



## MINUTES OF THE SPECIAL MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 29 MAY 2018  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost J McMillan (Convener)  
Councillor S Akhtar  
Councillor L Bruce  
Councillor S Currie  
Councillor F Dugdale  
Councillor A Forrest  
Councillor N Gilbert  
Councillor J Goodfellow  
Councillor N Hampshire

Councillor J Henderson  
Councillor S Kempson  
Councillor K Mackie  
Councillor C McGinn  
Councillor K McLeod  
Councillor F O'Donnell  
Councillor B Small  
Councillor T Trotter  
Councillor J Williamson

### Council Officials Present:

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Ms F Robertson, Head of Education  
Mr T Shearer, Head of Infrastructure  
Ms P Bristow, Communications Officer  
Ms R Colston, Commercial Development Officer  
Mr P Forsyth, Team Leader – Assets & Regulatory (Transportation)  
Ms C Galvin, Planner (Policy & Strategy)  
Mr C Grilli, Service Manager – Legal and Procurement  
Mr I McFarlane, Service Manager – Planning  
Ms E McLean, Service Manager – Strategic Asset and Capital Plan Management  
Ms J Sheerin, Planner (Policy & Strategy)  
Ms J Squires, Planner (Policy & Strategy)  
Mr A Stewart, Team Manager, Policy & Strategy  
Mr A Stubbs, Service Manager - Roads  
Mr L Taylor, Planner (Policy & Strategy)  
Mr P Zochowski, Principal Planner (Policy & Strategy)

### Visitors Present:

None

### Clerk:

Mrs L Gillingwater

**Apologies:**

Councillor J Findlay  
Councillor W Innes  
Councillor G Mackett  
Councillor P McLennan

**Declarations of Interest:**

None

**1. EAST LoTHIAN LOCAL DEVELOPMENT PLAN 2018**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking 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. The report also sought approval to publish and submit the ELLDP 2018 to Scottish Ministers for their review, as required by Section 19(10) of the Town & Country Planning (Scotland) Act 1997 (as amended). The report recommended that the Council should 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.

Iain McFarlane, Service Manager – Planning, presented the report. He began his presentation by paying tribute to his team and to officers throughout the Council for their work on developing the Local Development Plan as a corporate, Council document. He made reference to the LDP Plan journey, and to the recently completed Public Examination, which had been undertaken over six months by four Reporters, who had endorsed both the Council's strategy and the proposed sites. He advised that further technical work had been undertaken to take account of the Reports' recommended modifications. Mr McFarlane explained that the Council was required to express its intention to adopt the Local Development Plan, which, if approved by Council, would then be submitted to Scottish Ministers, who could propose further modifications. In the event that no further modifications were required by Ministers, the Plan would be adopted by the Council at that point.

Mr McFarlane drew attention to an error in the maps referencing Whitecraig, and noted that this would be rectified prior to submission to Ministers.

Councillor Small asked about the risks to the Council of not delivering the required number of homes by 2024. Mr McFarlane explained that there was a sufficient land supply to deliver the 10,050 homes required by the Plan, that circumstances were favourable for the development industry, and that the Council would work with developers to deliver the affordable housing component.

In response to a series of questions from Councillor Currie, Mr McFarlane pointed out that housing allocations not delivered through the current Local Plan would be included in the provision for the new Plan. He advised that there was no specific additional allocation for extra care housing, although there was land available that could potentially be used for health and social care provision. He confirmed that, other than at Blindwells, there was no requirement to seek further developer contributions for health and social care provision, noting that most GP practices were independent businesses and it would not be competent to seek contributions for these. On air quality, Mr McFarlane explained that developers were required to address any air quality issues, adding that significant improvements had already

been made in Musselburgh. As regards the transport infrastructure, he advised that the Local Transport Strategy would link with the LDP, and would include the timing of transport interventions in order to accommodate growth. It was anticipated that the railway station at East Linton would be delivered by 2023/24. Mr McFarlane also provided an explanation on areas for potential windfarms/small scale wind turbines, reminding Members that the Council had a robust policy on this, which had been endorsed by the Reporter. He reiterated the requirement for the Plan to comply with National Planning Framework 3 (NPF3) as regards the use of the former Cockenzie Power Station site, stressing the importance of the Council working with the Scottish Government as regards the policy context for NPF4. On planning applications for sites not included in the Plan, Mr McFarlane stated that the Plan provided for a generous land supply for housing and economic development, and that the Planning Committee would have to carefully consider any application that departed from the Plan.

Councillor O'Donnell asked if health and social care services could be provided on land not included in the Plan. Mr McFarlane advised that there were a number of sites within the control of the Council or the NHS which could potentially be developed for this use, provided they could be accessed and serviced.

As regards environmental protections provided under EU regulations, Mr McFarlane noted that the Plan would take account of current provisions and any changes that follow the UK's departure from the EU.

Councillor McLeod questioned the timing of the delivery of the proposed distributor road to the south of Tranent. Mr McFarlane advised that this would depend on the development of the housing. Peter Forsyth, Team Manager – Assets and Regulatory (Transportation), added that the delivery of the road would be carried out in accordance with an assessment of the delivery and sales of housing, and that further analysis on this was required.

Councillor Akhtar sought reassurance in relation to fracking and opencast mining. Mr McFarlane explained that the Council could not have its own moratorium on fracking, and that it was important to ensure that robust policies were in place for both fracking and opencast mining.

Responding to a question from Councillor Goodfellow on speculative planning applications, Mr McFarlane believed that the Plan would provide the strongest defence against such applications.

Councillor Henderson asked how much of the land supply was on prime agricultural land. Mr McFarlane reported that the vast majority of sites were situated on agricultural land; the reason for this was that there were very few brown-field sites in East Lothian.

Councillor Bruce questioned whether there was an onus on Network Rail to lengthen railway platforms. Mr McFarlane indicated that that there would be a requirement for developer contributions to lengthen platforms and that the Council would be working with Network Rail to realise the improvements.

In response to a question from Councillor Gilbert as regards the impact of the Plan on commuters, Mr McFarlane accepted that there may be an increase in journey times pending delivery of the infrastructure improvements.

Before moving to the debate, the Provost thanked Mr McFarlane and his staff for their work in developing the Local Development Plan.

Councillor Hampshire opened the debate by declaring that it was a fantastic achievement for the Council to get the Local Development Plan to this stage, and praised all those who had been involved in its development. He thanked, in particular, Mr McFarlane, Mr Stewart and

the Planning Team for their work, highlighting the challenge and complexity of the task. He accepted that delivering the infrastructure to support 10,050 homes would be a challenge, but believed that the Council would achieve it. He informed Members that the development industry was satisfied with the Plan, and that the general public were also largely supportive of it. He stressed the importance of approving the Plan for submission to Scottish Ministers.

Councillor Small also congratulated those involved in getting the Plan to this stage. He commented that it was important to have a Plan agreed by the Council in order that the Council could ensure the availability of a suitable housing land supply, and to create economic development opportunities for East Lothian. He also referred to the importance of delivering the required infrastructure. Councillor Small called on the Council to adhere to the Plan and to resist supporting planning applications for sites not included in the Plan. He also spoke of future development of areas not included in the Plan in order that rural schools could be protected. On community engagement, he remarked that improvements could be made in this area. He also expressed concern about future healthcare provision.

Describing the Plan as ambitious and aspirational, Councillor Akhtar highlighted how it would support the projected increase in population, through 2500 new affordable homes, new and expanded schools and increased economic development opportunities. She also welcomed the policies on fracking and opencast mining. She thanked officers for their work and communities for their input during the consultation process.

Councillor Currie warned about future economic uncertainty and how this could impact on the delivery of the Plan. He expressed the need to deliver the infrastructure to support the increase in population, especially in the west of county where 68% of the new housing would be situated. He believed that regardless of improvements to infrastructure, there would be an adverse impact on people living in the Musselburgh area, and stressed the need for improvements to be made to trunk roads. He also expressed concern about health and social care provision, especially that there was no requirement to deliver additional land for this purpose. He believed it was important for the Council to adopt the Plan, with well-defined policies. He hoped that all mitigations outlined in the Plan would be delivered and that the Council could defend the Plan. He reiterated his concerns, but stated that they were not a reflection of the work undertaken by Planning officers. However, he noted that he would not be supporting Recommendations 2.4 and 2.5.

Councillor Bruce echoed comments made by Members as regards the importance of having an approved Local Development Plan in order to protect the Council against speculative planning applications. He noted his disappointment in relation to the site of the former Cockenzie Power Station, but welcomed the proposals for retail development at Blindwells, which would help create a vibrant community and boost the local economy.

The Plan was welcomed by Councillor O'Donnell, who was confident that the Council could meet the challenges in delivering the required housing and infrastructure. She highlighted the importance of working with partners and other agencies, and also of protecting the historic environment of East Lothian.

Councillor Forrest spoke of the wide public consultation and was pleased that a public inquiry would not be required, which was testament to the work of officers and the input of communities.

Councillor Goodfellow also welcomed the Plan, particularly the provision of a generous housing land supply, which would protect East Lothian from speculative development. He looked forward to the delivery of an additional 2500 affordable homes. On the concerns raised by Members with regard to the delivery of infrastructure, he sought to reassure Members by noting the completion of the new Law Primary School and the distributor road,

both of which had been delivered in advance of the completion of housing developments in North Berwick.

The Provost concluded the debate by highlighting the positive aspects of the Plan, including the creation of job opportunities within communities, and the protection of the coastline and countryside. He viewed the Plan as a significant achievement.

The Provost then moved to the vote on Recommendations 2.1-2.3, for which there was unanimous support.

He then moved to the vote on Recommendations 2.4 and 2.5:

For: 13  
Against: 5

The report recommendations were therefore carried.

### **Decision**

The Council agreed:

- i. to incorporate all of the Report of Examination's recommended post-examination modification 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); andto accept the alternative wording for these modifications recommended by officers at Annex 1 to the report and Sections 3.15 – 3.27 of the report for the reasons set out there;
- ii. to make all other requisite and consequential and minor typographical / mapping modifications to the proposed LDP as recommended by officers;
- iii. to modify the proposed LDP as recommended at (i) and (ii) above, as presented at Annex 3 to the report, as the East Lothian Local Development Plan 2018 (as modified following Examination in Public) (ELLDP 2018);
- iv. to approve 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);
- v. to adopt the ELLDP 2018 and constitute the plan as the adopted East Lothian Local Development Plan 2018, subject to:
  - the Council agreeing all the recommendations at (i) to (iv) above; 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).

## **2. EAST Lothian Local Development Plan 2018 – Supplementary Guidance / Supplementary Planning Guidance Consultation**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for consultation of statutory Supplementary Guidance and non-statutory Supplementary Planning Guidance associated with the proposed East Lothian Local Development Plan as modified following Examination in Public (i.e. the East Lothian Local Development Plan 2018 (ELLDP 2018)), namely:

- an updated draft of the statutory Supplementary Guidance: Developer Contributions Framework;
- an updated draft of the non-statutory Supplementary Planning Guidance: Development Briefs;
- a draft of the non-statutory Supplementary Planning Guidance: Cultural Heritage and the Built Environment; and
- a draft of the non-statutory Supplementary Planning Guidance: Farmstead Design Guide

Iain McFarlane, Service Manager – Planning, presented the report, advising that the above-mentioned documents would require to go out to consultation, and that on conclusion of that process the finalised versions would come back to Council for approval.

Councillor McLeod asked for an update on the consultation on the Local Transport Strategy. Peter Forsyth, Team Manager – Assets and Regulatory, reported that the consultation had now closed that a report on the consultation responses would be brought to Council in the autumn; that report would include information on costings.

In response to questions from Councillor Small as regards the above-mentioned documents, Mr McFarlane confirmed that the consultation timescale would be six weeks and that updated versions would require Council approval.

Councillor Hampshire stressed the importance of the consultation documents, and highlighted the amount of work that had gone into preparing the guidance. He noted that the development industry was happy with the guidance.

Councillor Currie expressed concern about the level of developer contributions for health and social care services, given the projected population growth. He believed that it was crucial to have a robust developer contribution framework in place so that developers understood what was expected of them, and hoped that this would help simplify the planning process.

Councillor O'Donnell made reference to historical buildings in East Lothian, which she hoped could be preserved for the future.

### **Decision**

The Council agreed to approve for consultation the following draft consultation documents:

- an updated draft of the statutory Supplementary Guidance: Developer Contributions Framework;
- an updated draft of the non-statutory Supplementary Planning Guidance: Development Briefs;

- a draft of the non-statutory Supplementary Planning Guidance: Cultural Heritage and the Built Environment; and
- a draft of the non-statutory Supplementary Planning Guidance: Farmsteading Design Guide

Signed

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Provost John McMillan  
Convener of the Council

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