

**REPORT TO:** East Lothian Council

**MEETING DATE:** 30 October 2018

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

**SUBJECT:** East Lothian Local Development Plan 2018: Scottish Ministers' Response and Adoption

---

## **1 PURPOSE**

- 1.1. To inform Council of the adoption of the East Lothian Local Development Plan 2018 on 27 September 2018.

## **2 RECOMMENDATIONS**

- 2.1 That the Council notes the adoption of the East Lothian Local Development Plan 2018 and notes that this plan forms part of the up-to-date development plan for East Lothian.

## **3 BACKGROUND**

- 3.1 At the meeting of 29 May 2018, East Lothian Council resolved to adopt the East Lothian Local Development Plan 2018 subject to the Scottish Ministers providing clearance to the Council that the Council may adopt it, following the Scottish Ministers period of review (or any extended period of that review), in accordance with Section 20 of the Town and Country Planning (Scotland) Act 1997, as amended. This decision was reaffirmed at the meeting of East Lothian Council on 11 September 2018.
- 3.2 On 27 September 2018, the Scottish Government confirmed that the Scottish Ministers do not propose to issue a Direction in respect of the East Lothian Local Development Plan 2018. In this, they confirmed that the Council may proceed to adopt the plan in accordance with the provisions of the Town and Country Planning (Scotland) Act 1997 (Appendix 1).
- 3.3 Given the Council resolution on 29 May 2018, the East Lothian Local Development Plan 2018 is now adopted.

- 3.4 The development plan for East Lothian now comprises the following:
- The approved Strategic Development Plan for Edinburgh and South East Scotland (SDP1) prepared by the South East Scotland Strategic Development Plan Authority (SESplan) and approved by Scottish Ministers in June 2013.
  - SESplan's statutory Supplementary Guidance on Housing Land. This came into effect in 2014 and supports SDP1.
  - The adopted East Lothian Local Development Plan 2018
- 3.5 In the course of the Ministers' review a request was made to enhance the clarity of the Council's implementation of the Report on Examination amendment to Inset Map 3 to show the full length of the Longniddry-Haddington Route Safeguard (Policy T14). This was in relation to the scale of Map 3 in printed format which may not make it as apparent as on the PDF version. This editorial amendment is included for the final adopted version.
- 3.7 From the date of publication (12 October 2018) of the adopted East Lothian Local Development Plan 2018, a period of 6 weeks will begin whereby any person aggrieved by the plan wishing to challenge its validity can make an application to the Court of Session under Section 238 of the Town and Country Planning (Scotland) Act 1997.

#### **4 POLICY IMPLICATIONS**

- 4.1 Now adopted, the East Lothian Local Development Plan 2018 replaces the East Lothian Local Plan 2008, and together with the Strategic Development Plan for South East Scotland (and Supplementary Guidance on housing land) becomes 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. The adopted East Lothian Local Development Plan will now be used in the determination of **all** planning applications.

#### **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The East Lothian Local Development Plan 2018 has 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 will 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.

## **7 BACKGROUND PAPERS**

- 7.1 Report to East Lothian Council from the Depute Chief Executive Partnerships and Community Services to East Lothian Council on the 29<sup>th</sup> May 2018
- 7.2 Report to East Lothian Council from the Depute Chief Executive Partnerships and Community Services to East Lothian Council on the 11<sup>th</sup> September 2018
- 7.3 East Lothian Proposed Local Development Plan: Report of Examination [RoE](#)
- 7.4 Representations to the Proposed LDP (Members Library Ref 21/17 March 2017)
- 7.5 Strategic Environmental Assessment Environmental Report on consultation responses (Members Library Ref 32/17 March 2017)
- 7.6 Proposed LDP Action Programme report on consultation responses (Members Library Ref 33/17 March 2017)
- 7.7 Participation Statement and Statement of Conformity with the Participation Statement (Members Library Ref 34/17 March 2017)

- 7.8 Proposed Local Development Plan and supporting documents September 2016 [Proposed LDP](#)
- 7.9 Consultation Feedback – summaries and key messages April 2015 [CF](#)
- 7.10 Consultation Feedback – summaries and key messages April 2015 [CF](#)
- 7.11 Draft Proposed Local Development Plan and supporting documents November 2015 [draft LDP](#)
- 7.12 Interim Environmental Report October 2014 (with appendices – Site Assessments) October 2014 [IER](#)
- 7.13 East Lothian Local Development Plan Main Issues Report October 2014 [MIR](#)
- 7.14 Monitoring Statement October 2014 [MR](#)
- 7.15 Transport Appraisal October 2014 [TA](#)
- 7.16 SESplan Supplementary Guidance on Housing Land October 2014
- 7.17 National Planning Framework 3 [NPF3](#)
- 7.18 Scottish Planning Policy: June 2014 [SPP](#)
- 7.19 SESplan Strategic Development Plan, June 2013 [SDP](#)

<b>AUTHOR'S NAME</b>	Iain McFarlane
<b>DESIGNATION</b>	Service Manager, Planning
<b>CONTACT INFO</b>	X 7292 <a href="mailto:imcfarlane@eastlothian.gov.uk">imcfarlane@eastlothian.gov.uk</a>
<b>DATE</b>	9 October 2018



T: 0131-244 0626  
[Robin.campbell@gov.scot](mailto:Robin.campbell@gov.scot)

## Appendix 1

Iain McFarlane  
Service Manager, Planning  
East Lothian Council

By Email:  
[ldp@eastlothian.gov.uk](mailto:ldp@eastlothian.gov.uk)

Our ref: A22236565  
27 September 2018

Dear Mr McFarlane

### **Town and Country Planning (Scotland) Act 1997 Notice of Intention to Adopt – East Lothian Local Development Plan (LDP)**

I refer to your letter of 7 June 2018 certifying notice of East Lothian Council's intention to adopt the East Lothian Local Development Plan.

I write to confirm that Scottish Ministers do not propose to issue a Direction in the case of this plan. The Council may therefore proceed to adopt the plan in accordance with the provisions of the Town and Country Planning (Scotland) Act 1997.

Two copies of the East Lothian Local Development Plan should be sent to Scottish Ministers in due course

Yours sincerely

**Robin Campbell**  
**Senior Planner**

Cc [imcfarlane@eastlothian.gov.uk](mailto:imcfarlane@eastlothian.gov.uk)  
[astewart3@eastlothian.gov.uk](mailto:astewart3@eastlothian.gov.uk)

