

**REPORT TO:** East Lothian Council

**MEETING DATE:** 29 May 2018

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** East Lothian Local Development Plan 2018

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## **1 PURPOSE**

- 1.1 The report seeks Council approval of the East Lothian Local Development Plan (as modified following Examination in Public) (ELLDP 2018) as the Local Development Plan (LDP) the Council intends to adopt.
- 1.2 Subsequent Council approval is also sought to publish and submit the ELLDP 2018 to the Scottish Ministers for their review, as required by Section 19(10) of the Town & Country Planning (Scotland) Act 1997 (as amended).
- 1.3 This report also recommends that the Council adopt the ELLDP 2018 if the Scottish Ministers give clearance to the Council that it may adopt this plan. As such, as soon as the Scottish Ministers give clearance to the Council that their review of the ELLDP 2018 is complete and that the Council may adopt that LDP without any further modification, the ELLDP 2018 would become constituted as the adopted ELLDP 2018. This is intended to provide the Council up to date development plan coverage as quickly as possible.

## **2 RECOMMENDATIONS**

- 2.1 That the Council agrees to incorporate all of the Report of Examination's recommended post examination modifications within the proposed Local Development Plan (LDP), with the exception of only very minor changes in the use of terminology on the application of the 'Habitats Regulations' to those recommended within the Report of Examination for:
  - Issue 21: Wind (Modification 1); and

- Issue 22a: Energy Generation and Transmission: Proposal EGT1 – land at Former Cockenzie Power Station (only in respect of the last sentence of Modification 5); and

that the Council accept the alternative wording for these modifications recommended by Officers at Annex 1 and paragraphs 3.15 – 3.27 of this report for the reasons set out there.

- 2.2 That the Council agrees to make all other requisite and consequential and minor typographical / mapping modifications to the proposed LDP as recommended by Officers.
- 2.3 That the Council agrees to modify the proposed LDP as recommended at paragraphs 2.1 and 2.2 above as presented at Annex 3 of this report as the East Lothian Local Development Plan 2018 (as modified following Examination in Public) (ELLDP 2018).
- 2.4 That the Council approves the ELLDP 2018 as the Local Development Plan it intends to adopt, in accordance with Section 19(10) of the Town & Country Planning (Scotland) Act 1997 (as amended).
- 2.5 That the Council adopts the ELLDP 2018 and constitutes this plan as the adopted East Lothian Local Development Plan 2018, subject to:
  - the Council agreeing all the recommendations at paragraphs 2.1 – 2.4; and additionally
  - the Scottish Ministers providing clearance to the Council such that the Council may adopt the ELLDP 2018 following the Scottish Ministers period of review (or any extended period for that review);

in accordance with Section 20 of the Town & Country Planning (Scotland) Act 1997 (as amended).

### **3 BACKGROUND**

- 3.1 The ELLDP 2018 is supported by a series of supporting papers that are placed within the Member's Library (see paragraph 3.5, 3.14, 3.23 3.34 – 3.36 and 5.1, and Section 7 of this report).

#### ***The Current Development Plan for East Lothian***

- 3.2 Currently, the development plan for East Lothian comprises the following parts:
  - the approved up to date 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 out of date adopted East Lothian Local Plan 2008.
- 3.3 The Council is in the process of replacing the East Lothian Local Plan 2008 with a new LDP. Following Examination in Public of the proposed LDP, the Council is now to decide whether it intends to adopt the proposed LDP (as modified following Examination in Public) – i.e. the ELLDP 2018.
- 3.4 If adopted by the Council, the ELLDP 2018 will replace the East Lothian Local Plan 2008 as East Lothian’s up to date Local Development Plan and, in combination with SDP1, would provide up to date development plan coverage for East Lothian and therefore an up to date basis for taking planning decisions within the area.

***Findings of the Examination in Public on the Council’s proposed LDP***

- 3.5 The Council noted the [Report of Examination](#) on the proposed East Lothian Local Development Plan on the 24<sup>th</sup> April 2018. Officers have prepared a summary of each chapter of the Report of Examination, setting out its main conclusions and recommendations on each issue. These summaries are provided within the Members’ Library Service Reference 69/18 - May 2018 bulletin. They are not a substitute for the full conclusions and recommendations of the Report of Examination itself. Notwithstanding this the summaries set out, for the Council, officers’ recommendations on whether, in the case of each issue, the Report of Examination’s recommended post-examination modifications should be accepted.
- 3.6 Furthermore, at Annex 2 of this Council Report there is a composite table of the Report of Examination’s recommended post-examination modifications and officers’ recommended requisite and consequential and minor post-examination modifications that have been made to the proposed LDP to present the ELLDP 2018.
- 3.7 For the avoidance of doubt, the Council is being asked to decide whether it intends to adopt the ELLDP 2018 as presented at Annex 3 and, subject to the other recommendations of this report, adopt the ELLDP 2018.

***Meeting of East Lothian Council on 24<sup>th</sup> April 2018***

- 3.8 At the meeting of East Lothian Council on the 24th April 2018, the Council noted the findings of the Scottish Ministers’ Examination in Public of the proposed East Lothian Local Development Plan (LDP). It also noted same in respect of the recommended post-examination modifications to the proposed LDP.

3.9 The same Council Report reviewed the completed stages of LDP preparation and also explained the next stages of the process that the Council must follow to pursue adoption of an LDP, and the Council also noted that:

- the Report of Examination'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 3.12 below);
- in the context of the above point, before the LDP can be adopted by the Council all of the Report of Examination's recommended post-examination modifications should be incorporated within the proposed 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. For clarity, Section 19(11) of the Town & Country Planning (Scotland) Act 1997 (as amended) must be complied with too, as it requires that modifications to the proposed LDP are acceptable to the Council in terms of the Strategic Environmental Assessment of the plan, as required by the Environmental Assessment (Scotland) Act 2005;
- The Council should also make any consequential and requisite and minor modifications to the proposed LDP arising as a consequence of the Report of Examination's modifications (e.g. typographical and mapping changes or changes to policies, proposals or paragraph references etc.) and that, other than this and in the circumstances described in the points above, no further modifications to the proposed LDP can be made by the Council before it adopts the LDP;
- Section 19(12) of the Town & Country Planning (Scotland) Act 1997 (as amended) requires a decision of the Council on whether it intends to adopt the ELLDP 2018 so the ELLDP 2018 can be submitted to the Scottish Ministers for their review within three months of receiving the Report of Examination. This review must complete before the ELLDP 2018 may be adopted by the Council. The Report of Examination was received on the 12<sup>th</sup> of March 2018, so the three month period will expire on the 12<sup>th</sup> of June 2018.

3.10 On the 24th April 2018, the Council noted the above matters.

#### ***Implications of the Report of Examination for the proposed LDP***

3.11 The Examination in Public was an independent, detailed and public scrutiny of the Council's proposed LDP. It was the means by which objectors sought 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. 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.

3.12 However, the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 sets 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, &c.) 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*

3.13 Prior to advising the Council that any of the Report of Examination's recommended post-examination modifications be incorporated within the LDP prior to its adoption, officers have considered whether any of these modifications fall within the scope of the provisions of Regulation 2 of the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009.

3.14 Having completed this assessment (Members' Library Service Reference 69/18, May 2018 bulletin), there are two recommended modifications within the Report of Examination that officers recommend should not be followed as set out at Recommendation 1 (paragraph 2.1 above) of this report – i.e. where Regulation 2 of the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 can and should be applied. The relevant recommended post-examination modifications are described in the next section.

***Grounds for declining to follow Recommended Post-examination Modification 1 at Issue 21 and Modification 5 at Issue 22a***

- 3.15 The Report of Examination within Issue 21, Modification 1 suggests a change in wording affecting the whole Energy Generation, Distribution and Transmission section of the proposed LDP. This modification recommends that references to the '*Habitats Directive*' be changed to refer to both the '*Habitats and Birds Directive*'. Consequently, this would also affect part of a separate Reporter's recommendation at Issue 22a, Modification 5, where a change is recommended to Proposal EGT1 that includes reference to only the '*Habitats Directive*' in the final sentence of that modification.
- 3.16 The Reporter's principal recommended post-examination modification on this matter is in response to a representation from the Royal Society for the Protection of Birds (RSPB) (Ref: 0185). The underlying aim of the Reporter's recommendation is to ensure the protection of sites designated as a consequence of European Directive 2009/147/EC ('Birds Directive') and European Directive 92/43/EEC ('Habitats Directive'). These sites are known as 'European sites' within the ELLDP 2018.
- 3.17 However, to achieve this protection, a request from Scottish Natural Heritage (SNH) following receipt of the Report of Examination identified that reference to the UK domestic legislation in the form of the 'Habitats Regulations' (The Conservation (Natural Habitats, &c.) Regulations 1994, (as amended) is preferable to the modification recommended within the Report of Examination – i.e. the '*Habitats and Birds Directive*'.
- 3.18 Technically, this is because European sites are designated by Member States under the Habitats Regulations, not directly under either the Habitats or Birds Directives (but they are designated as a consequence of those Directives). Additionally, the Habitats Regulations offer protection to candidate and proposed European sites even though they are not yet 'designated'. This technical point related to the designation process and protection for 'European sites' (whether designated, candidate or proposed) must be corrected within the text of ELLDP 2018 to offer all such European sites the level of protection they require. To ensure compliance with the Habitats Regulations, consequential modifications to the ELLDP 2018 Glossary are also justified to provide a definition of European sites and to make clearer that the Habitats Regulations is UK legislation.
- 3.19 The concern and request from SNH is given added weight by the uncertainties around the process of the UK leaving the European Union, potentially during the lifetime of the plan. There is therefore doubt over whether or not these European Directives will remain relevant during this timeframe, thus it is preferable to refer to the relevant UK domestic legislation.
- 3.20 As such, alternative wording to that provided by the Report of Examination is suggested for inclusion in the ELLDP 2018. In essence this is to replace references to the '*Birds and Habitats Directives*' with '*Habitats Regulations*'

– i.e. naming the relevant domestic UK legislation – and to clarify the designation process, all as shown within Annex 1 of this Council Report. This alternative wording would better implement the intention of the Report of Examination’s recommendation to protect European sites designated as a consequence of both the Birds and Habitats Directives. It would make it clear that protection for these sites is to be retained during the plan period.

3.21 In this context, there are two grounds set out within the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009 that are relevant in the circumstances, and that can and should be applied in the case of Issue 21 Modification 1 and Issue 22a Modification 5, in order to decline to follow these Reporters recommendations, and these grounds are:

*a. the modification, if made, would have the effect that the proposed local development plan would not be consistent with –*

*(ii) the strategic development plan for the land to which the proposed local development plan relates; or*

*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, &c.) Regulations 1994(2);*

3.22 In the case of the former ground, SDP1 Policy 1B: The Spatial Strategy: Development Principles states that “Local Development Plans will: “Ensure that there are no significant adverse impacts on the integrity of international, national and local designations and classifications, in particular National Scenic Areas, Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and Areas of Great Landscape Value and any other Phase 1 Habitats or European Protected Species”. The ‘Special Protection Areas’ and ‘Special Areas of Conservation’ noted in SESPlan are ‘European sites’ as referred to in the proposed LDP. As a result, the ELLDP 2018 if modified in line with the Reporter’s recommendation would not ensure there are no significant adverse impacts on the integrity of the Special Protection Areas and Special Areas of Conservation. The ELLDP 2018 would therefore not fully conform to the approved strategic development plan for the area (SDP1).

3.23 Also, this would mean that the ELLDP 2018 may not adequately conform to the requirements of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) in terms of assessment of the plan (known as Habitats Regulations Appraisal), as reflected within the Habitats Regulation Appraisal Record that accompanies the ELLDP 2018 (Members’ Library Service Reference 71/18, May 2018 bulletin). The European sites would therefore not be given the full protection that was intended through inclusion of specific reference in Policies WD1, WD2, WD3 and Proposals EGT1 and EGT3 for the full lifetime of the ELLDP 2018.

3.24 Officers therefore recommend that their alternative wording to that set out within the Report of Examination at Issue 21 Modification 1 and Issue 22a

Modification 5 be included within the ELLDP 2018. This would be in order to fully protect European sites in line with the original intentions of the Reporter and to clarify that European sites are not designated by the Birds and Habitats Directives. The alternative wording suggested by officers to replace Modification 1 within Issue 21 and Modification 5 within Issue 22a of the Report of Examination in order to implement and support the original intention of these modifications is shown in Annex 1 of this Council report.

- 3.25 The alternative wording recommended by Officers shown at Annex 1 for inclusion within the ELLDP 2018 does not reject or depart from the overall intention of the Reporter's original recommendations on these points; rather, the alternative post-examination modifications recommended by Officers seek only to clarify the purpose and intention of the Reporter's original recommended post-examination modifications, and to bring the ELLDP 2018 into line with the Strategic Development Plan (SDP1) and Conservation (Natural Habitats, &c.) Regulations 1994, as amended.
- 3.26 Following the SNH request and subsequent correspondence with SNH on this matter, Officers consulted the RSPB on the alternative recommended post-examination modifications set out at Annex 1 of this report. The RSPB is supportive of the alternative post-examination modifications recommended by Officers there. However, the RSPB did suggest that further modifications to the proposed LDP be made. During this exchange, Officers advised that the further changes sought by the RSPB went beyond the scope of what was required to remedy the situation, and outwith the scope of Regulation 2 of the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009. On this basis, the above modifications must be limited to those agreed between Officers, SNH and the RSPB as set out at Annex 1 of this report.
- 3.27 Officers advise that the post-examination modifications at Annex 1, that they recommend be incorporated within the ELLDP 2018, would also be consistent with Section 19(11) of the Town & Country Planning (Scotland) Act 1997 (as amended). This is because all of these modifications would be acceptable in terms of the Environmental Assessment (Scotland) Act 2005, as explained within the Strategic Environmental Assessment Environmental Report that accompanies the ELLDP 2018.

### ***Next Steps Towards Adoption of the Local Development Plan***

- 3.28 If the Council agrees the recommendations within this Council report, Section 19(10) of the Town and Country Planning (Scotland) Act 1997 (as amended) would require that the Council publish the ELLDP 2018, and Section 19(12) would require the Council to submit to Scottish Ministers the ELLDP 2018 within three months of receiving the Report of Examination. The Report of Examination was received on the 12<sup>th</sup> of March 2018, so the three month period expires on the 12<sup>th</sup> of June 2018.
- 3.29 If the Scottish Ministers' review of the ELLDP 2018 is straight-forward their target is that it should take around 28 days to complete, but this period



may be extended by the Scottish Ministers. If the review is more complex, for example, if all the recommendations from the Scottish Ministers' Report of Examination are not incorporated within the ELLDP 2018 without legitimate reason, it could take significantly longer to conclude.

- 3.30 Once the Scottish Ministers' review of the ELLDP 2018 is complete, they will provide either clearance that the Council may adopt the ELLDP 2018 or a direction that it be further modified before the Council may adopt it.
- 3.31 The Scottish Ministers have a default power under the Act (Section 20) to make a direction requiring modifications to the ELLDP 2018 to be made before it may be adopted by the Council, or to approve the ELLDP 2018 themselves as an up-to-date LDP for East Lothian. Scottish Ministers expect that they should rarely use this power.
- 3.32 It is the practice of the Scottish Ministers to issue correspondence confirming that their review of an LDP is complete, and the findings of their review, even if they do not issue a direction to further modify a plan. Nonetheless, the review would be concluded once the 28 day review period, or any extended period for the review, elapses and if no direction to further modify the ELLDP 2018 is issued under Section 20 of the Town & Country Planning (Scotland) Act 1997 (as amended). The Council will be requested to note the outcome of the Scottish Ministers' review at the next scheduled meeting of the Council after the outcome of their review is known.
- 3.33 However, if the Scottish Ministers issue a direction to the effect that the Council cannot adopt the ELLDP 2018 unless and until any matters raised in their direction have been addressed, then the Council cannot adopt the ELLDP 2018. In these circumstances, Officers would seek to further modify the ELLDP 2018 in accordance with any such direction from the Scottish Ministers. The Council would then be asked at a later meeting of the Council to decide whether the ELLDP 2018 as further modified in accordance with any direction from the Scottish Ministers should be constituted as the adopted LDP for East Lothian.
- 3.34 If the Council approves the ELLDP 2018 (as presented at Annex 3) as the LDP it intends to adopt, the Act requires that this decision be advertised, that representees to the proposed LDP be notified of this decision, and that the ELLDP 2018 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:
- the schedule of modifications, as presented at Annex 2 of this Council Report;
  - a statement explaining why any modification recommended by the Reporter has not been made, which is provided at paragraphs 3.15 – 3.27 of this Council report. Following a request from Scottish Natural Heritage (SNH) on this matter, alternative wording for the modifications is also recommended by Officers, as agreed with SNH and the RSPB,

as presented at Annex 1 and within the ELLDP 2018 as presented at Annex 3 of this report;

- two copies of the ELLDP 2018, as presented at Annex 3 to this Council Report;
- the Report of Examination, as noted by Council on the 24<sup>th</sup> April 2018;
- any updated environmental assessments, including:
  - the Strategic Environmental Assessment Environmental Report (Members' Library Service Reference 70/18, May 2018 bulletin)
  - the Habitats Regulation Appraisal Record and the relevant correspondence from SNH (Members' Library Service Reference 71/18, May 2018 bulletin)
  - The Strategic Flood Risk Assessment (Members' Library Service Reference 72/18, May 2018 bulletin)
- The advertisement of the Council's intention to adopt the ELLDP 2018, which will be placed in the East Lothian Courier as soon as practicable if the recommendations of this report are approved by the Council.

3.35 In support of the ELLDP 2018 Officers have also updated the other technical assessments that were prepared to accompany the proposed LDP, including a revised Transport Appraisal (Members' Library Service Reference 73/18, May 2018 bulletin) and other infrastructure demand and mitigation assessments in respect of education, community services and NHS provision set out in an Updated Technical Note 14 (Members' Library Service Reference 74/18, May 2018 bulletin). These will be provided to the Scottish Ministers for their review of the ELLDP 2018.

3.36 Additionally, should the Council decide to approve the recommendations within this Council report, Officers have prepared the Strategic Environmental Assessment (SEA) Post Adoption Statement (Members' Library Service Reference 75/18, May 2018 bulletin) to accompany the Environmental Report, as required by the Environmental Assessment (Scotland) Act 2005. This statement shows how the consultation responses and Report of Examination have been taken in to account in the SEA Environmental Report.

## **4 POLICY IMPLICATIONS**

4.1 If adopted, the East Lothian Local Development Plan 2018 (ELLDP 2018) would replace the East Lothian Local Plan 2008, and together with the Strategic Development Plan for South East Scotland (SDP1) would become the statutory development plan for East Lothian.

4.2 The development plan provides the basis against which any planning decisions will be taken that affect East Lothian, in accordance with Section

25 of the Town & Country Planning (Scotland) Act 1997 (as amended). This includes the determination of planning applications and provides a basis against which the Council can seek developer contributions towards mitigating the impacts of new development within East Lothian.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The original Integrated Impact Assessment that accompanied the proposed LDP (Members' Library Reference 159/16 - August 2016 Bulletin) has been updated (Members' Library Service Reference 76/18, May 2018 bulletin) following consideration of the recommended post-examination modifications to the proposed LDP. The subject of this report (the ELLDP 2018) has therefore also been through the Integrated Impact Assessment process and no significant negative impacts have been identified.

## **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 ELLDP 2018 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 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 any further technical work required to address the subsequent stages towards adoption of the LDP, including in terms of

the preparation of other planning policy documents as required, and to deliver the plan.

## **7 BACKGROUND PAPERS**

- 7.1 Proposed East Lothian Local Development Plan Assessment of Report of Examination: Officer Summaries and Recommendations (Members' Library Service Reference 69/18 – May 2018 bulletin)
- 7.2 East Lothian Local Development Plan 2018, Strategic Environmental Assessment Report (Members' Library Service Reference 70/18 – May 2018 bulletin)
- 7.3 East Lothian Local Development Plan 2018, Strategic Environmental Assessment – Musselburgh Area (Members' Library Service Reference 70/18 – May 2018 bulletin)
- 7.4 East Lothian Local Development Plan 2018, Strategic Environmental Assessment – Prestonpans Area (Members' Library Service Reference 70/18 – May 2018 bulletin)
- 7.5 East Lothian Local Development Plan 2018, Strategic Environmental Assessment – Tranent Area, Part 1 (Members' Library Service Reference 70/18 – May 2018 bulletin)
- 7.6 East Lothian Local Development Plan 2018, Strategic Environmental Assessment – Tranent Area, Part 2 (Members' Library Service Reference 70/18 – May 2018 bulletin)
- 7.7 East Lothian Local Development Plan 2018, Strategic Environmental Assessment – Haddington Area (Members' Library Service Reference 70/18 – May 2018 bulletin)
- 7.8 East Lothian Local Development Plan 2018, Strategic Environmental Assessment – Dunbar Area (Members' Library Service Reference 70/18 – May 2018 bulletin)
- 7.9 East Lothian Local Development Plan 2018, Strategic Environmental Assessment – North Berwick Area (Members' Library Service Reference 70/18 – May 2018 bulletin)
- 7.10 East Lothian Local Development Plan 2018, Habitats Regulations Appraisal and correspondence from Scottish Natural Heritage (Members' Library Service Reference 71/18 – May 2018 bulletin)
- 7.11 East Lothian Local Development Plan 2018, Strategic Flood Risk Assessment (Members' Library Service Reference 72/18 – May 2018 bulletin)
- 7.12 East Lothian Local Development Plan 2018, Revised Transport Appraisal (Members' Library Service Reference 73/18 – May 2018 bulletin)

- 7.13 East Lothian Local Development Plan 2018, Updated Technical Note 14: Developer Contributions Framework, including Education, Transportation, Community Services and NHS Demand Assessments. (Members' Library Service Reference 74/18 – May 2018 bulletin)
- 7.14 East Lothian Local Development Plan 2018 Strategic Environmental Assessment Post Adoption Statement (Members' Library Service Reference 75/18 – May 2018 bulletin)
- 7.15 East Lothian Local Development Plan 2018, Equalities Impact Assessment (Members' Library Service Reference 76/18 – May 2018 bulletin)
- 7.16 Report to East Lothian Council from the Depute Chief Executive Partnerships and Community Services to East Lothian Council on the 24th April 2018
- 7.17 East Lothian Proposed Local Development Plan: Report of Examination [RoE](#)
- 7.18 Representations to the Proposed LDP (Members Library Ref 21/17 March 2017)
- 7.19 Strategic Environmental Assessment Environmental Report on consultation responses (Members Library Ref 32/17 March 2017)
- 7.20 Proposed LDP Action Programme report on consultation responses (Members Library Ref 33/17 March 2017)
- 7.21 Participation Statement and Statement of Conformity with the Participation Statement (Members Library Ref 34/17 March 2017)
- 7.22 Proposed Local Development Plan and supporting documents September 2016 [Proposed LDP](#)
- 7.23 Consultation Feedback – summaries and key messages April 2015 [CF](#)
- 7.24 Consultation Feedback – summaries and key messages April 2015 [CF](#)
- 7.25 Draft Proposed Local Development Plan and supporting documents November 2015 [draft LDP](#)
- 7.26 Interim Environmental Report October 2014 (with appendices – Site Assessments) October 2014 [IER](#)
- 7.27 East Lothian Local Development Plan Main Issues Report October 2014 [MIR](#)
- 7.28 Monitoring Statement October 2014 [MR](#)
- 7.29 Transport Appraisal October 2014 [TA](#)
- 7.30 SESplan Supplementary Guidance on Housing Land October 2014

7.31 National Planning Framework 3 [NPF3](#)

7.32 Scottish Planning Policy: June 2014 [SPP](#)

7.33 SESplan Strategic Development Plan, June 2013 [SDP](#)

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<b>DATE</b>	17 May 2018

## ANNEX 1

***Grounds for declining to follow Recommended Post-examination Modifications from the Report of Examination: alternative wording for Modification 1 at Issue 21 and part of Modification 5 at Issue 22a that is recommended by Officers.***

The alternative wording suggested by officers to replace Modification 1 within Issue 21 and part of Modification 5 within Issue 22a of the Report of Examination in order to implement and support the original intention of these modifications is:

1. to amend Policy WD1, Policy WD2, Policy WD3, PROP EGT1 (as modified by the Reporter) and PROP EGT3 as follows:

<b>Policy Reference</b>	<b>Proposed LDP text</b>	<b>Text as it would appear with Reporter's Modification</b>	<b>Text as it would appear in the ELLDP 2018</b>
Policy WD1: Wind Farms, last sentence of paragraph 2	Proposals will only be supported where they will not have an adverse effect on the integrity of European sites designated under the Habitats Directive either alone or in combination with other projects and plans.	Proposals will only be supported where they will not have an adverse effect on the integrity of European sites designated under the Habitats and Birds Directives either alone or in combination with other projects and plans.	Proposals will only be supported where they will not have an adverse effect on the integrity of European sites either alone or in combination with other projects and plans.
Policy WD2: Smaller wind turbine development, Criteria c.	c. proposals must not have an adverse effect on the integrity of integrity of European sites designated under the Habitats Directive either alone or in combination with other projects and plan	c. proposals must not have an adverse effect on the integrity of integrity of European sites designated under the Habitats and Birds Directives either alone or in combination with other projects and plan	c. proposals must not have an adverse effect on the integrity of integrity of European sites either alone or in combination with other projects and plans.
Policy WD3: All wind farms, Criterion n.	n. There is no adverse effect on the integrity of integrity of European sites designated under	n. There is no adverse effect on the integrity of integrity of European sites designated under	n. There is no adverse effect on the integrity of European sites either alone or in combination with other projects and plans.

	the Habitats Directive either alone or in combination with other projects and plans.	the Habitats and Birds Directives either alone or in combination with other projects and plans.	
Proposal EGT1: land at Former Cockenzie Power Station last sentence	Proposals will be subject to a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations.	Proposals will be subject to a Habitats Regulations Appraisal and an Appropriate Assessment under the Habitats Directive, as required.	Proposals will be subject to a Habitats Regulations Appraisal and an Appropriate Assessment under the Habitats Regulations as required.
Proposal EGT3; Forth Coast Area of Co-ordinated Action, third bullet point	proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site designated under the Habitats Directive either alone or in combination with other projects and plans.	proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site designated under the Habitats and Birds Directives either alone or in combination with other projects and plans.	proposals must not have an adverse effect on the integrity of the Firth of Forth SPA or any other European site either alone or in combination with other projects and plans.

2. Glossary modifications:

a. Insert glossary definition:

*“EUROPEAN SITES*

*A European site is one defined as set out in Section 10 (1) of the Conservation (Natural Habitats etc) Regulations 1994 as amended. They comprise Special Areas of Conservation and Special Protection Areas designated by the Habitats and Birds Directives respectively. They can also be referred to as Natura sites (see also Natura 2000 sites). Ramsar sites, classified under the Ramsar Convention on Wetlands of International Importance also form part of the Natura 2000 network of European sites, either as a Special Protection Area or Special Area of Conservation. The Scottish Government requires authorities to afford the same level of protection to proposed Special Areas of Conservation and Special Protection Areas as they do to sites which have been designated. In Scotland, European sites are given protection through The Conservation (Natural Habitats &c,) Regulations 1994 as amended.”*



- b. Amend glossary definition for 'Habitats Regulations' to replace the word 'British' with 'UK' so that it reads:

*"HABITATS REGULATIONS*

*General term for the Conservation (Natural Habitats, &c) Regulations 1994, as amended, which translated into UK law the EU Habitats and Wild Birds Directive."*



## ANNEX 2

**Composite table of the Report of Examination’s recommended post-examination modifications and Officer’s recommended requisite and consequential and minor post-examination modifications.**

Issue no.	Report of Examination’s recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
<b>Contents Page and Policy/Proposals References</b>	The Council notes the Reporter’s suggestion at Issue 34 para.2 that additional contents pages be added to plan.	Accept	Add an expanded contents page.
<b>01. Introduction</b>	<p>Modify the local development plan by:</p> <p>1. In paragraph 1.47, amending the second sentence to read: “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: “It is to help maintain the environmental quality of the area, tackle vacant and derelict land, and promote active travel and healthier lifestyles.”</p>	Accept  Accept	None
<b>02. Spatial Strategy</b>	No modifications	Accept	On P.16-17, update the Main Strategy Diagram key and map to reflect other recommended modifications elsewhere within the Report and their implications for these parts of the plan.
<b>03. Musselburgh Cluster</b>	<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>	Accept	On P.18, make amendments to Strategy Diagram to reflect other modifications that affect this chapter.

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<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> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>		<p>On P.25 para 2.45 sentence 3 of the proposed LDP change ‘with’ to ‘within’ to support modification 5.</p> <p>Renumbering of policies and proposals as appropriate to reflect other modifications within the chapter.</p> <p>Make modifications to Proposals Map arising from modifications to this chapter.</p>

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<p>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.</p> <p>The 3ha of land to the north east of Queen Margaret University is allocated for mixed use development, potentially including housing and employment uses.</p> <p>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.”</p> <p>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.”</p> <p>3. In paragraph 2.36, adding the following sentence at the end: “A Flood Risk Assessment will be required for this site.”</p> <p>4. Deleting PROP MH13: Land at Howe Mire, Wallyford and the accompanying text in paragraphs 2.38, 2.39 and 2.40.</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<p>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."</p> <p>6. Deleting Policy MH17: Development Briefs.</p>	<p>Accept</p> <p>Accept</p>	
<b>04. Prestonpans Cluster</b>	<p>Modify the local development plan by:</p> <p>1. Deleting paragraph 2.51 and replacing it with the following text:  "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> <p>2. In paragraph 2.60, inserting the following sentence at the end: "A Flood Risk Assessment will be necessary for this site."</p> <p>3. In paragraph 2.62, inserting third and fourth sentences as follows:</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	None

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<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>4. Deleting Policy PS3: Development Briefs.</p>	Accept	
<b>05. Blindwells Cluster</b>	<p>Modify the local development plan by:</p> <p>1. In paragraph 2.9, deleting the text “sub-regional” within the third sentence.</p> <p>2. In paragraph 2.9, deleting the penultimate sentence.</p> <p>3. In paragraph 2.10, deleting the text “sub-regional” within the last sentence.</p> <p>4 In paragraph 2.71, deleting the text “sub-regional” within the second sentence.</p> <p>5. In paragraph 2.75, deleting the text “and would be adopted by the Council as Supplementary Guidance” in the third sentence.</p> <p>6. In paragraph 2.75, deleting the last two sentences.</p> <p>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</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	None

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<p>preparation of this brief will be led by the Council working collaboratively with others, including relevant landowners, the Key Agencies and other stakeholders.”</p> <p>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...”</p> <p>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> <p>10. In paragraph 2.81, deleting the following text from the last sentence: “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>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	



Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
<b>06. Tranent Cluster</b>	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> <li>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.</li> <li>2. In paragraph 2.82, deleting the second “and” from the first sentence.</li> <li>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”.</li> <li>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 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.”</li> <li>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”.</li> <li>6. In paragraph 2.90, deleting the third and fourth sentences.</li> </ol>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>On P.34, make amendments to Strategy Diagram to reflect other modifications that affect this chapter.</p> <p>Modify para 2.08 sentence 3 to replace ‘with’ to ‘within’ to support modification 12.</p> <p>Make modifications to Proposals Map arising from modifications to this chapter.</p>

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<p>7. In PROP TT1, replacing the first sentence with: "Land at Windygoul South is allocated for circa 550 homes".</p> <p>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."</p> <p>9. In PROP TT2, adding the following text to the start of the first sentence: "Approximately 1.12 ha of".</p> <p>10. Deleting paragraph 2.105 and PROP TT15: Humbie North.</p> <p>11. Deleting paragraph 2.106 and PROP TT16: East Saltoun.</p> <p>12. In paragraph 2.108, 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."</p> <p>13. Deleting Policy TT17: Development Briefs.</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	
<b>07. Haddington Cluster</b>	<p>Modify the local development plan by:</p> <p>1. In paragraph 2.114, deleting the first sentence.</p>	<p>Accept</p>	<p>On P.39, make amendments to Strategy Diagram to reflect other modifications made within this chapter.</p>

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<p>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."</p> <p>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."</p> <p>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".</p> <p>5. In paragraph 2.127, 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."</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>On para 2.127, replace 'with' to 'within' to support modification 5.</p> <p>Delete Policy HN9: Development Briefs in recognition of suggestion by Reporter at Issue 30 para 26.</p>
<b>08. Dunbar Cluster</b>	<p>Modify the local development plan by:</p> <p>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."</p> <p>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</p>	<p>Accept</p> <p>Accept</p>	<p>On P.46, make amendments to Strategy Diagram to reflect other modifications that affect this chapter.</p> <p>Delete Policy DR12: Development Briefs in recognition of suggestion by Reporter at Issue 30 para 26.</p>

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	be submitted to ensure compliance with current legislation and the policy provisions of the plan."		Add PROP DR12 in accordance with modifications 1 and 2 at Issue 13.  On para 2.149, replace 'with' to 'within' to support modification 2.
<b>09. North Berwick Cluster</b>	Modify the local development plan by:  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."  4. Deleting Policy NK12: Development Briefs.	Accept  Accept  Accept  Accept	On para 2.172, replace 'with' to 'within' to support modification 3.
<b>09a. North Berwick Cluster - Gullane</b>	No modifications	Accept	None
<b>10. General Urban</b>	Modify the local development plan by:  1. In paragraph 3.4, amending second sentence to read as follows:	Accept	In the first sentence of Policy TC4: Hot Food Outlets, change reference from 'foot' to 'food' to

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
<b>Development Policies</b>	<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: “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: “These will be progressed once the plan is operative and will be taken forward as statutory supplementary guidance”.</p>	<p>Accept</p> <p>Accept</p>	<p>support modification 1 and in recognition of the Reporter's conclusions at para 9 of Issue 10.</p>
<b>11. Planning for Employment and Tourism</b>	<p>Modify the local development plan by:</p> <p>1. Adding a final sentence to Policy EMP1 as follows: “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> <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>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>Modify Table EMP1: Employment Sites and Proposals by Cluster Area to reflect deletion of employment element of PROP MH13, as recommended within Issue 3 modification 4 and other consequential amendments to the table including revising total land areas.</p>
<b>12. Planning for Housing</b>	<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>Accept</p> <p>Accept</p>	<p>At para 3.46 sentence 2, delete final ‘be’ to support of modification 8.</p> <p>Make consequential amendments to Table HOU1 to reflect the position on HOU2</p>

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers																																																	
	<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="472 772 1462 1326"> <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><b>Housing Requirement and Housing Land Requirement 2009 to 2024</b></td> <td colspan="3"><b>10,050</b></td> <td colspan="2"><b>Housing Need and Demand (vi)</b></td> <td></td> </tr> <tr> <td>SESplan Housing Requirement</td> <td>6,250</td> <td>3,800</td> <td><b>10,050</b></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><b>11,819</b></td> <td>n/a</td> <td>n/a</td> <td>n/a</td> </tr> <tr> <td colspan="4"><b>Housing Supply 2009 to 2024</b></td> <td colspan="3"></td> </tr> <tr> <td>Housing Completions 2009/17</td> <td>3,064</td> <td>0</td> <td>3,064</td> <td>0</td> <td>0</td> <td>3,064</td> </tr> <tr> <td>Contribution from</td> <td>1,144</td> <td>3,003</td> <td>4,147</td> <td>594</td> <td>0</td> <td>4,741</td> </tr> </tbody> </table>		2009/19	2019/24	2009/24	2024/32	Beyond 2032	Total	<b>Housing Requirement and Housing Land Requirement 2009 to 2024</b>	<b>10,050</b>			<b>Housing Need and Demand (vi)</b>			SESplan Housing Requirement	6,250	3,800	<b>10,050</b>	3,820	0	13,870	Housing Land Requirement	7,350	4,469	<b>11,819</b>	n/a	n/a	n/a	<b>Housing Supply 2009 to 2024</b>							Housing Completions 2009/17	3,064	0	3,064	0	0	3,064	Contribution from	1,144	3,003	4,147	594	0	4,741	<p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>and to take account of other modifications that affect this table i.e. the deletion and inclusion of housing sites, and the updated 2017 Housing Land Audit position.</p>
	2009/19	2019/24	2009/24	2024/32	Beyond 2032	Total																																														
<b>Housing Requirement and Housing Land Requirement 2009 to 2024</b>	<b>10,050</b>			<b>Housing Need and Demand (vi)</b>																																																
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Issue no.	Report of Examination's recommended post-examination modifications							Accept/ Decline	Post-examination modifications recommended by Officers
	Established Supply (i)								
	Contribution from New Allocation (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		
	<b>Total Housing Land Supply</b>	<b>4,717</b>	<b>7,102</b>	<b>11,819</b>	<b>3,718</b>	<b>833</b>	<b>16,370</b>		
	<b>Generosity</b>			<b>17.6%</b>					
	<p>(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;</p> <p>(ii) Based on 2017 Housing Land Audit [adjusted for deletion of MH13, TT15 and TT16 and the addition of Land at Newtonlees Farm, Dunbar];</p> <p>(iii) Based on 2017 Housing Land Audit;</p>								

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<p>(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).</p> <p>6. Within Advice Box 1, replacing all references to the "housing land requirement" with "housing requirement".</p> <p>7. Within Advice Box 1, removing reference to "or any housing monitoring paper".</p> <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:</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	



Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	"The amount of land required to be allocated for housing (including generosity) to meet the identified housing requirement."		
<b>13. New Sites</b>	<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> <p>2. Amending the Spatial Strategy for the Dunbar Cluster map to show the site - Land at Newtonlees Farm, Dunbar.</p>	<p>Accept</p> <p>Accept</p>	Consequential amendments throughout the plan including to Main Strategy Diagram and key, and housing tables HOU1 and HOU2, and the Proposals Map.
<b>14. Affordable and Specialist Housing</b>	<p>Modify the local development plan by:</p> <p>1. Adding the following as a new second paragraph to Policy HOU4: "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>	Accept	None
<b>15. Education</b>	<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>Accept</p> <p>Accept</p>	In paras 3.93 and 3.108, delete last sentence of these paragraphs in recognition of Reporter's conclusions at para 24 of Issue 15 and in support of modification 5 at Issue 15.

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	<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>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	
<b>16. Community, Health and Social Care Facilities</b>	No modifications	Accept	None
<b>17. Open Space and Play Provision</b>	<p>Modify the local development plan by:</p> <p>1. In paragraph 2.60, deleting the second sentence.</p> <p>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."</p> <p>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</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>Modify relevant Strategy Diagrams to reflect modification 5.</p> <p>Consequential renumbering of proposals OS6: Allotment Provision and OS7: Allotment Sites to OS5: Allotment Provision and OS6: Allotment Sites throughout the plan to reflect the deletion of PROP OS5: Potential Cemetery Expansions from the plan.</p>

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	<p>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.”</p> <p>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> <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>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	
<b>18a. Transport: General</b>	<p>Modify the local development plan by:</p> <p>1. Adding to Inset Map 3 the full length of the Longniddry to Haddington Route Safeguard (Proposal T14).</p> <p>2. Deleting the words “Safeguarding of land for” from the title of Proposal T9 so that it reads: “PROP T9: Larger Station Car Parks”.</p> <p>3. Deleting the words “Safeguarding land for” from the title of Proposal T10 so that it reads: “PROP T10: Platform Lengthening”.</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	None
<b>18b. Transport: Active Travel</b>	No modifications	Accept	None
<b>18c. Transport: Public Transport</b>	No modifications	Accept	None
<b>18d. Transport: Trunk Road Network</b>	<p>Modify the local development plan by:</p> <p>1. In paragraph 4.33, adding the following text as a new sentence at the end:</p>	Accept	None

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	"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)."		
<b>18e. Transport: Local Road Network</b>	No modifications	Accept	None
<b>18f. Transport: Transport Infrastructure Delivery Fund</b>	Modify the local development plan by:  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."	Accept	None
<b>19. Digital Communications Network</b>	No modifications	Accept	None
<b>20. Sustainable Energy and Heat in New Developments</b>	Modify the local development plan by:  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.	Accept        Accept	None
<b>21. Wind Farm and Wind</b>	Modify the local development plan by:		

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<b>Turbine Development</b>	<p>1. In the Energy Generation, Distribution and Transmission section of the plan, changing references to the "Habitats Directive" to "Habitats and Birds Directives".</p> <p>2. Deleting paragraph 4.80.</p> <p>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."</p> <p>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."</p> <p>5. Amending the first sentence of Policy WD3 as follows: "Applications for freestanding (as against roof-mounted or wall-mounted) wind turbine development ..."</p> <p>6. Deleting the repeated phrase "integrity of" in criterion (n) of Policy WD3.</p> <p>7. In paragraph 4.85, adding the following sentence at the end: "The council may publish supplementary planning guidance on re-powering."</p> <p>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</p>	<p>Decline in part</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>Decline in part: For reasoning and alternative wording see Section 3.15 -3.27 of covering report, Annex 1 and HRA record.</p>

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	<p>electricity for a continuous period of 12 months, unless otherwise agreed in writing by the planning authority.”</p> <p>9. Replacing the fourth sentence of Policy WD6 with the following: “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>	Accept	
<p><b>22a. Energy Generation and Transmission: Proposal EGT1: Land at Former Cockenzie Power Station</b></p>	<p>Modify the local development plan by:</p> <p>1. Replacing paragraph 4.89 with the following: “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: “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: “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>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Decline in part</p>	<p>Decline in part: For reasoning and alternative wording see</p>

Issue no.	Report of Examination's recommended post-examination modifications	Accept/ Decline	Post-examination modifications recommended by Officers
	<p>"PROP EGT1: Land at former Cockenzie Power Station 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. 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. Development proposals must avoid unacceptable impact on the amenity of the surrounding area, including residential development. Proposals will be subject to a Habitats Regulations Appraisal and an Appropriate Assessment under the Habitats Directive, as required."</p>		<p>Section 3.15 -3.27 of covering report, Annex 1 and HRA record.</p>
<p><b>22b. Energy Generation and Transmission: Other Matters</b></p>	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> <li>1. Replacing the second sentence of Proposal EGT2 with the following: "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."</li> <li>2. In paragraph 4.97, replacing the third sentence with the following: "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."</li> <li>3. Replacing the last sentence of Proposal EGT3 with the following:</li> </ol>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	

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	<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:  “‘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. 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. 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>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>Replace the term ‘strategic diagram 3’ within the second paragraph of Policy EGT4 with the term ‘strategy diagram 3’ to ensure the proper read-across as intended between Policy EGT4 and Strategy Diagram 3 as intended by the Reporter’ Modification 5 and as noted at paragraph 12 of Issue 22b.</p> <p>Note – changes have been made to ‘Strategy Diagram 3’ rather than ‘Strategic Diagram 3’.</p>
<b>23. Waste</b>	No modifications	Accept	None
<b>24. Minerals</b>	<p>Modify the local development plan by:</p> <p>1. Adding a new paragraph of supporting text before Policy MIN5: Mineral Resources as follows:</p>	Accept	None



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	<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> <p>2. Replacing criterion 5 of Policy MIN8: Mineral Extraction Criteria with the following: “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> <p>3. In Policy MIN9, replacing the second sentence of point (ix) with the following: “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 than in exceptional circumstances where restoration to an alternative afteruse can be demonstrated to have greater benefits.”</p>	<p>Accept</p> <p>Accept</p>	

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<b>25. Diverse Countryside and Coast</b>	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> <li>1. In paragraph 5.10, deleting the final sentence.</li> <li>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."</li> <li>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"</li> <li>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".</li> <li>5. In Policy DC6, deleting "largely" from the third bullet point.</li> <li>6. On the Proposals Map – Inset 4, amending the key by deleting the word "largely".</li> </ol>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	<p>None</p>
<b>26. Special Rural Landscapes</b>	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> <li>1. In paragraph 5.20, replacing the final sentence with the following:</li> </ol>	<p>Accept</p>	<p>None</p>

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	<p>“Countryside Around Towns designations will apply and their objectives are to:</p> <ul style="list-style-type: none"> <li>• to conserve the landscape setting, character or identity of the particular settlement; and /or</li> <li>• to prevent the coalescence of settlements; and/or</li> <li>• where it can provide opportunity for green network and recreation purposes.”</li> </ul> <p>2. Replacing the first sentence of Policy DC8 with the following: “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>	<p>Accept</p> <p>Accept</p>	
<b>27. Natural Heritage</b>	<p>Modify the local development plan by:</p> <p>1. In paragraph 6.7, replacing the final sentence with two separate sentences as follows: “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: “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). Development that would adversely affect the interest of a Local Nature Conservation Site, Local Nature</p>	<p>Accept</p> <p>Accept</p>	None

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	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."		
<b>28. Water, Floodrisk, Air Quality and Noise</b>	<p>Modify the local development plan by:</p> <ol style="list-style-type: none"> <li>1. Replacing the second part of paragraph 6.29 (third, fourth, fifth and sixth sentences) commencing "A developed site..." with the following:  ".....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."</li> <li>2. Amending the final sentence of Policy NH10: Sustainable Drainage Systems to read:  "Proposals must also demonstrate through a design-led approach how SuDS proposals are appropriate to place and designed to promote wider benefits such as placemaking, green networks and biodiversity enhancement."</li> <li>3. In paragraph 6.32, adding the following text after the third sentence:  "However, the avoidance principle should be applied whenever possible in compliance with Scottish Planning Policy."</li> </ol>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	None

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	<p>4. In paragraph 6.34, modifying the penultimate sentence and adding two new sentences immediately after it to read as follows:            "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>	Accept	
<b>29. Cultural Heritage</b>	<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>	Accept  Accept	None
<b>30. Design</b>	No modifications	Accept	In Advice Box 11, change the word 'cartilage' with 'curtilage' to support modification 1 at Issue 29 and in recognition of paragraph 2 of the Reporter's conclusions on this issue.
<b>31. Delivery</b>	<p>Modify the local development plan by:</p> <p>1. Rewording paragraph 8.4 to read as follows:            "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 Contributions Framework. Applicants and developers must commit to provide for their</p>	Accept	Within Policy DEL1 paragraph 3 sentence 2, replace the word 'generates' with 'generate' to support modification 11 at Issue 31.

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	<p>developer contributions before planning permission will be approved for appropriate proposals.”</p> <p>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.”</p> <p>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.”</p> <p>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.”</p> <p>5. Amending the title of Table DEL1 to read as follows: “Table DEL1: Developer Contributions Policies/Proposals.”</p> <p>6. Adding the following policy reference to Table DEL1: “Policy OS3: Minimum Open Space Standard for New General Needs Housing Development.”</p> <p>7. Adding the following policy reference to Table DEL1: “Policy OS4: Play Space Provision in new General Needs Housing Development.”</p> <p>8. Adding the following policy reference to Table DEL1: “Policy T8: Bus Network Improvements.”</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p> <p>Accept</p>	

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	<p>9. Deleting from Table DEL1 the following policy reference: "Policy DC10: The Green Network."</p> <p>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."</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Proposals of 5 or more dwellings, including affordable homes; and</li> <li>• Employment, retail, leisure or tourism proposals of 100 square metres gross floor space or larger.</li> </ul> <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. 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</p>	<p>Accept</p> <p>Accept</p> <p>Accept</p>	

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	Supplementary Guidance: Developer Contributions Framework. 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. Developer contributions will always be used to deliver the mitigation for which they were originally intended. 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."		
<b>32. Proposals Map</b>	No modifications	Accept	None
<b>33. Appendix 1: Developer Contribution Zones</b>	No modifications	Accept	None
<b>34. Local Development Plan Miscellaneous</b>	No modifications	Accept	Within Appendix 4 delete references to cluster based polices on Development Briefs (MH17, PS3, TT17, HN9, DR12 and NK12), but retain references to Policy DP9: Development Briefs, to reflect the relevant conclusions and recommended modifications within the Report of Examination.