the Council, this will confirm the allocation of the safeguarded Blindwells Expansion Area...”
9. In paragraph 2.80, amending the last sentence to read:
“For the avoidance of doubt, this non-statutory supplementary planning guidance will be additional to the Development Framework already adopted for Proposal BW1.”

	<p>10. In paragraph 2.81, deleting the following text from the last sentence:</p> <p>“which if adopted by the Council as Supplementary Guidance, would confirm the allocation of the safeguarded Blindwells Expansion Area to contribute to the development of a larger new settlement as Blindwells.”</p> <p>11. Amending the second sentence of Policy BW3: Blindwells Area Design Framework to read: “For the avoidance of doubt, this non-statutory supplementary planning guidance will be additional to the Development Framework already adopted for Proposal BW1.”</p> <p>12. In paragraph 3.36, deleting the third sentence commencing: “However, if such a solution is found as this LDP is operative....”</p>	
06. Tranent Cluster	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. On the Tranent Cluster Strategy Map and Inset Map 35 (Tranent) removing the mixed-use annotation for PROP TT1 (Windygoul South) and identifying the site as a housing allocation. 2. In paragraph 2.82, deleting the second “and” from the first sentence. 3. In paragraph 2.84, replacing the fourth sentence with: “The opportunity for or provision of a link road between the B6371 and the B6414 must not be prejudiced through the development of either of these sites”. 4. Replacing paragraph 2.85 with the following: “The Plan identifies that there may be the potential for a new trunk road interchange to be provided at Adniston which could support the provision of the Tranent eastern bypass. The Council is investigating the feasibility of the interchange and the bypass. To ensure that the 	285

long-term ability to effectively consider potential delivery is not prejudiced, land is safeguarded for a new trunk road interchange at Adniston and for potential road alignment from it to the A199, B6371 and B6414.”

5. In paragraph 2.90, replacing the second sentence with:

“As a result of the location of the site, in accordance with Policy DP3, the density of the housing development should make efficient use of land, reflecting its accessibility to services and facilities without compromising the character and appearance of the development”.

6. In paragraph 2.90, deleting the third and fourth sentences.

7. In PROP TT1, replacing the first sentence with: “Land at Windygoul South is allocated for circa 550 homes”.

8. Replacing paragraph 2.92 with the following:

“PROP TT2 will provide for the expansion of Windygoul Primary School campus in line with PROP ED4, to accommodate the impacts generated by PROP TT1 and other housing sites in the school’s catchment area. It will also provide community facilities in line with PROP CF1 and PROP OS7.”

9. In PROP TT2, adding the following text to the start of the first sentence: “Approximately 1.12 ha of”.

10. Deleting paragraph 2.105 and PROP TT15: Humbie North.

11. Deleting paragraph 2.106 and PROP TT16: East Saltoun.

12. In paragraph 2.108, inserting third and fourth sentences as follows:

	<p>“Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”</p> <p>13. Deleting Policy TT17: Development Briefs.</p>	
07. Haddington Cluster	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. In paragraph 2.114, deleting the first sentence. 2. In paragraph 2.119 adding the following as a new sentence immediately prior to the final sentence: “A Flood Risk Assessment will be necessary at this site.” 3. In paragraph 2.122 adding the following as a new sentence at the end of the paragraph: “A Flood Risk Assessment will be necessary at this site.” 4. In paragraph 2.122 deleting the following text from the end of the first sentence: “including a pub/restaurant, to reflect existing planning permissions”. 5. In paragraph 2.127, inserting third and fourth sentences as follows: <p>“Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”</p> 	307

08 . Dunbar Cluster	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. In paragraph 2.139, adding the following sentences at the end: “Should any culverted watercourses be found on the site, there should be no development on top of them. Advice should be sought from SEPA in respect of any planning applications.” 2. In paragraph 2.149, inserting third and fourth sentences as follows: “Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up-to-date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.” 	346
09. North Berwick Cluster	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. In paragraph 2.154, deleting the final two sentences. 2. In paragraph 2.170, amending the end of the final sentence to read: “views to and from Dirleton Castle.” 3. In paragraph 2.172, inserting third and fourth sentences as follows: “Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.” 	386

	4. Deleting Policy NK12: Development Briefs.	
09a. North Berwick Cluster - Gullane	No modifications.	474
10. General Urban Development Policies	<p>Modify the local development plan by:</p> <p>1. In paragraph 3.4, amending second sentence to read as follows:</p> <p>“Such uses could include retail, commercial leisure uses, offices (Class 2), community and cultural facilities, and, where appropriate, other public buildings such as libraries, education and healthcare facilities.”</p> <p>2. In paragraph 3.7, amending the second sentence to read as follows:</p> <p>“Class 4 office proposals will normally be expected to locate in town centres, where appropriate in scale and character, however some Class 4 proposals may be located on land specifically allocated by the plan for such use”.</p> <p>3. In paragraph 3.15, amending third sentence to read as follows:</p> <p>“These will be progressed once the plan is operative and will be taken forward as statutory supplementary guidance”.</p>	485
11. Planning for Employment and Tourism	<p>Modify the local development plan by:</p> <p>1. Adding a final sentence to Policy EMP1 as follows:</p> <p>“This policy applies to the employment element of all sites in the plan which are allocated for employment use, including mixed use sites that include employment use.”</p>	501

	<p>2. In paragraph 3.27, deleting the fifth sentence commencing: “Archerfield Estate is also included...”</p> <p>3. Deleting the last sentence of Policy TOUR1: Archerfield Estate, Dirleton.</p>																													
12. Planning for Housing	<p>Modify the local development plan by:</p> <p>1. Replacing existing references to “housing land requirement” with “housing requirement” within the following paragraphs: 1.50, 1.54, 2.5, 3.33, 3.39 and 3.44.</p> <p>2. In paragraph 3.34, replacing the fourth sentence as follows: “Yet the rate of housing delivery that will take place may be dependent on many factors not related to the SDP requirement, or the LDP or its Action Programme.”</p> <p>3. In Policy HOU1, amending the reference to the Housing Land Audit 2015 to refer to the Housing Land Audit 2017.</p> <p>4. Making consequential changes to Table HOU1 to reflect the position in Table HOU2.</p> <p>5. Replacing Table HOU2 with the following:</p> <p>Table HOU2: Housing Land Requirements and Supply</p> <table border="1" data-bbox="616 1043 1895 1342"> <thead> <tr> <th></th> <th>2009/19</th> <th>2019/24</th> <th>2009/24</th> <th>2024/32</th> <th>Beyond 2032</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Housing Requirement and Housing Land Requirement 2009 to 2024</td> <td colspan="3"></td> <td>Housing Need and Demand (vi)</td> <td colspan="2"></td> </tr> <tr> <td>SESplan Housing Requirement</td> <td>6,250</td> <td>3,800</td> <td>10,050</td> <td>3,820</td> <td>0</td> <td>13,870</td> </tr> <tr> <td>Housing Land Requirement</td> <td>7,350</td> <td>4,469</td> <td>11,819</td> <td>n/a</td> <td>n/a</td> <td>n/a</td> </tr> </tbody> </table>		2009/19	2019/24	2009/24	2024/32	Beyond 2032	Total	Housing Requirement and Housing Land Requirement 2009 to 2024				Housing Need and Demand (vi)			SESplan Housing Requirement	6,250	3,800	10,050	3,820	0	13,870	Housing Land Requirement	7,350	4,469	11,819	n/a	n/a	n/a	550
	2009/19	2019/24	2009/24	2024/32	Beyond 2032	Total																								
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Housing Supply 2009 to 2024						
Housing Completions 2009/17	3,064	0	3,064	0	0	3,064
Contribution from Established Supply(i)	1,144	3,003	4,147	594	0	4,741
Contribution from New Allocations(ii)	470	3,711	4,181	2,225	325	6,731
Contribution from Blindwells(iii)	0	291	291	801	508	1,600
Contribution from Future Windfall sites(iv)	42	105	147	110	0	257
Loss of Supply to Dwelling Demolitions(v)	-3	-8	-11	-12	0	-23
Total Housing Land Supply	4,717	7,102	11,819	3,718	833	16,370
Generosity			17.6%			

- (i) Based on 2017 Housing Land Audit including contribution of 70 dwellings from small sites (less than 5 units) programmed 2017/19 and 106 units 2019/24 as per audit;
- (ii) Based on 2017 Housing Land Audit [adjusted for deletion of MH13, TT15 and TT16 and the addition of Land at Newtonlees Farm, Dunbar];
- (iii) Based on 2017 Housing Land Audit;
- (iv) SESplan's windfall assumption for East Lothian;
- (v) Based on demolitions from information from ELC Building Standards;
- (vi) Estimate of need and demand for housing from SESplan HNDA (not part of SESplan Housing Requirement).

6. Within Advice Box 1, replacing all references to the "housing land requirement" with "housing requirement".

7. Within Advice Box 1, removing reference to "or any housing monitoring paper".

	<p>8. In paragraph 3.46, deleting the last sentence.</p> <p>9. In paragraph 3.47, deleting the last sentence.</p> <p>10. In paragraph 3.48, deleting the text “and this is not due to ‘marketing constraints’” from the second sentence.</p> <p>11. In Policy HOU2, deleting Criterion 1.</p> <p>12. In Policy HOU2, within Criterion 2, replacing the following text: “capable of being substantially completed within five years” with: “capable of making a meaningful contribution to reducing the identified shortfall.”</p> <p>13. In Policy HOU2, within Criterion 3, delete the following text: “and should be no more than 300 homes – the subdivision of a larger sites into smaller applications in order to meet this maximum will not be supported.”</p> <p>14. Amending the Glossary definition of Housing Land Requirement to read as follows: “The amount of land required to be allocated for housing (including generosity) to meet the identified housing requirement.”</p>	
13. New Sites	<p>Modify the local development plan by:</p> <p>1. Adding a housing proposal for Land at Newtonlees Farm, Dunbar, as promoted in representation 0213/3 by Gladman Developments. A new paragraph should be added within the Dunbar Cluster: Main Development Proposals section of the plan stating: “Land at Newtonlees Farm, Dunbar is allocated for residential development incorporating circa 115 homes and cemetery, with associated access, infrastructure, landscape and open space.”</p>	636

	2. Amending the Spatial Strategy for the Dunbar Cluster map to show the site - Land at Newtonlees Farm, Dunbar.	
14. Affordable and Specialist Housing	<p>Modify the local development plan by:</p> <p>1. Adding the following as a new second paragraph to Policy HOU4:</p> <p>“The Council will seek to ensure that as part of the provision of affordable housing on any site, that provision is made where appropriate for specialist housing, in line with the Council’s Local Housing Strategy and the Supplementary Planning Guidance: Affordable Housing Quota and Tenure Mix.”</p>	658
15. Education	<p>Modify the local development plan by:</p> <p>1. In paragraph 3.81, amending the beginning of the first sentence to read: “An extension to Preston Lodge High School will help.....”</p> <p>2. In paragraph 3.81, adding a new second sentence as follows: “It will also enable the development of Longniddry South (PROP PS1).”</p> <p>3. In paragraph 3.101, deleting the following text from the last sentence: “the reprovion of”.</p> <p>4. In paragraph 3.101, inserting the following text at the end: “An extension to East Linton Primary School will also be required.”</p> <p>5. In paragraph 3.103, deleting the last sentence.</p>	675
16. Community, Health and Social Care Facilities	No modifications.	688

17. Open Space and Play Provision

Modify the local development plan by:

1. In paragraph 2.60, deleting the second sentence.

2. In paragraph 3.123, modify the final sentence to read as follows:

“Where an area with recreational, amenity or landscape open space potential not designated as such by Policy OS1 is proposed as a development site, the Council will consider its value as open space based on the open space audit and strategy and its contribution to the amenity of the area against Policy OS1.”

3. Amending the text of Policy OS1 to read as follows:

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

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

4. In paragraph 3.126, amending sentence two to read:

“Open spaces should be multifunctional and can include district, town and local parks, sports pitches, civic space and community growing space.”

	<p>5. Deleting Proposal OS5: Potential Cemetery Extensions from the plan and from the proposal maps.</p> <p>6. In paragraph 3.134 deleting the final sentence.</p>	
18a. Transport: General	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Adding to Inset Map 3 the full length of the Longniddry to Haddington Route Safeguard (Proposal T14). 2. Deleting the words “Safeguarding of land for” from the title of Proposal T9 so that it reads: “PROP T9: Larger Station Car Parks”. 3. Deleting the words “Safeguarding land for” from the title of Proposal T10 so that it reads: “PROP T10: Platform Lengthening”. 	739
18b. Transport: Active Travel	No modifications.	748
18c. Transport: Public Transport	No modifications.	779
18d. Transport: Trunk Road Network	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. In paragraph 4.33, adding the following text as a new sentence at the end: “As part of Proposal T18 the council will explore the economic and regeneration case for a new junction, how this would need to be designed and its resultant impacts on safety and operational performance of the A1(T).” 	785

18e. Transport: Local Road Network	No modifications.	789
18f. Transport: Transport Infrastructure Delivery Fund	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. In Policy T32, deleting reference to Transport Scotland in sentences three and four so that these sentences read: “Within this overall Transport Infrastructure Delivery Fund separate funds and accounts will be created, monitored and managed by the Council as appropriate for each of the infrastructure projects. Developer contributions will always be used by the Council as relevant to deliver the mitigation for which they were originally intended.” 	794
19. Digital Communications Network	No modifications.	797
20. Sustainable Energy and Heat in New Developments	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Adding the following sentence to the end of Policy SEH1: Sustainable Energy and Heat: “The council supports the principle of combined heat and power schemes and energy generation from renewable or low carbon sources.” 2. In paragraph 4.73, deleting the first sentence and deleting “However” from the following sentence. 	805
21. Wind Farm and Wind Turbine Development	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. In the Energy Generation, Distribution and Transmission section of the plan, changing references to the “Habitats Directive” to “Habitats and Birds Directives”. 2. Deleting paragraph 4.80. 	826

3. In paragraph 4.81, replacing the third sentence with the following:

“The study finds that turbines over 42 metres in height to blade tip would have adverse landscape and visual impacts within the lowland landscapes of East Lothian. This consideration would form part of an overall planning assessment of any proposal.”

4. Replacing the first sentence of Policy WD2 with the following:

“Smaller scale wind turbine development includes all non-windfarm development, namely developments of 1 to 3 turbines of any height and developments of 4 or more turbines under 42 metres in height to blade tip.”

5. Amending the first sentence of Policy WD3 as follows:

“Applications for freestanding (as against roof-mounted or wall-mounted) wind turbine development ...”

6. Deleting the repeated phrase “integrity of” in criterion (n) of Policy WD3.

7. In paragraph 4.85, adding the following sentence at the end:

“The council may publish supplementary planning guidance on re-powering.”

8. Replacing the first sentence of Policy WD6 with the following:

“All wind turbines must be decommissioned and the site restored to an appropriate condition within an agreed timescale after the earliest of: (a) expiry of planning consent; or (b) the failure of the wind turbine to produce electricity for a continuous period of 12 months, unless otherwise agreed in writing by the planning authority.”

	<p>9. Replacing the fourth sentence of Policy WD6 with the following:</p> <p>“For any wind farm or development of wind turbines over 42 metres in height to blade tip, before works commence, the council will require the submission for its prior written approval of an outline strategy for appropriate decommissioning and restoration of the site and any relevant offsite works, together with the delivery of a sufficient bond or other financial guarantee to secure their implementation, to avoid the risk of decommissioning and restoration costs falling to the council.”</p>	
<p>22a. Energy Generation and Transmission: Proposal EGT1: Land at Former Cockenzie Power Station</p>	<p>Modify the local development plan by:</p> <p>1. Replacing paragraph 4.89 with the following:</p> <p>“The council endorses the support expressed in NPF3 for onshore links to offshore renewable energy installations, including at Cockenzie and the Forth coast extending to Torness, as part of National Development 4: High Voltage Energy Transmission Network.”</p> <p>2. In paragraph 4.91, deleting the second and third sentences.</p> <p>3. In paragraph 4.93, replacing the second sentence with the following:</p> <p>“The council wishes to protect these assets as far as possible.”</p> <p>4. In paragraph 4.94, replacing the first sentence with the following:</p> <p>“There may be potential for intermediate proposals on the site, such as temporary greening.”</p> <p>5. Replacing Proposal EGT1 with the following:</p> <p>“PROP EGT1: Land at former Cockenzie Power Station</p>	<p>867</p>

	<p>Land at the above site will be safeguarded for future thermal power generation and carbon capture and storage consistent with National Development 3. Land at Cockenzie may also present significant opportunities for renewable energy-related investment. The council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area.</p> <p>If there is insufficient land for competing proposals, priority will be given to those which make best use of the location's assets and which will bring the greatest economic benefits.</p> <p>Development proposals must avoid unacceptable impact on the amenity of the surrounding area, including residential development.</p> <p>Proposals will be subject to a Habitats Regulations Appraisal and an Appropriate Assessment under the Habitats Directive, as required."</p>	
22b. Energy Generation and Transmission: Other Matters	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Replacing the second sentence of Proposal EGT2 with the following: <p>"If power generation ceases during the lifetime of this LDP, the council will seek to facilitate necessary works associated with the site's decommissioning and restoration, including mitigation of impacts on communities and the character of the local area."</p> 2. In paragraph 4.97, replacing the third sentence with the following: <p>"The existing high voltage transmission network infrastructure at Cockenzie and Torness, and that serving Crystal Rig Wind Farm in the Lammermuirs, present opportunities for new grid connections."</p> 	877

	<p>3. Replacing the last sentence of Proposal EGT3 with the following:</p> <p>“Proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations.”</p> <p>4. In paragraph 4.99, deleting the last sentence.</p> <p>5. Replacing the wording of Policy EGT4 with the following:</p> <p>“The council supports enhancement of the high voltage electricity transmission network in locations defined by operational requirements, subject to acceptable impacts on the landscape, visual amenity, communities, natural and cultural heritage and the provision of appropriate mitigation where required.</p> <p>The network infrastructure is identified on Strategic Diagram 3 elements of which, including strategic reinforcement points, will likely be subject of some upgrading during the lifetime of this plan. Development consisting of new and/or upgraded transmission lines, substations and transformer stations to enhance the network is designated as a national development in National Planning Framework 3. The council will not support development proposals which could prejudice the implementation of the enhancements.</p> <p>The council will expect the removal of power lines which become redundant as a consequence of enhancements to the network.”</p> <p>6. Incorporating the key contents of drawing SPEN001 into Strategic Diagram 3, namely: power stations, substations, overhead transmission lines, underground cables, and strategic reinforcement points.</p>	
23. Waste	No modifications.	881

<p>24. Minerals</p>	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Adding a new paragraph of supporting text before Policy MIN5: Mineral Resources as follows: <p>“Scottish Planning Policy requires planning authorities to ensure a landbank of permitted reserves of construction aggregates for a minimum of 10 years extraction, to be available at all times and in all market areas. A Minerals Technical Note published by SESplan in September 2011 acknowledged difficulties in estimating reserves of construction aggregates in the region, but concluded that the lower of its two estimates of permitted reserves of sand and gravel – 4.5 years supply - was more realistic, but that there was no shortfall in the landbank for hard rock. Since then, within East Lothian, an extension to the sand and gravel quarry at Longyester has been implemented and the permission at Skateraw has expired. If a shortfall of permitted reserves is demonstrated, the presumption against such development in Policy MIN5 may not apply, provided the preference to extend existing workings before opening new ones expressed in the policy and the provisions of other relevant plan policies can be satisfied. Any proposal for extraction of construction aggregates, including sand and gravel, will be assessed against Policies MIN5, MIN8, MIN9 and MIN10.”</p> 2. Replacing criterion 5 of Policy MIN8: Mineral Extraction Criteria with the following: <p>“In the case of surface coal extraction, where there is a material risk of disturbance or environmental damage, this is outweighed by demonstrable and significant local or community benefits related to the proposal.”</p> 3. In Policy MIN9, replacing the second sentence of point (ix) with the following: <p>“In the case of prime quality agricultural land, applicants must demonstrate that the site will be reinstated to agricultural land of a similar quality to that existing prior to mineral working, other</p> 	<p>892</p>
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	than in exceptional circumstances where restoration to an alternative afteruse can be demonstrated to have greater benefits.”	
25. Diverse Countryside and Coast	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. In paragraph 5.10, deleting the final sentence. 2. In Policy DC5, immediately following the final sentence of criterion b, adding the following: “Enabling development will only be acceptable where it can be clearly demonstrated to be the only means of preventing loss of the asset and securing its long-term future.” 3. In Policy DC5, adding a new sentence immediately following: “Any enabling development must be on the same site as and part of the main proposal.” as follows: “Where the proposal will fund the restoration of a listed building, the priority is for enabling development to take place on the same site as the listed building. Any enabling development proposed off site must be clearly justified with strong evidence to demonstrate why the enabling development could not take place on the site” 4. In paragraph 5.15, deleting “largely” from the first sentence and adding the following text at the end of first sentence: “and on inset map 4”. 5. In Policy DC6, deleting “largely” from the third bullet point. 6. On the Proposals Map – Inset 4, amending the key by deleting the word “largely”. 	915
26. Special Rural Landscapes	Modify the local development plan by:	949

	<p>1. In paragraph 5.20, replacing the final sentence with the following:</p> <p>“Countryside Around Towns designations will apply and their objectives are to:</p> <ul style="list-style-type: none"> • to conserve the landscape setting, character or identity of the particular settlement; and /or • to prevent the coalescence of settlements; and/or • where it can provide opportunity for green network and recreation purposes.” <p>2. Replacing the first sentence of Policy DC8 with the following:</p> <p>“Development that would harm the objectives of the specific Countryside Around Town area, as defined in supplementary planning guidance, will not be permitted.”</p> <p>3. In Policy DC10, replacing the following text in the first sentence: “contribute to the Green Network” with: “make provision for the Green Network”.</p>	
27. Natural Heritage	<p>Modify the local development plan by:</p> <p>1. In paragraph 6.7, replacing the final sentence with two separate sentences as follows:</p> <p>“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 Special Protection Area (SPA).”</p> <p>2. Amending Policy NH3 to read:</p> <p>“Local Biodiversity Sites and Local Geodiversity Sites are designated as Local Nature Conservation Sites, as shown on the Proposals Map. Details of these sites are set out in Technical Note 10: Planning for Biodiversity (2016) and Technical Note 11: Planning for Geodiversity (2016).</p>	958

	<p>Development that would adversely affect the interest of a Local Nature Conservation Site, Local Nature Reserve or Country Park will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the economic, social or environmental benefits of the development and suitable mitigation will be secured.”</p>	
<p>28. Water, Floodrisk, Air Quality and Noise</p>	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> 1. Replacing the second part of paragraph 6.29 (third, fourth, fifth and sixth sentences) commencing “A developed site...” with the following: <p>“.....A development site must control and release runoff rates at greenfield rates over a range of rainfall events including the 1 in 30 year event and the 1 in 200 year event in agreement with East Lothian Council as flood prevention authority. This helps manage flood risk within the development site and also ensures there is no increase in flood risk to adjacent and downstream sites. The SEPA surface water flood map shows areas that may be subjected to ponding from either pluvial or sewer flooding and can be used to indicate areas where further assessments are required, such as a flood risk assessment. This map does not show flow path direction. Pre development flow paths through the site should be maintained after the completion of the development.”</p> 2. Amending the final sentence of Policy NH10: Sustainable Drainage Systems to read: <p>“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.”</p> 3. In paragraph 6.32, adding the following text after the third sentence: 	<p>970</p>

	<p>“However, the avoidance principle should be applied whenever possible in compliance with Scottish Planning Policy.”</p> <p>4. In paragraph 6.34, modifying the penultimate sentence and adding two new sentences immediately after it to read as follows:</p> <p>“Developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards air quality mitigation measures. This excludes measures described in Proposal T20. Policy T8 and its supporting text describe the circumstances in which developer contributions may be sought towards improvements to the bus network as a consequence of new development.”</p>	
29. Cultural Heritage	<p>Modify the local development plan by:</p> <p>1. In paragraph 6.54, sentence one, replacing the word “Government” with the word “Planning” so it reads “Scottish Planning Policy requires...”</p> <p>2. Deleting the Policy CH6 designation from Inset Map 3 for both the Archerfield and the Elvington estates.</p>	985
30. Design	No modifications.	1007
31. Delivery	<p>Modify the local development plan by:</p> <p>1. Rewording paragraph 8.4 to read as follows:</p> <p>“Further detail on the likely nature and scale of developer contributions is set out within Supplementary Guidance Developer Contributions Framework. The exact nature and scale of developer contributions required will be assessed on a case by case basis, based on the same approach used in the preparation of the Supplementary Guidance: Developer</p>	1061

Contributions Framework. Applicants and developers must commit to provide for their developer contributions before planning permission will be approved for appropriate proposals.”

2. In paragraph 8.5, replacing sentence three to read as follows:

“This is so developers and communities have early sight of the need for additional infrastructure and the likely nature and scale of associated developer contributions that will be required from new planned development in the area.”

3. In paragraph 8.5, replacing the text of bullet point three to read as follows:

“likely nature and scale of developer contributions that will be required from planned development to deliver the key interventions necessary to implement the plan.”

4. Amending paragraph 8.9 to read as follows:

“The LDP policies and proposals that provide the basis for seeking developer contributions are set out in Table DEL1 below.”

5. Amending the title of Table DEL1 to read as follows:

“Table DEL1: Developer Contributions Policies/Proposals.”

6. Adding the following policy reference to Table DEL1:

“Policy OS3: Minimum Open Space Standard for New General Needs Housing Development.”

7. Adding the following policy reference to Table DEL1:

“Policy OS4: Play Space Provision in new General Needs Housing Development.”

8. Adding the following policy reference to Table DEL1:

“Policy T8: Bus Network Improvements.”

9. Deleting from Table DEL1 the following policy reference:

“Policy DC10: The Green Network.”

10. Replacing the second and third sentences of paragraph 8.12 to read as follows:

“This will be identified as early as possible in the Development Management process, as will the exact nature and scale of all the required contributions. The availability or ability to provide additional capacity for windfall proposals in addition to planned development will also be assessed on a case by case basis.”

11. Rewording Policy DEL1 to read as follows:

“New development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012 or any revision. Any necessary provision for interventions must be phased as required with the new development.

Developer contributions will be required from all new development proposals that meet or exceed the scale thresholds below, including windfall proposals:

- Proposals of 5 or more dwellings, including affordable homes; and
- Employment, retail, leisure or tourism proposals of 100 square metres gross floor space or larger.

	<p>The items for which developer contributions will be required shall include but not be limited to the key interventions identified by the LDP and its Action Programme. Developer contributions will be required where a development proposal would generate a need for an intervention and the proposed development is within a contribution zone that applies to that intervention.</p> <p>The likely nature and scale of developer contributions required in association with the developments that are planned for by this LDP is set out within the Supplementary Guidance: Developer Contributions Framework.</p> <p>The exact nature and scale of developer contributions required in association with all relevant new development proposals, including windfall proposals, will be assessed on a case by case basis.</p> <p>Developer contributions will always be used to deliver the mitigation for which they were originally intended.</p> <p>Planning conditions and / or legal agreements will be used as appropriate and required to secure any necessary provision from developers, which could include land and/or a capital contribution.”</p>	
32. Proposals Map	No modifications.	1085
33. Appendix 1: Developer Contribution Zones	No modifications.	1089
34. Local Development Plan Miscellaneous	No modifications.	1099