



MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 28 AUGUST 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1a

Committee Members Present:

Provost J McMillan (Convener)	Councillor W Innes
Councillor S Akhtar	Councillor S Kempson
Councillor L Bruce	Councillor G Mackett
Councillor S Currie	Councillor K Mackie
Councillor F Dugdale	Councillor C McGinn
Councillor J Findlay	Councillor P McLennan
Councillor A Forrest	Councillor K McLeod
Councillor N Gilbert	Councillor F O'Donnell
Councillor J Goodfellow	Councillor B Small
Councillor N Hampshire	Councillor T Trotter
Councillor J Henderson	Councillor J Williamson

Council Officials Present:

Mrs A Leitch, Chief Executive
Ms A MacDonald, Acting Director of Health and Social Care
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
Mr T Reid, Head of Infrastructure
Ms J Tait, Head of Adult & Children's Services
Ms L Brown, Quality Improvement Manager (Education)
Mr S Cooper, Team Manager – Communications
Ms E Denovan, Service Manager – Corporate Finance
Mr K Dingwall, Team Manager – Planning Delivery
Ms C Dora, Executive Officer
Ms F Duncan, Chief Social Work Officer
Ms S Fortune, Service Manager – Business Finance
Mr C Grilli, Service Manager – Legal and Procurement
Mr P Vestri, Service Manager – Corporate Policy and Improvement

Visitors Present:

Mr S Gourlay, Scottish Fire and Rescue Service

Clerk:

Mrs L Gillingwater

Apologies:

None

Declarations of Interest:

None

1. MINUTES FOR APPROVAL

The minutes of the Council meeting specified below were approved:

East Lothian Council – 26 June 2018

2. MINUTES FOR NOTING

The minutes of the Local Review Body (Planning) meeting of 21 June 2018 were noted.

3. SUMMARY OF REPORTS APPROVED IN ACCORDANCE WITH SUMMER RECESS ARRANGEMENTS 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the urgent business undertaken over the summer recess period in terms of the procedures set out in Standing Order 15.5 and in line with the decision taken at the meeting of the Council on 26 June 2018.

The clerk advised that one item of urgent private business had been approved during the summer recess, relating to the appointment of the Director of the East Lothian Health and Social Care Partnership. She noted that the report had been lodged in the Members' Library following its approval.

Decision

The Council agreed to note the business undertaken over the summer recess period.

4. EAST LOTHIAN COMMUNITY FIRE AND RESCUE PLAN 2018

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) and the Scottish Fire and Rescue Service (SFRS) presenting the Council with the East Lothian Community Fire and Rescue Plan 2018.

The Provost welcomed Stephen Gourlay, Local Senior Officer, Scottish Fire and Rescue Service, and invited him to present his report.

Mr Gourlay advised that the Local Community Fire and Rescue Plan had been subject to a public consultation and had subsequently been approved by the Police, Fire and Community Safety Scrutiny Committee. He explained that the Plan was aligned to the SFRS transformation work, and that it would have a positive impact on East Lothian. He informed Members that an application had been made for a new rural full-time post to support retained firefighters in East Lothian, and that he was awaiting the outcome of that application.

In response to questions from Members, Mr Gourlay anticipated that the SFRS would have the capacity and resources to respond to the projected population growth in East Lothian. On deliberate fires, he advised that there had been a 200% decrease compared to the same period last year, largely due to preventative action and partnership working with Police

Scotland and community wardens. He also spoke of preventative action taken as regards road safety and domestic abuse situations. In relation to recruitment and retention, Mr Gourlay highlighted the challenges in recruiting retained firefighters, but that the situation was improving across East Lothian; the proposed new rural full-time post would support and further improve this situation. He added that, through the current transformation work, the balance between full-time and retained firefighters would be reviewed. On unwanted fire alarm signals (UFAS), he noted that the SFRS had enforcement powers, but couldn't charge businesses for false alarms; again the SFRS was working with businesses to reduce instances of UFAS. Mr Gourlay advised Members that the SFRS was represented on the safety advisory group for events in East Lothian; where emergency vehicle access was not maintained, this would be a matter for Police Scotland. Mr Gourlay also drew attention to changes in home safety visits, in that all risks would now be assessed.

As Convener of the Police, Fire and Community Safety Scrutiny Committee, Councillor Goodfellow welcomed the Community Fire and Rescue Plan, highlighting the excellent partnership working between the Council and the SFRS.

Councillor Currie also welcomed the report, particularly the enhanced home safety visits and preventative work, which were of benefit to the community.

Councillor Henderson spoke in support of the proposed full-time rural post, noting that rural communities had specific concerns.

The Provost thanked Mr Gourlay for attending the meeting and presenting his report.

Decision

The Council agreed to approve the East Lothian Community Fire and Rescue Plan 2018.

5. 2018/19 QUARTER 1 FINANCE REVIEW

A report was submitted by the Depute Chief Executive (Resources and People Services) informing the Council of the financial position as at the end of June 2018.

The Head of Council Resources, Jim Lamond, presented the report, drawing attention to a number of issues as regards Appendix 4 of the report: he clarified that the additional secondary education provision at Musselburgh was at preliminary design stage; in relation to 1140 Hours, most of the projects were still at feasibility stage with only minor spend expected in the current financial year.

Mr Lamond provided a summary of the Q1 position for General Services, drawing attention to Sections 3.5 – 3.9 of the report. He warned that the Council was at risk of overspending in 2018/19, and that budget holders had been reminded of the need to work within budget. On the Housing Revenue Account (HRA), Mr Lamond reported an underspend for Q1; however, he expected that the HRA would end the year broadly in line with the approved budget. As regards capital expenditure, he pointed out that due to variables outwith the Council's direct control, e.g. meeting the requirements of the Local Development Plan, the programme was subject to a high degree of change over the 5-year period, and that there was a need to be flexible and adaptable in relation to this changing environment.

Councillor Akhtar asked a number of questions in relation to Education expenditure. Lesley Brown, Quality Improvement Manager, advised that, in relation to improvement works at Musselburgh Grammar School, workshops had been held with all stakeholders and that a feasibility study would be undertaken. On the review of school family support workers, Ms Brown advised that the Scottish Government had established a working group to look at this

issue and that the Council was awaiting further information. On areas at risk of overspending, Mr Lamond indicated that early warnings had been issued to those service areas in order that remedial action could be taken; he anticipated that the Q2 report would provide a more accurate position, but he hoped that expenditure could be brought within budget.

In response to questions from Councillor Bruce, Mr Lamond confirmed that pressures on the Community Housing budget related mainly to homelessness, and that extra funding from the Scottish Government to deal with the severe weather earlier in 2018 had not covered the Council's costs.

Councillor Currie asked a series of questions as regards the risk of overspends in social care services. Mr Lamond considered the current risk rating system to be appropriate. He mentioned a number of factors that had led to the pressure on these budgets, noting that he expected this trend to continue. In response to Councillor Currie's claim that the budget for social care services was not adequate, Mr Lamond reminded him that additional investment had been allocated, and that he was satisfied with the Council's approach in this regard. On the question of cost recovery plans, Mr Lamond stated that he would approve these with the relevant Head of Service, and where there was a change of policy, this would come back to Council for approval.

Councillor O'Donnell asked for an update on staff pay awards. Mr Lamond advised that there had been no additional provision from the Scottish Government for pay inflation beyond what had been budgeted for by the Council. He indicated that for every additional 0.5%, it would cost the Council c. £650,000 - £700,000.

Responding to a question from Councillor Findlay on whether efficiency savings would be realised, Mr Lamond reported that work was ongoing between the Finance Service and Council services to ensure that savings would be delivered.

Councillor Small opened the debate by expressing concern at the overspend in health and social care and at the ability of services to achieve efficiency savings. He called on the Administration to provide information on contingency plans should such savings not be delivered. He also warned of the potential impact of pay inflation on the Council's finances. He reiterated his previously expressed views that the Council's property assets should be reviewed, that productivity levels should be improved, that more cost-effective ways of financing capital projects should be explored and that officers should ensure the delivery of cost-reduction measures.

Councillor Currie recognised that much had been done as regards change management in areas of high risk. However, he believed it was unlikely that the required savings would be delivered. He proposed that Members should be involved in cost recovery planning. He made reference to a recent report to the IJB, which indicated that satisfaction in health and social care services had worsened since 2016/17, remarking that this position was unlikely to improve given the current financial challenges.

Councillor Akhtar paid tribute to staff for their efforts to work within approved budgets. She highlighted the challenges facing the Council as regards reducing funding from the Scottish Government and the growth in population. She drew attention to proposed school estate improvements, as well as the increase in foster carers, which would allow children to remain within their communities.

As Cabinet Spokesperson for Health and Social Care, Councillor O'Donnell informed Members that 25 health and social care partnerships across Scotland had overspent in the previous financial year, and that it was predicted that many would not break even this year. She noted that the Chief Executive was in discussion with NHS colleagues concerning the

transfer of resources. She welcomed the Scottish Government's review of health and social care. She also emphasised the Council's commitment to protecting these services, despite the financial and demographic challenges, commending staff for their hard work.

Councillor Innes concluded the debate by voicing his concern at the decrease in grant funding to local government, which was having an impact on the Council's ability to deliver services. He noted that the Council had met such challenges in the past, and that staff were working hard to continue providing quality services. With reference to the growing population and demographic challenges, he highlighted the need for the Council to change how it worked as the current position would not be sustainable going forward.

Decision

The Council agreed:

- i. to note the financial performance at the end of the first quarter of 2018/19 against the budgets; and
- ii. to note the actions, as proposed in Section 3.12 of the report.

6. RATIFICATION OF AMENDMENTS TO SESPLAN GOVERNANCE DOCUMENTS

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking Council ratification of the decision taken by the Joint Committee of the South East Scotland Strategic Development Planning Authority (SESplan) on 25 June 2018 to approve amendments to the governance documents of SESplan, specifically the Constitution, Financial Rules, Scheme of Delegation and Standing Orders, as set out in Appendix 1 to the report.

The Head of Development, Douglas Proudfoot, presented the report, advising that a governance review of SESplan had been undertaken in March 2018, which had resulted in a number of recommendations for improvements to SESplan governance documents. He drew attention to the proposed changes to those documents, set out in Appendix 1 to the report.

In response to a question from Councillor Small, Mr Proudfoot confirmed that the proposed changes would have no implications for the East Lothian Local Development Plan.

Decision

The Council agreed to ratify the amendments to the SESplan governance documents in terms of the decision taken by SESplan on 25 June 2018.

7. CHIEF SOCIAL WORK OFFICER'S ANNUAL REPORT 2017/18

A report was submitted by the Chief Social Work Officer, providing Council with her Annual Report 2017/18 on the statutory work undertaken on the Council's behalf and providing the Council with an overview of regulation and inspection, and significant social policy themes current over the past year.

The Chief Social Work Officer, Fiona Duncan, presented the report. She drew Members' attention to the key aspects of her report, and to the challenges facing social care services in terms of financial constraints, increasing demand on all services and complexity of the demands. She also spoke of the focus for 2018/19, including the inspection of self-directed

support, the implementation of the Carers' Act, changes to criminal justice services and a review of adult services and transport. She recognised that changes were required as regards the management of demand on services and different models of care. She highlighted the importance of partnership working in order to meet the challenges ahead.

Referring to the effects of alcohol use, Councillor Bruce asked about the impact on children of the minimum pricing regime. Ms Duncan advised that it was still too early to tell, but that she anticipated that this would impact most on poorer families.

Councillor Currie asked if an increase in the cost of community alarms and other services had impacted on the take-up of these services. He also asked how the Council engaged with people entitled to services/discounts, e.g. school meal entitlement. Ms Duncan noted that a number of service users had returned various pieces of equipment. On entitlement to services/discounts, she indicated that she could look into this, but that a holistic view should be taken. She added that the appeals process as regards service charges took account of risk as well as financial capability.

In response to questions from Councillor O'Donnell, it was noted that the Council would receive additional funding from the Scottish Government to tackle drug use and drug-related death. As regards funding to care for unaccompanied asylum-seeking young people, Judith Tait, Head of Adult and Children's Services advised that the funding received per child was inadequate; the Council was currently dealing with two such cases. Ms Duncan noted that there was no update on the introduction of free personal care for under 65s, but she did state that the Council would look to place such service users in specialist care facilities for younger people.

Councillor Hampshire asked if the reduction in the number of Community Payback Orders was due to the closure of Haddington Sheriff Court. Ms Duncan could not confirm that the court closure was a factor. She indicated that a proportion of officer time was allocated to support people on Community Payback Orders with a view to reducing re-offending.

Councillor Akhtar asked a question in relation to children's wellbeing inspections. Ms Duncan drew particular attention to the work at Lothian Villa, which had scored well in recent inspections.

Councillor Kempson paid tribute to the work of social work officers, commenting on the supportive working environment and the high morale among staff. Her comments were echoed by Councillor Small, who made reference to the challenges facing officers working in mental health services.

Councillor O'Donnell highlighted the financial pressures on social care services, and of the need to work in innovative ways with partner agencies. She also spoke of the importance of respite services for carers and support for young people with complex needs. She signalled that there would be further challenges, with the implementation of the Carers Act and expanded free personal care, as well as the recruitment and retention of staff.

Referring to a recent briefing on the Chief Social Worker's Annual Report, Councillor McGinn warned of the impact of a rising youth population and the potential increase of looked after children. He called on the Council, as corporate parent, to address issues such as poverty and access to housing for young people, noting the positive work done by the Champions' Board.

Councillor Currie spoke in support of the comments already made, adding that early intervention was key to improving outcomes for young people. He mentioned the impact of changes to the benefits system, and the importance of partnership working. He praised staff working in social care services.

Councillor Akhtar concluded the debate by pointing out that although pressures on children's wellbeing services were increasing, the staff were meeting those demands and continuing to deliver quality services, for example, at Lothian Villa. She reiterated comments made in relation to the hard work of staff and partner agencies.

Decision

The Council agreed to note the Annual Report of the Chief Social Work Officer 2017/18.

8. APPOINTMENT OF THE HEAD OF INFRASTRUCTURE

A report was submitted by the Chief Executive advising Council of the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appoint Tom Reid to the post of Head of Infrastructure.

The Head of Council Resources, Jim Lamond, presented the report, noting that twenty-five applications had been received for the post, with six candidates progressing to the short-listing stage. Following the interviews, Tom Reid had been identified as the preferred candidate; he had since accepted the post and started in his new role on 1 August 2018.

Mr Reid was congratulated and welcomed to his new post by those present at the meeting.

Decision

The Council agreed to note the decision of the Chief Officer and Head Teacher Appointments Sub-Committee to appoint Tom Reid as Head of Infrastructure.

9. APPOINTMENTS TO COMMITTEES OF THE COUNCIL

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking Council approval of the appointment of Councillor Innes to the Planning Committee, replacing Councillor Forrest.

The clerk presented the report, advising that at its meeting on 12 September 2017, the Council approved the appointment of Councillor Forrest to the Planning Committee, replacing Councillor Innes, who was on leave of absence. With Councillor Innes's return to his duties, the Administration was now requesting that he be re-appointed to the Planning Committee; Councillor Forrest would step down from that Committee.

The Provost welcomed Councillor Innes back to the Planning Committee and thanked Councillor Forrest for his contribution to that Committee.

Decision

The Council agreed to approve the appointment of Councillor Innes to the Planning Committee, replacing Councillor Forrest.

10. SUBMISSIONS TO THE MEMBERS' LIBRARY, 19 JUNE – 16 AUGUST 2018

A report was submitted by the Depute Chief Executive (Resources and People Services) advising Members of the reports submitted to the Members' Library since the last meeting of the Council.

With reference to Item 117/18 – East Lothian Countryside Service Report, Councillor Bruce paid tribute to the staff working in that service.

Decision

The Council agreed to note the reports submitted to the Members' Library Services between 19 June and 16 August 2018, as listed in Appendix 1 to the report.

SUMMARY OF PROCEEDINGS – EXEMPT INFORMATION

The Council unanimously agreed to exclude the public from the following business containing exempt information by virtue of Paragraph 1 (information relating to particular employees of the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

Establishment of New Chief Officer Post

A private report concerning the establishment of a new Chief Officer post – Chief Operating Officer (Education) – was approved by the Council.

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**MINUTES OF THE SPECIAL MEETING OF
EAST LoTHIAN COUNCIL**

TUESDAY 11 SEPTEMBER 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

1b

Committee Members Present:

Provost J McMillan (Convener)	Councillor J Henderson
Councillor S Akhtar	Councillor W Innes
Councillor L Bruce	Councillor G Mackett
Councillor S Currie	Councillor C McGinn
Councillor F Dugdale	Councillor K McLeod
Councillor A Forrest	Councillor F O'Donnell
Councillor N Gilbert	Councillor B Small
Councillor J Goodfellow	Councillor T Trotter
Councillor N Hampshire	Councillor J Williamson

Council Officials Present:

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
Mr T Reid, Head of Infrastructure
Ms F Robertson, Head of Education
Mr S Cooper, Team Manager – Communications
Ms C Dora, Executive Officer
Mr C Grilli, Service Manager – Legal and Procurement
Mr I McFarlane, Service Manager – Planning
Ms C Molloy, Project Manager – Growth Delivery
Mr A Stewart, Project Manager – Growth Delivery

Visitors Present:

None

Clerk:

Mrs L Gillingwater

Apologies:

Councillor J Findlay
Councillor S Kempson
Councillor K Mackie
Councillor P McLennan

Declarations of Interest:

None

1. EAST LoTHIAN LOCAL DEVELOPMENT PLAN 2018: UPDATE ON HABITATS REGULATION APPRAISAL

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing the Council that the Scottish Ministers had extended until 27 September 2018 the period for their final review of the local development the Council intends to adopt, i.e. the East Lothian Local Development Plan (ELLDP 2018) as Council decided on 29 May 2018.

The report also advised the Council:

- of the outcome of a recent European Court of Justice (ECJ) ruling in the case of *People Over Wind/Sweetman -v- Coillte Teoranta (Case C-323/17)* issued on 12 April 2018 and whether it has any effect on the Council's Habitats Regulations Appraisal (HRA) and Appropriate Assessment (AA) of the ELLDP 2018;
- that in light of the above ECJ ruling, as a precautionary measure and in collaboration with Scottish Natural Heritage (SNH), a review of the ELLDP 2018 HRA Record (the document that 'records' the Council's approach to HRA and AA) has been completed;
- that the outcome of the joint review with SNH of the ELLDP 2018 HRA Record and Appropriate Assessment is an Updated ELLP 2018 HRA Record and Appropriate Assessment (as set out in Annex 1 of this Council report).

For the avoidance of doubt, this review has not resulted in any change in the overall conclusions of the Habitats Regulations Appraisal or Appropriate Assessment, i.e. the East Lothian Local Development Plan 2018 would either have no likely significant effects on European sites, or would not adversely affect the integrity of European sites, either alone or in combination with other plans or projects. Consequently, no changes to the ELLDP 2018 would be required. This updated ELLDP 2018 HRA Record therefore confirmed that the above ECJ ruling would not affect the content of ELLDP 2018; SNH agreed with this conclusion;

The report requested that the Council agrees with and accepts the conclusions of the Updated ELLDP 2018 HRA Record including Appropriate Assessment (as set out in Annex 1) before deciding whether to finally adopt the ELLDP 2018, in accordance with the Conservation (Natural Habitats, etc.) Regulations 1994 (Habitats Regulations).

The report also requested that the Council agrees to submit the Updated ELLDP 2018 HRA Record including Appropriate Assessments to the Scottish Ministers for information only.

Iain McFarlane, Service Manager – Planning, presented the report. He drew Members' attention to the main aspects of the report in relation to the complexities of Habitats Regulations, and to the recent ECJ ruling (set out Sections 3.15 – 3.22 of the report). He advised that, as a result of the ECJ ruling, the Council and Scottish Natural Heritage had carried out a review of the Habitats Regulations Appraisal. The outcome of that review was that a number of amendments to the HRA would have to be made; however, there would be no requirement to amend the Local Development Plan. He further advised that the HRA Record would be submitted to Ministers for information and that the Scottish Government's Chief Planner would be informed of the outcome of the review.

Councils and SNH officers were thanked for carrying out the review; it was hoped that this would allow for the Local Development Plan to be progressed by Scottish Ministers.

Decision

The Council:

- i. agreed to accept the outcome of its joint review with SNH of the ELLDP 2018 HRA Record including Appropriate Assessment as well as the findings of the Updated ELLDP 2018 HRA Record and Appropriate Assessment (as set out in Annex 1 of the report) that has the full support of SNH;
- ii. having taken account of and accepted the conclusion of the Updated ELLDP 2018 HRA Record and Appropriate Assessment (as set out in Annex 1 of the report) in accordance with the Conservation (Natural Habitats, etc.) Regulations 1994, reaffirms that ELLDP 2018 should be adopted in the format the Council intends it to be adopted as the Council originally decided on 29 May 2018; and
- iii. agreed to submit the Updated ELLDP 2018 HRA Record including Appropriate Assessments (as set out in Annex 1 of the report) to Scottish Ministers for information only.

2. APPOINTMENT OF LEADER OF THE OPPOSITION

A report was submitted by the Chief Executive advising Council of the resignation of Councillor Brian Small as Leader of the Opposition, and seeking approval of the appointment of Councillor Jane Henderson as the new Leader of the Opposition.

The Clerk presented the report, advising of the change of leadership within the Conservative Group. She noted that a number of appointments to committees and outside bodies would have to be made as a result of this change (as set out in Sections 3.2 – 3.3 of the report).

A number of Members thanked Councillor Small for his support and contribution to the Council as Leader of the Opposition, and welcomed Councillor Henderson to her new role.

Decision

The Council agreed:

- i. to approve the appointment of Councillor Jane Henderson as Leader of the Opposition, with immediate effect;
- ii. to note that, in accordance with the Scheme of Administration, Councillor Henderson would replace Councillor Small on the Petitions and Community Empowerment Review Committee and the Employee Appeals Sub-Committee; and
- iii. to approve the appointment of Councillor Henderson to represent the Council on the CoSLA Convention, replacing Councillor Small.

Signed

Provost John McMillan
Convener of the Council



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 30 AUGUST 2018
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

2

Committee Members Present:

Councillor N Hampshire (Chair)
Councillor L Bruce
Councillor S Kempson
Councillor S Currie

Advisers to the Local Review Body:

Mr L Taylor, Planning Adviser to the LRB
Mr C Grilli, Legal Adviser/Clerk to the LRB

Others Present

Ms M Cook and Mr C Gunstone, Applicants (Item 1)
Ms J Wilson, Agent (Item 2)
Mr T Thomas, Agent (Item 3)
Mr N Millar, Planner

Committee Clerk:

Mrs F Stewart

Declarations of Interest

None

Apologies

None

Councillor Hampshire, elected to chair the meeting by his colleagues, welcomed everyone to the meeting of the East Lothian Local Review Body (ELLRB).

A site visit had been carried out for each of the four planning applications on the agenda prior to the meeting.

1. PLANNING APPLICATION 18/00364/P – REVIEW AGAINST REFUSAL CHANGE OF USE FROM AN EXISTING STUDIO OFFICE TO BECOME A 2-BEDROOM APARTMENT AT TYNINGHAME MILL, EAST LINTON

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Leigh Taylor, Planning Adviser, stated that the building which was the subject of this application was located to the south of Tynninghame village, within the Tynninghame Conservation Area and was Category B Listed due to its historic association with the main 'Mill House.' The proposals comprised of an internal reconfiguration to form living accommodation, some external alterations, the erection of fencing and the creation of a hard standing area, all as shown on the plans and elevation drawings.

The Planning Adviser stated that planning applications had to be determined in accordance with the Development Plan unless material considerations indicated otherwise. This Plan comprised of the Strategic Development Plan for Edinburgh and South East Scotland (SDP) and the East Lothian Local Plan 2008. The relevant SDP policies were policy 1B (The Spatial Strategy: Development Principles) and policy ENV3 (Listed Buildings). Members' attention was also drawn to the relevant policies in the proposed Local Development Plan which had been submitted to Scottish Ministers. These policies were CH1, CH2, DP2 and DP5. Also of relevance to the determination of this application was Scottish Planning Policy (June 2014). An application for Listed Building Consent had been submitted separately.

The Planning Adviser stated that, in assessing the planning application, the Case Officer had noted the planning history of the site. No public objections to the application had been received. Consultation with ELC Services including Landscape, Transportation, Contamination and Environmental Health, had resulted in no objections, although in some cases conditions were requested. Officers concluded that the proposal would not harm the character and appearance of the Conservation Area and were satisfied that minor details could be controlled through appropriate conditions. Consultation with SEPA (Scottish Environment Protection Agency) resulted in an objection being made by this Key Agency on the grounds that the building was located within a functional floodplain and not suitable for residential accommodation. The building was within an area classified as medium to high flood risk from river flooding on SEPA flood mapping. The Planning Adviser stated that a Flood Risk Assessment, submitted with the application, concluded that the proposal was at risk of a 1 in 200 year flood event and measures were proposed to protect the building from flooding. SEPA had stated in their response that they did not support the construction of informal flood defences. Scottish Planning Policy (SPP) 2014 stated that the planning system should promote flood avoidance by locating development away from functional flood plains and medium to high risk areas.

The Planning Adviser stated that the Case Officer considered it had not been demonstrated that the proposals would be free from flood risk, nor that it would be safe for ancillary residential accommodation. The Case Officer therefore considered that the proposal was contrary to SPP 2014, Policy DP16 of the adopted Local Plan 2008 and the advice from SEPA. Planning permission was subsequently refused on 19 June 2018.

The Chair thanked the Planning Adviser for his presentation and invited questions from Members. Councillor Currie asked if the proposals were acceptable in all respects except the flooding risk and the Planning Adviser confirmed that was correct. Councillor Bruce sought further clarification and asked at what point a risk became unacceptable. The Planning Adviser replied that the Planning Policy Framework in the Local Plan stated that a 0.1% risk (low-medium) was considered acceptable for most planning proposals. There was also a parameter for medium to high risk which was not advisable for certain types of development.

The Legal Adviser advised Members that, should they reach a decision to uphold the appeal, the application would need to be referred to Scottish Ministers due to the objection submitted by SEPA.

The Chair asked his colleagues if they now had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

Councillor Currie stated that the site visit had been particularly helpful in this case. He understood how SEPA had arrived at their decision and he now had to consider if, having visited the site, that decision was proportionate and reasonable. After due consideration, he had reached the view that the flood risk identified was an acceptable risk. He was also satisfied that a substantial flood assessment commissioned by the applicants would provide them with a degree of protection. He was therefore minded to uphold the appeal.

Councillor Bruce shared the view of his colleague. Having had an opportunity to see the topography of the site, he considered that the low risk of flooding was an acceptable risk. He too was therefore minded to uphold the appeal with a condition attached to the effect that the apartment must remain part of the larger settlement of Tynninghame Mill.

Councillor Kempson was similarly minded. She understood how SEPA had reached its conclusions but, having visited the site, she was in favour of granting planning consent to the proposals.

The Chair agreed with his colleagues. He stated that the building was on the edge of a flood plane and applying a condition which would tie the building to the main mill would protect future building on that site. He also commented that the historic building had been on that site for 200 years and he had observed that the topography of the land ran in a southward direction and not in the direction of this property. He therefore considered that the very small risk of flooding was an acceptable risk and that the proposed development should be allowed to proceed.

Decision

The ELLRB unanimously agreed to overturn the original decision of the Appointed Officer and grant planning permission subject to the following conditions:

1. The timber framing of the windows, doors and panelling to be used to infill the existing window openings in the east end of the front (south) elevation of the building and otherwise as the enclosure of the open ended front (south) elevation part of the building hereby approved shall be painted or stained in accordance with a sample paint or stain to be provided for the inspection and approval of the Planning Authority prior to any paint or stain colour being applied to them. The paint or stain used shall accord with the sample so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Conservation Area.

2. The timber screen fencing and the timber pedestrian gate hereby approved shall be painted or stained in accordance with a sample paint or stain to be provided for the inspection and approval of the Planning Authority prior to any paint or stain colour being applied to them. The paint or stain used shall accord with the sample so approved.

Reason:

To safeguard the special architectural or historic interest of the listed building and the character and appearance of the Conservation Area.

3. The ancillary residential accommodation hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the dwellinghouse that is 'Tynninghame Mill', Tynninghame, East Linton and shall at no time form a separate residential unit or be used for any business, trade or other commercial use.

Reason:

To enable the Planning Authority to control the use of the development in the interests of safeguarding the character and residential amenity of the area and that of the dwellinghouse named 'Tynninghame Mill', Tynninghame, East Linton.

2. **PLANNING APPLICATION 18/00193/P – REVIEW AGAINST CONDITIONS ALTERATIONS AND EXTENSION TO FLAT TO FORM NEW ENLARGED TOWER VIEWING ROOM AT TUSCULUM, FLAT 5, 3C LINKS ROAD, NORTH BERWICK**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

Leigh Taylor, Planning Adviser, advised that the application sought consent for alterations and extensions to an existing top floor flat in order to form a tower viewing room. The alterations included the addition of a single storey pitched roof extension to

replace a smaller pitched roofed tower part on the centre of the building, as well as replacement cope stones to a balcony and replacement downpipe. The flat was within a two and a half storey stone building located within the North Berwick Conservation Area that had been sub-divided to form a number of residential flats.

The Planning Adviser stated that planning policies relevant to the determination of this application were Strategic Development Plan (SDP) policy 1B, and Local Plan 2008 policies ENV4 and DP6. The Case Officer had concluded that the proposed alterations would, by virtue of their scale, form, size, proportions, materials and positioning, be sympathetic to the existing building, and that they would not harm the character and appearance of the building or the surrounding area. Planning permission was therefore granted on 2 April 2018. Condition 1 of this consent required that, notwithstanding the drawings submitted with the application, the windows and door to be formed in the extension 'shall not be aluminium clad in powder coated white colour, but shall instead be of timber frame and astragal construction painted in white'. The applicant had subsequently removed the astragals from the proposals. The Case Officer's reason for applying Condition 1 was to safeguard the character and appearance of the North Berwick Conservation Area, in accordance with Local Plan policies, considering that the proposals would be significantly different to the timber window frames within the remainder of the building.

The Chair thanked the Planning Adviser for this presentation and invited questions. Councillor Bruce enquired if there were any exemptions in planning policy in relation to the height of windows or if windows subject to the policy had to be visible from ground level. The Planning Adviser replied that there were no exemptions on grounds of height; if a window was visible to the public from any distance it was classed as a visible window.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

Councillor Currie stated that the only issue with this application was the materials to be used. He had viewed the extension from a variety of angles and, as everything had been approved (except the astragals, which had since been withdrawn from the application by the applicant), he was minded to uphold the appeal.

Councillor Bruce stated that a revised condition was suggested in the appendix to the applicant's Planning Enquiry Form. He was content to uphold the appeal subject to the revised condition which removed the astragals but retained the requirement for timber window and door frames. Councillor Kempson took the same view.

The Chair noted the proposed change to Condition 1 and he too was content to uphold the appeal subject to this change.

Decision

The ELLRB unanimously agreed to uphold the appeal and agreed a revised Condition 1 to planning consent as follows:

1. Notwithstanding that which is stated on docketed drawings the frames of the windows and door to be formed within the proposed extension hereby approved shall not be aluminium clad in a powder coated white colour but

instead shall have timber frames painted in a white colour. Prior to the commencement of development details of the timber framed windows and door shall be submitted to and approved by the Planning Authority. Development thereafter shall be carried out in accordance with the details so approved.

3. PLANNING APPLICATION 18/00299/P – REVIEW AGAINST REFUSAL ERECTION OF HOUSE AND ASSOCIATED WORKS AT GATESIDE, HILL ROAD, GULLANE

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the application sought consent for the erection of a detached dwelling house to the south of Gateside, Hill Road, Gullane. The property was located between Hill Road and Nisbet Road, within the Gullane Conservation Area. The appearance of the house would be as shown on the plans and elevation drawings with access from Nisbet Road. Surrounding the property were various other residential dwellings set within large garden grounds relating to the original mansion house style, with some examples of cottages of smaller scale.

The Planning Adviser advised that the planning policies relevant to the determination of this application were policy 1B of the Strategic Development Plan for Edinburgh and South East Scotland, and Local Plan 2008 policies ENV1, ENV4, DP1, DP2, DP7, DP13, DP22, NH5, T1 and T2. In considering the application, the Case Officer had noted the planning history of the site. Two letters of objection had been received during the public consultation process.

The Planning Adviser stated that, in assessing the proposal, the Case Officer concluded that the proposal would have an unacceptable impact on the character of the Gullane Conservation Area, both in terms of the subdivision of the plot, and the scale, layout and density of the proposed house, which was deemed to not be sympathetic to its surroundings. He also considered that the proposal could not be built without a significant impact upon existing trees which were an important landscape feature of the Conservation Area. Furthermore, the proposal, if granted, would set an undesirable precedent for similar types of development in the Gullane Conservation Area. Planning permission was subsequently refused on the 19 May 2018.

The Chair thanked the Planning Adviser for his presentation and invited questions. Councillor Currie asked why an application such as this was not deemed acceptable by planners when there were similar developments in the locality. The Planning Adviser replied that, material to each application, was the size and proposed subdivision of the plot and constraints unique to each property. Councillor Bruce asked if there were any Tree Protection Orders (TPOs) in force on this property and was advised that there were none.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

Councillor Bruce stated that he could see no reason to disagree with the decision of the Case Officer, particularly as the property was in the Conservation Area. He was therefore minded to uphold the original decision to refuse the application. Councillor Kempson was similarly minded and stated that the proposals would change the character of the area.

Councillor Currie stated it had been difficult to reach a decision on this application. There had been similar developments on Hill Road and he needed to judge how imposing the applicant's proposals were in the context of existing developments. He accepted that the proposals would have an impact, but he had to form a judgement to what degree. He understood that the application was not in accordance with planning policy but, equally, similar developments had received approval. It was his considered view that the proposals would not be completely out of character with neighbouring properties and he was therefore minded to uphold the appeal.

Walking around the site, the Chair advised that he had seen a wide range of developments. The additional development here had been in the rear garden to the north whilst in neighbouring properties, the additional development had been to the south. He had some concern over the trees which would be lost but was satisfied that a condition attached to consent would ensure that trees were planted to replace those that were lost. He was therefore minded to uphold the appeal.

Decision

The ELLRB agreed to uphold the appeal by 3:2 with the casting vote of the Chair subject to the following conditions:

1. Site Setting Out Details:

No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings; shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

2. External Finishes:

A detailed specification and samples, including colours, of all external finishes of the roof and walls of the house hereby approved shall be submitted to and approved by

the Planning Authority prior to the use of the finishes in the development. Thereafter the external finishes used shall accord with the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the character and appearance of the area.

3. Colour of fence and Gates:

The fences and gates hereby approved shall be a painted or stained a colour or colours to be submitted to and approved by the Planning Authority. Thereafter the fences and gates shall be painted the colour(s) so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

To safeguard the character and appearance of the Conservation Area.

4. Hardsurfaces:

Samples of the surface finishes to be used to surface the hardstanding areas to be used as driveway, vehicle parking, footpaths and patios shall be provided for the inspection and approval of the Planning Authority prior to the use of such ground surfacings within the development, and thereafter, the ground surfacings used shall accord with the samples so approved.

Reason:

In the interests of the character and appearance of the area.

5. Obscure glazing

Prior to the occupation of the house hereby approved the 3 roof windows on the rear (north) elevation of the house shall be obscurely glazed in accordance with a detail of the obscure glazing to be submitted to and approved by the Planning Authority.

Reason:

To safeguard the residential amenity of the neighbouring residential property to the north.

5. Tree Retention

No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In the interests of safeguarding the landscape character of the area and the character and appearance of the Conservation area.

7. Tree Protection and Construction Exclusion Zone

No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved by the arboriculturist and confirmed in writing by the Planning Authority. The fencing shall be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees retained on and adjacent to the site, and approved in writing by the Planning Authority.

All weather notices shall be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- No vehicular or plant access
- **No raising or lowering of the existing ground level**
- **No formation of walls or related foundations**
- No mechanical digging or scraping
- No storage of temporary buildings, plant, equipment, materials or soil
- No hand digging
- No lighting of fires
- No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Any surfacing within the Root Protection Area shall be carried out in strict accordance with section 7.4 of BS5837: 2012 "Trees in relation to design, demolition and construction - Recommendations".

Holes for fence posts shall be dug and backfilled by hand and repositioned as required to minimise damage to tree roots. Any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

In the interests of safeguarding the landscape character of the area and the character and appearance of the Conservation area.

8. Tree Work

All tree work shall be carried out in accordance with BS3998:2010 'Recommendations for Tree Work' and must be approved in writing by the Planning Authority before work is carried out.

No development shall take place on site until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the developer to monitor:

- the installation and position of the temporary protective fencing
- operations relating to the surface treatments of the driveway and parking areas within the tree root protection areas
- tree removals
- fence construction within the tree root protection areas.

Reason:

To safeguard the health and vitality of the trees in the interests of safeguarding the landscape character of the area and the character and appearance of the Conservation area.

9. Construction Access

The only construction access to the site shall be taken along the line of the proposed driveway and temporary protective fencing should be erected at the edges of the proposed drive in accordance with figure 2 of BS5837: 2012 – "Trees in relation to design, demolition and construction ~ Recommendations" for the duration of construction work on site in order to minimise damage to the existing trees.

Reason:

To safeguard the trees in the interests of preserving the character and appearance of the Conservation Area.

**2. PLANNING APPLICATION 18/00315/P – REVIEW AGAINST REFUSAL
INSTALLATION OF REPLACEMENT WINDOWS AND DOORS AT 11 ELCHO
TERRACE, ABERLADY**

The Chair invited the Planning Adviser, who had had no involvement in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser stated that the application sought consent for the installation of replacement windows and doors on various elevations at 11 Elcho Terrace, Aberlady, a single storey semi-detached house located within the Aberlady Conservation Area. He advised that the planning policies relevant to the determination of this application were SDP policy 1B, Local Plan 2008 policies ENV4 and DP8, and Scottish Planning Policy 2014. The proposal sought to replace existing brown timber framed windows with white uPVC windows, and the replacement of timber framed and panelled doors with mostly glazed white uPVC doors.

The Planning Adviser stated that the application had been refused by the Case Officer on the grounds that the proposal would, by virtue of the size, scale, proportion, opening method and construction material of replacement windows frames and front door, be detrimental to the character and appearance of the Aberlady Conservation Area, contrary to Local Plan 2008 policies ENV4 and DP6 and Scottish Planning Policy 2014. Policy DP8 of the Local Plan 2008 states that the replacement of windows will only be permitted where the design and construction does not harm the character and appearance of the building and its surroundings, and for buildings in conservation areas, the replacement windows had to preserve or enhance the special architectural or historic character.

The Chair thanked the Planning Adviser for his presentation and invited questions. Councillor Currie stated that, on the site visit, he could see homes being constructed in the field next to the applicant's property. He understood that the window frames on these houses would not be timber and presumed that the field was not in the Conservation Area. The Planning Adviser confirmed that the field was outwith the Conservation Area.

The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.

The Chair stated that Councillors have a duty to protect Conservation Areas as much as possible. However, on the site visit, it was clear that almost half the properties in this street had uPVC window frames, some possibly without consent, but others would have been installed before the Conservation Area had been established (prior to 2001). In view of this, he found it difficult to strictly enforce current planning policy to this particular property. He was therefore minded to uphold the appeal.

Councillor Bruce had also observed a number of properties in the street which had uPVC window frames. With this in mind, and the fact that the property in question was located at the end of the street and not in the centre of the Conservation Area, he considered that the proposed replacement windows would not have a detrimental impact on the Conservation Area. Councillor Kempson agreed with this view.

Councillor Currie was of the view that common sense needed to be applied in this case. Dozens of homes in the neighbouring field were being constructed using uPVC

window frames and doors. He was therefore minded to uphold the appeal and gave the applicants credit for engaging with the planning process.

Decision

The ELLRB unanimously agreed to uphold the appeal.

Signed

Councillor N Hampshire
Convener of Local Review Body (Planning)

East Lothian Council

2017/18 Annual Audit Report



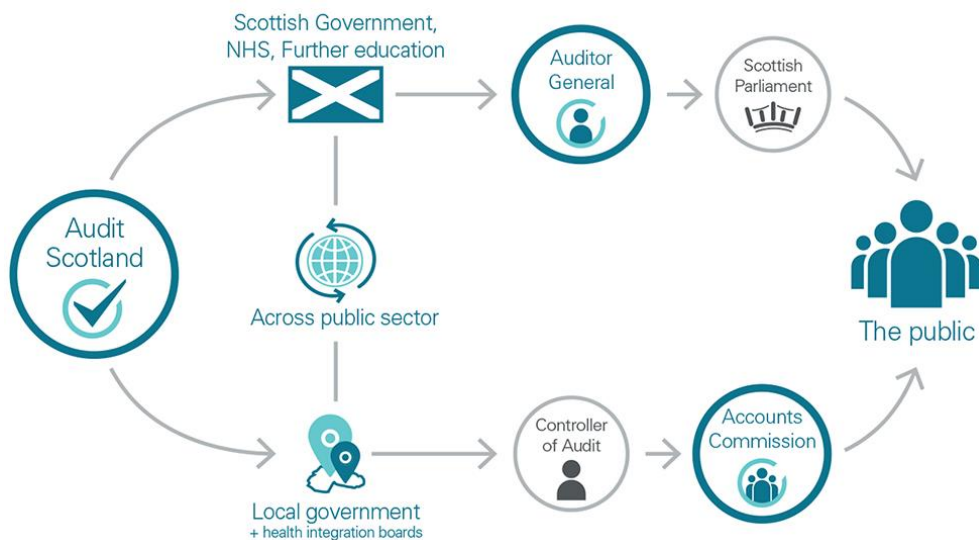
 AUDIT SCOTLAND

Prepared for the Members of East Lothian Council and the Controller of Audit
25 September 2018

Who we are

The Auditor General, the Accounts Commission and Audit Scotland work together to deliver public audit in Scotland:

- The Auditor General is an independent crown appointment, made on the recommendation of the Scottish Parliament, to audit the Scottish Government, NHS and other bodies and report to Parliament on their financial health and performance.
- The Accounts Commission is an independent public body appointed by Scottish ministers to hold local government to account. The Controller of Audit is an independent post established by statute, with powers to report directly to the Commission on the audit of local government.
- Audit Scotland is governed by a board, consisting of the Auditor General, the chair of the Accounts Commission, a non-executive board chair, and two non-executive members appointed by the Scottish Commission for Public Audit, a commission of the Scottish Parliament.



About us

Our vision is to be a world-class audit organisation that improves the use of public money.

Through our work for the Auditor General and the Accounts Commission, we provide independent assurance to the people of Scotland that public money is spent properly and provides value. We aim to achieve this by:

- carrying out relevant and timely audits of the way the public sector manages and spends money
- reporting our findings and conclusions in public
- identifying risks, making clear and relevant recommendations.

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Key messages

2017/18 annual accounts

- 1 In our opinion, East Lothian Council and its group financial statements give a true and fair view and were properly prepared.
- 2 The audited part of the remuneration report, management commentary and annual governance statement are all consistent with the financial statements and prepared in accordance with proper accounting practices.
- 3 The statement of accounts of the Dr Bruce Charitable Fund section 106 charity administered by the Council is free from material misstatement.

Financial management

- 4 Financial management is effective with a budget process focussed on the Council's priorities.
- 5 Our testing of the design and operation of the financial controls over significant risk areas confirmed that controls relating to financial systems and procedures are designed appropriately and operating effectively.

Financial sustainability

- 6 The Council and its group financial position is sustainable in the foreseeable future although rising demand, increasing costs of services and reductions to central funding will continue to place a strain on the Council's capacity to deliver services at the current levels.
- 7 There is a five-year financial strategy that is aligned to the Council's priorities and demonstrates how it will address future budget challenges. The Council has made savings over the past few years however the scale of the savings required to address future funding gaps will mean that more will need to be identified.

Governance and transparency

- 8 The Council has appropriate governance arrangements in place that support the scrutiny of decisions made by the Council.
- 9 The Council is open and transparent in the way it conducts its business and the public can attend meetings of the Council and its standing committees.

Value for money

- 10 A best value audit was carried out during the year and will be formally reported to the Accounts Commission on 11 October 2018. Recommendations have been made and these will form part of our audit work in 2018/19.

- 11** Formal reporting and monitoring arrangements should be revisited, clarified and strengthened for the significant group components (e.g. Enjoy East Lothian Ltd. and Musselburgh Racing Associated Committee) to ensure the Council is complying with the duties set out in the Code of Guidance on Funding External Bodies and Following the Public Pound. This includes ensuring a report is brought to the Audit and Governance Committee at least once a year. This remains an area requiring further improvement.

Introduction

1. This report summarises the findings arising from the 2017/18 audit of East Lothian Council and its group (the Council).

2. The scope of the audit was set out in our Annual Audit Plan presented to the 20 February 2018 meeting of the Audit & Governance Committee. This report comprises the findings from:

- an audit of the annual accounts
- consideration of the four audit dimensions that frame the wider scope of public audit set out in the [Code of Audit Practice 2016](#) as illustrated in [Exhibit 1](#).

Exhibit 1

Audit dimensions



Source: *Code of Audit Practice 2016*

3. The main elements of our audit work in 2017/18 have been:

- an audit of the Council and its group 2017/18 annual accounts and the statement of accounts of the Dr Bruce Charitable Fund (section 106 charity) administered by the Council including the issue of independent auditor's reports setting out our opinions
- a review the Council's key financial systems
- audit work covering the Council's arrangements for securing Best Value to be reported in the Best Value Assurance Report on 11 October 2018
- consideration of the four audit dimensions.

4. The Council has primary responsibility for ensuring the proper financial stewardship of public funds. This includes preparing annual accounts that are in accordance with proper accounting practices.
5. The Council is also responsible for compliance with legislation, and putting arrangements in place for governance, propriety and regularity that enable it to successfully deliver its objectives.
6. Our responsibilities as independent auditor appointed by the Accounts Commission are established by the Local Government in Scotland Act 1973, the [Code of Audit Practice \(2016\)](#) and supplementary guidance, and International Standards on Auditing in the UK.
7. As public sector auditors we give independent opinions on the annual accounts. We also review and provide conclusions on the effectiveness of the Council's performance management arrangements, suitability and effectiveness of corporate governance arrangements, and financial position and arrangements for securing financial sustainability. We also report on the Council's best value arrangements and in doing this we aim to support improvement and accountability.
8. Further details of the respective responsibilities of management and the auditor can be found in the [Code of Audit Practice 2016](#).
9. This report raises matters from the audit of the annual accounts and consideration of the audit dimensions. Weaknesses or risks identified are only those which have come to our attention during our normal audit work and may not be all that exist. Communicating these does not absolve management from its responsibility to address the issues we raise and to maintain adequate systems of control.
10. Our annual audit report contains an agreed action plan at [Appendix 1](#) setting out specific recommendations, responsible officers and dates for implementation. It also includes outstanding actions from last year and progress against these.
11. We can confirm that we comply with the Financial Reporting Council's Ethical Standard. We can also confirm that we have not undertaken any non-audit related services and the 2017/18 audit fee of £237,010 as set out in our Annual Audit Plan, remains unchanged. We are not aware of any relationships that could compromise our objectivity and independence.

Adding value through the audit

12. Our aim is to add value to East Lothian Council by providing insight into, and offering foresight on, financial sustainability, risk and performance by identifying areas of improvement and recommending and encouraging good practice. In so doing, we aim to help the council promote improved standards of governance, better management and decision making and more effective use of resources.
13. This report is addressed to both the Council and the Controller of Audit and will be published on Audit Scotland's website www.audit-scotland.gov.uk.
14. We would like to thank all management and staff who have been involved in our work for their co-operation and assistance during the audit.

Part 1

Audit of 2017/18 annual accounts



Main judgements

In our opinion, East Lothian Council and its group financial statements give a true and fair view and were properly prepared.

The audited part of the remuneration report, management commentary and annual governance statement are all consistent with the financial statements and prepared in accordance with proper accounting practices.

The statement of accounts of the Dr Bruce Fund section 106 charity administered by the Council is free from material misstatement.

Audit opinions on the annual accounts

15. The annual accounts for the Council and its group for the year ended 31 March 2018 were approved by the Audit and Governance Committee on 25 September 2018. We reported, within our independent auditor's report that, in our opinion:

- financial statements give a true and fair view and were properly prepared
- the audited part of the remuneration report, management commentary and the annual governance statement were all consistent with the financial statements and properly prepared in accordance with the guidance

16. We have nothing to report in respect of misstatements in information other than the financial statements; the adequacy of accounting records; the information and explanations we received; or the achievement of prescribed financial objectives.

The Council and its group annual accounts are the principal means of accounting for the stewardship of resources and performance in the use of resources.

Audit opinion on section 106 charity – Dr Bruce Fund

17. A separate independent auditor's report is required for the statement of accounts of each registered charity where members of East Lothian Council are sole trustees, irrespective of the size of the charity (section 106 of the Local Government in Scotland Act 1973). The Dr Bruce Fund is the only registered charity for which this applies in East Lothian Council.

18. We received the Dr Bruce Fund accounts on 25 July, in line with the agreed timetable.

19. Some presentational adjustments were required to the unaudited accounts to align the disclosures to the FRS 102 based on the Statement of Recommended Practice. There were no adjusted or unadjusted audit differences raised. However, the following issues were noted during the audit. These are the same issues raised in 2016/17.

- The Dr Bruce Fund's accounts were not advertised in line with the requirements under Regulation 9 of the Local Authority Accounts (Scotland)

Regulations 2014 issued under section 105 of the Local Government in Scotland Act 1973

- The unaudited accounts submitted to audit were not signed on behalf of the trustees, and
- The Dr Bruce Fund was set up to provide relief for the poor of Musselburgh. The Dr Bruce Fund awarded the same two individuals £60 in 2017/18 (2016/17: £50). More could be done by East Lothian Council to promote the trust.

20. The Council has begun a project aimed at reducing or removing the number of charitable trusts where it is the sole trustee. This is still in the early stages of development and commenced after July 2018. It is recommended that progress of the consolidation of trust funds and the Section 106 charity be a priority to allow for effective and focussed management of the funds.

21. After completing our audit, we reported in our independent auditor's report that, in our opinion:

- the financial statements give a true and fair view of the section 106 charity's financial position and are properly prepared in accordance with charities legislation
- the trustees' annual report is consistent with the financial statements and prepared in accordance with proper accounting practices.

Recommendation 1 ([appendix 1, action plan point b/f 1](#))

The unaudited accounts should be advertised in line with the Regulations.

The unaudited accounts should be signed on behalf of the trustees prior to submitting for audit.

Recommendation 2 ([appendix 1, action plan point b/f 2 and b/f 3](#))

The Council should review the method(s) used to promote this (and other) charitable trusts to ensure that the potential availability of these funds are known to the wider community.

Submission of the Council and its group annual accounts for audit

22. We received the unaudited annual accounts on 26 June 2018 in line with the audit timetable set out in our 2017/18 Annual Audit Plan.

23. The working papers provided with the unaudited accounts were of a good standard and finance staff provided good support to the audit team during the audit. This helped ensure that the audit of the annual accounts process ran smoothly.

24. The 2017/18 group accounts were prepared on the basis of the unaudited accounts of the subsidiaries and associates. Audited accounts have recently been received for East Lothian Land Ltd and East Lothian Investments and no changes were identified. However audited accounts were received for the remaining group entities (Lothian Valuation Joint Board, Enjoy East Lothian Limited, Musselburgh Joint Racing Committee and Brunton Theatre Trust) late in the audit process.

25. This impacts on the ability to ensure the most up to date, audited figures have been used. We have raised this issue with the Council and found that they are working with the group to bring these timelines forward for 2018/19. An up-to-

position as at 18 September for the group accounts is below. Of the six group components, two have recently been received - East Lothian Land Ltd and East Lothian Investment and the accounts have been updated to reflect this. Four were in various stages of completion during our audit and recent developments include:

- Lothian Valuation Joint Board – received 4 September 2018
- Brunton Theatre Trust – signed on 7 September 2018
- Musselburgh Joint Racing Committee – due to be approved by the Racecourse Board on 18 September
- Enjoy East Lothian Ltd – due to be approved by the Enjoy Board on 27 September

26. The council has ensured that the most up to date figures (the audited figures) were used in the 2017/18 accounts.

Recommendation 3 (appendix 1, action plan point 1)

The Council needs to work with the various subsidiaries and associates to plan and agree a suitable timetable for receipt of audited accounts for the group components.

Whole of Government Accounts

27. The Council submitted a draft consolidation pack for the whole of government accounts (WGA) audit on 4 July 2018 in line with the submission deadline. Due to the threshold for auditor assurance being increased from £350 million (2016/17) to £500 million for 2017/18, there is no requirement for a full audit of the Council's WGA and only an assurance statement is required. The assurance statement will be provided to the National Audit Office by 28 September.

Risk of material misstatement

28. [Appendix 2](#) provides a description of those assessed risks of material misstatement that were identified during the planning process which had the greatest effect on the overall audit strategy, the allocation of resources to the audit and directing the efforts of the audit team and the wider audit dimension risks identified.

Materiality

29. Misstatements are material if they could reasonably be expected to influence the economic decisions of users taken based on the financial statements. The assessment of what is material is a matter of professional judgement and involves considering both the amount and nature of the misstatement. It is affected by our perception of the financial information needs of users of the financial statements.

30. Our initial assessment of materiality for the annual accounts was carried out during the planning phase of the audit and is summarised in [Exhibit 2](#). With regards to the annual accounts, we assess the materiality of uncorrected misstatements both individually and collectively.

31. On receipt of the annual accounts we reviewed our planning materiality calculations and concluded that they remained appropriate.

Exhibit 2

Materiality values

Materiality level	Amount
Overall materiality	£3.8 million
Performance materiality	£1.9 million
Reporting threshold	£38,000

Source: Audit Scotland, Annual Audit Plan 2017/18

How we evaluate misstatements

32. There were two monetary adjustments to the unaudited financial statements arising from our audit. Details of the adjustments and their impact on the financial statements are included in [Exhibit 3](#).

33. One error above the reporting threshold but below materiality was identified but has not been adjusted in the financial statements. [Appendix 3](#) gives details of the unadjusted error and the impact on the financial statements.

34. It is our responsibility to request that all errors above the reporting threshold are corrected although the final decision on this lies with those charged with governance considering advice from senior officers and materiality. Management do not propose to adjust for the above item as the amount is not considered material in the context of the financial statements. We agree that this amount is not material.

Significant findings from the audit in accordance with ISA 260

35. International Standard on Auditing 260 (UK) requires us to communicate significant findings from the audit to those charged with governance. These are summarised in [Exhibit 3](#). Where a finding has resulted in a recommendation to management, a cross reference to the Action Plan in [Appendix 1](#) has been included.

36. The findings include our views about significant qualitative aspects of the Council's accounting practices including:

- | | |
|---|---|
| • Accounting policies | • Accounting estimates and judgements |
| • Significant financial statements disclosures | • Timing of transactions and the period in which they are recorded |
| • The impact on the financial statements of any uncertainties | • The effect of any unusual transactions on the financial statements |
| • Misstatements in the annual accounts | • Disagreement over any accounting treatment or financial statements disclosure |

Exhibit 3

Significant findings from the audit of the financial statements

Finding	Resolution
<p>1. IAS 19 actuarial valuation</p> <p>The actuarial valuation of the IAS 19 pension assets and liabilities in the unaudited accounts was initially based on a methodology which estimated the year end position using an earlier date of valuation. Due to greater levels of market volatility around the year-end than in previous years, the difference between the actuaries' estimated valuation and the actual position at 31 March 2018 was assessed as being material to the financial statements and requiring amendments.</p>	<p>The Council obtained a revised actuarial valuation reflecting the actual position at the financial year end (31 March) and adjusted the financial statements to reflect the revised pension assets and liabilities position. The impact of the adjustment was to increase net assets in the balance sheet by £9.3m with a corresponding actuarial gain on pension assets in the comprehensive income and expenditure statement.</p>
<p>2. Accumulated absences provision</p> <p>The unaudited accounts included a provision of £3.7 million for accumulated absences within long term liabilities on the Council's balance sheet. This relates to benefits that employees have earned as part of their contracts of employment but have not yet taken, such as holiday pay. As such benefits are mainly taken by employees in the year after they are earned, it was judged more appropriate for this provision to be included within current liabilities.</p>	<p>An adjustment has been made in the audited accounts to transfer the accumulated absences provision of £3.7 million from long term to current liabilities. There was no impact on the comprehensive income and expenditure account or net assets position within the balance sheet.</p>
<p>3. Assets under Construction</p> <p>Audit testing identified that capital expenditure relating to the Law Primary School extension was included within Other Land & Buildings in Property Plant and Equipment Note 12 in the unaudited accounts, although the work had not been completed at the financial year end as the project is still on-going.</p>	<p>An adjustment has been made in the audited accounts to transfer assets of £4.8 million from Other Land & Buildings to Assets under Construction in Property Plant and Equipment Note 12.</p> <p>As the Council's policy is not to charge depreciation in the year of acquisition, there was no impact on depreciation charge and there was no impact on the comprehensive income and expenditure account or the Property Plant and Equipment amount in the balance sheet.</p>
<p>4. Common Good assets</p> <p>The Council identified assets with a total value of £1.1 million which were held on the Council's balance sheet which related to the Common Good. The Council had correctly transferred these assets to the Common Good balance sheet but had included them within the additions total in the Common Good Notes to the financial statements.</p>	<p>The Council has amended the disclosure in the Common Good Notes to the financial statements to provide separate disclosure of those assets transferred from the Council balance sheet. This is part of the wider piece of work being done by the Council in reviewing all their fixed assets.</p>
<p>5. Cash flow</p> <p>We identified that within the cash flow statement capital accruals and capital retentions were included within the movement in creditors under operating activities. These should have been included within 'investing activities' instead.</p>	<p>The Council has amended the cash flow statement to adjust for capital accruals and capital retentions and included the correct figures in within 'investing activities'. The net cash outflow from operating activities and Purchase of Property, Plant and Equipment amount included in investing activities have both decreased by £1.136 million. There is no change in the net increase in cash and cash equivalents.</p>

Good practice in financial reporting

37. The annual report and accounts reflect good practice as set out in Audit Scotland guidance on '[Improving the quality of local authority accounts – expenditure and funding analysis](#)'.

Follow up of prior year recommendations

38. We have followed up actions previously reported and assessed progress with implementation, these are reported in [Appendix 1](#) and identified by the prefix b/f (brought forward).

39. In total, six agreed actions were raised in 2016/17. Of these:

- Two have been fully implemented.
- Four are either partly actioned or have not been actioned.

40. Overall the Council has made some progress in implementing these actions. For those actions not yet implemented, revised responses and timescales have been agreed with management as set out in [Appendix 1](#).

Integration Joint Board

41. For the second year the Council included its share of the financial transactions of East Lothian Integration Joint Board (the IJB) within its group financial statements. We have completed the audit of the IJB and will report our findings separately to the IJB Audit and Risk Committee on 27 September 2018 where the accounts are due to be approved. We are satisfied that the Council had adequate arrangements in place to agree year end balances between itself and its partners. During 2017/18, the council produced a recovery plan to address overspending in the Health and Social Care Directorate. Our audit testing also confirmed that the council properly identifies transactions that relate to work commissioned by the IJB.

Other findings

42. Our audit identified several presentational and disclosure issues which were discussed with management. These were adjusted and reflected in the audited annual accounts.

Objections

43. The Local Authority Accounts (Scotland) Regulations 2014 require a local authority to publish a public notice on its website that includes details of the period for inspecting and objecting to the accounts. This must remain on the website throughout the inspection period. The Council complied with the regulations. There were no objections to the accounts.

Part 2

Financial management



Main judgements

Financial management is effective with a budget process focussed on the Council's priorities.

Our testing of the design and operation of the financial controls over significant risk areas confirmed that controls relating to financial systems and procedures are designed appropriately and were operating effectively.

Financial performance in 2017/18

44. In February 2017 the Council approved a General Services budget of £232.97 million for 2017/18. The budget was aligned to the Council's main priorities and vision.

45. The Council has a good track record in delivering services within budget over the last two years. The 2017/18 end of year financial review presented to full council on 26 June reported an underspend £0.38 million against the planned budget. This position was, however, assisted by a number of non-recurring items including additional grant from the Scottish Government in respect of severe weather, release of a provision previously held on the balance sheet and an additional contribution from NHS Lothian to support the IJB related functions. Without these items, the Council would have overspent on its General Services budget by £0.67 million.

46. While the Council's spending remained in line with its overall budget, there are significant variations in how different services have performed. The more significant under and overspends are summarised in [Exhibit 4](#).

Exhibit 4

Summary of significant under / overspends against budget

Area	Under/over spend (£m)	Reason for variance
Underspends		
Resources and People Services	£1.37	Underspends on staff budgets, driven through vacancy management, and schools PPP costs.
Partnerships and Services for Communities	£0.35	Underspends mainly on staff budgets, additional income, increase in building

Area	Under/over spend (£m)	Reason for variance
		warrants and a decrease in wider service expenditure budgets.
Overspends		
Health and Social Care Partnership	£0.89	Increased demand for services and increased complexities and needs of clients, within Children's and Adults' services.

Source: East Lothian Council 2017-18 End of Year Financial Review

47. The Health Social Care Partnership directorate has overspent against budget in both the current and previous financial years. These overspends have been offset by underspends in other services to maintain financial balance. Given that the council would have overspent on its general services budget in 2017/18 if it had not benefited from a number of non-recurring income items, this is unlikely to be sustainable in future. During 2017/18, the council implemented recovery actions to allow the IJB break-even. We will continue to monitor the Council's progress in this area for the remainder of our audit appointment.

Housing revenue account

48. The Council is required by legislation to maintain a separate housing revenue account (HRA) and to ensure that rents are set to at least cover the costs of its social housing provision. Rent levels are therefore a direct consequence of the budget set for the year.

49. The 2017/18 end of year financial review presented to full council in June 2018 reported that HRA approved spending plans for 2017/18 had anticipated an in-year surplus of £1.62 million however the HRA delivered an in-year surplus of £2.87 million, exceeding the budgeted surplus by £1.25 million. The higher surplus can be attributed to, but not limited to, underspends on repairs and maintenance and loan charges, an underspend on staffing largely due to delays in recruitment pending the outcome of a wider service review, and a lower than planned increase to the bad debt provision.

50. The HRA reserve balance has increased by £0.37 million during the 2017/18 financial year and there was a transfer of £0.99 million from the HRA reserve to the general fund.

51. The HRA reserve balance at 31 March 2018 was £5.39 million. This is in line with the Council's five-year financial strategy for 2018-23 which has a stated policy of maintaining an HRA reserve balance of at least £1 million, to allow the Council to maintain a cushion against any unexpected increase in costs or loss of income, and to protect against the risks inherent in the UK welfare reform proposals. Given the uncertainty that exists over the timing and scale of capital investment in new affordable housing, there is no upper limit on reserves.

Efficiency savings

52. With reduced funding from government and increased demand for financial services, efficiency savings are an important means of bridging the gap between funding received and spending commitments.

53. The Council is required to make an annual return to the COSLA in respect of recurring efficiency savings. The Cabinet and Council routinely receive budget monitoring reports including savings plans which have been risk assessed.

Financial management is about financial capacity, sound budgetary processes and whether the control environment and internal controls are operating effectively

54. The 2017/18 annual return to the Scottish Government indicated that £2.1 million of savings were planned. The Council achieved actual savings of £2.7 million. Some of the planned savings in relation to Health and Social Care Integration and Buysmart were not delivered in-year however this was offset by efficiencies and underspends in corporate expenditure.

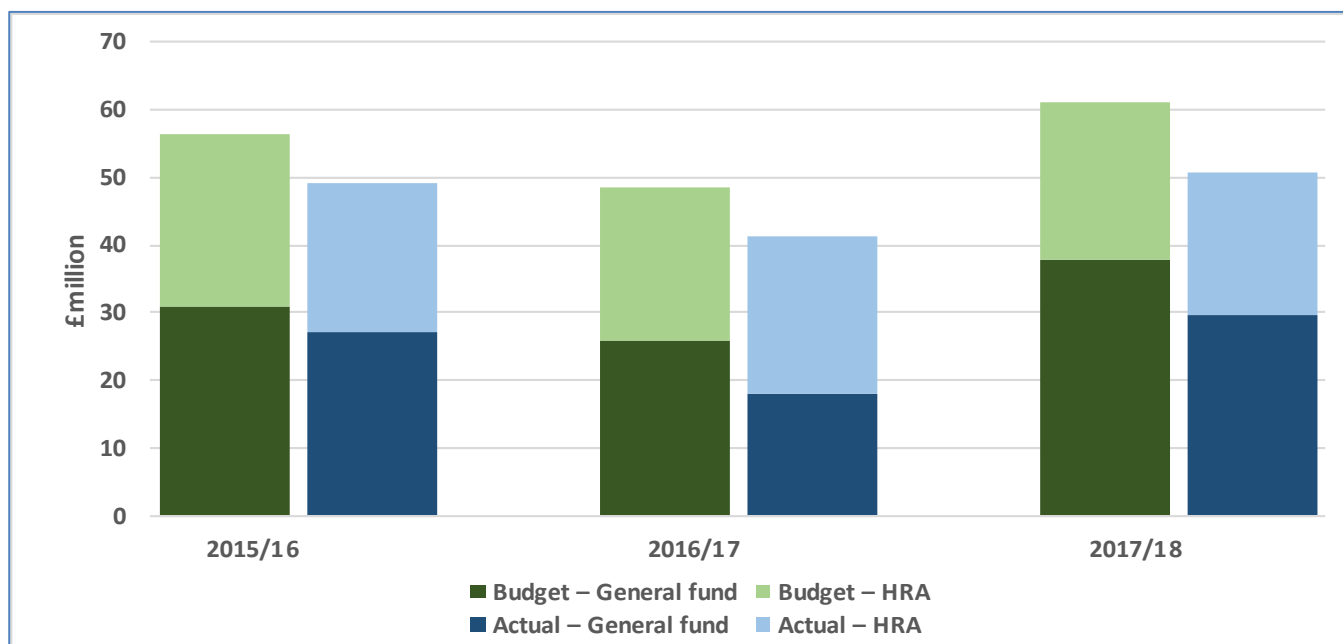
Capital programme 2017/18

55. The total capital expenditure budget for 2017/18 was £61.1 million. Of the total capital budget, £37.7 million related to general services and £23.4 million to the HRA.

56. Capital spend was £10.1 million below budget. For the last three years, the Council has reported slippage in its capital programme as outlined in [Exhibit 5](#). The HRA slippage comprised 21% of this total.

Exhibit 5

Capital slippage compared to budget (general fund and HRA)



Source: End of Year Financial Reviews (2015/16, 2016/17, 2017/18)

57. The majority of the capital underspend for general services relates to slippage and will be carried forward to the 2018/19 capital programme. The most significant underspends relate to delayed project starts at the new Wallyford Primary School and Dunbar Grammar School. The council is monitoring both projects and expects the new Wallyford Primary School to be completed on time, with the Dunbar Grammar School extension expected to be completed two months later than originally planned.

58. A budget of £0.44 million was allocated for cemeteries within the 2017/18 capital programme. The actual spend in the year was nil due to protracted negotiations with landowners.

59. The HRA capital programme had a total underspend of £2.12 million. Within HRA, £10.6 million was spent on modernisation with an underspend of £1.5 million. Spending of new affordable homes was £10.4 million, which was £0.1 million below

the approved budget. Two mortgages to rent applications were processed during the year, resulting in an underspend against the approved budget of £0.5 million.

60. Whilst management has an understanding of capital slippage and does not consider this to be problematic in 2017/18, there is a risk that ongoing delays in capital projects could impact on service plans going forward.

Borrowing in 2017/18

61. The Council's outstanding loans at 31st March 2018 were £358 million, an increase of £14 million on the previous year. During the year, £6 million of loan repayments were made and there were £22 million of new loans taken out. The increase in borrowing reflects the increase in the Council's capital financing requirements as per its treasury management strategy.

62. Total external debt (which includes the Council's long-term liabilities) was within the authorised limit and operational boundary set by the treasury management strategy. The current borrowing position is prudent, and the Council will continue to consider the affordability of future borrowing.

Budgetary process

63. The [*Local Government in Scotland: Financial overview 2016/17*](#) (November 2017) highlighted that the need for budgets and forecasts to reflect actual spending becomes increasingly important for councils with decreasing (or low levels) of usable reserves to rely on. We noted that the Council's budget and savings plan is aligned to the Council priorities as set out in its strategic plan. This is consistent with good practice.

64. The Council used scenario planning to calculate estimated funding gaps for the five-year period as part of its 2018 -23 financial strategy. Three scenarios were used ranging from best to worse case, based on a limited number of key variables (Revenue Support Grant, pay and non-pay inflation) and different assumptions based on potential outcomes.

65. Since early 2018, the full council receives revenue and capital monitoring reports and provides detailed scrutiny of financial performance. From our review of these reports and attendance at council meetings we concluded that these reports provide an overall picture of the budget position at service level. The report includes forecast out-turn position for the year and good explanations for significant variances against budget. The reports allow both members and officers to carry out scrutiny of the Council's finances.

Systems of internal control

66. As part of our audit we identify and inspect the key internal controls in those accounting systems which we regard as significant to produce the financial statements. Our objective is to gain assurance that the Council has systems of recording and processing transactions which provide a sound basis for the preparation of the financial statements.

67. Our findings were included in our management letter that was presented to the Audit and Governance Committee on 12 June 2018. We concluded that the key controls were appropriate and operating effectively for the key financial systems we reviewed. No significant control weaknesses were identified which could affect the Council's ability to record, process, summarise and report financial and other relevant data to result in a material misstatement in the financial statements.

Financial capacity

68. The Head of Council Resources is the Section 95 officer with responsibility for finance and information technology, is a member of the corporate management

team and has direct access to the chief executive and Council members. We concluded that the Section 95 officer has appropriate status within the Council.

69. The finance team has remained stable in recent years and includes sufficient numbers of qualified and experienced staff. The Corporate Finance Manager, who is a senior and experienced member of the finance team, will be leaving the Council towards the end of 2018 and it is important that the Council puts adequate succession arrangements in place.

70. It is important that members continue to receive adequate training on how the Council works and how it is financed if they are to exercise their scrutiny responsibilities effectively. We reviewed the induction training and materials provided to new and existing members and concluded that it was fit for purpose.

Part 3

Financial sustainability



Main judgements

The Council and its group financial position is sustainable in the foreseeable future although rising demand, increasing costs of services and reductions to central funding will continue to place a strain on the Council's capacity to deliver services at the current levels.

There is a five-year financial strategy that is aligned to the Council's priorities and demonstrates how it will address future budget challenges.

The Council has made savings over the past few years however the scale of the savings required to address future funding gaps will be challenging for it to deliver.

Financial planning

71. It is important that long-term financial strategies (typically covering five to ten years) are in place which link spending to the Council's strategies. Although councillors approve a three-year budget, they only approve the council tax budget for a single year. This should be supported by indicative future spending plans (covering three years at least) that forecast the impact of relevant pressures on the Council.

72. The Accounts Commission recommended that when future Scottish Government funding is not known, councils should plan for a range of scenarios, so they are prepared for different levels of funding and income.

73. The Council has a five-year financial strategy in place covering the period 2018/19 to 2022/23, which includes funding gap projections for the five-year period based on scenario planning. Spending plans for the three-year period from 2018/19 to 2020/21 were approved as part of the 2018/19 annual budget process.

74. The Council used the funding gap projections within its financial strategy effectively to develop a package of savings, and additional income generating measures amounting to £12.5 million to enable it to set a balanced budget for the three-year period from 2018/19 to 2020/21. This was presented to members in February 2018.

75. The Council recognises that delivery of the £12.5 million budgeted efficiencies over the next three years and development of further measures to address future funding gaps will be a significant challenge and work is ongoing in this area. The projected funding gap figures within the five-year financial strategy are due to be updated as part of the 2019/20 budget process and this will assist the Council to identify the level of savings required going forward.

Financial sustainability looks forward to the medium and long term to consider whether the board is planning effectively to continue to deliver its services or the way in which they should be delivered

Funding position

76. The Council approved its 2017/18 budget in February 2017. The budget was set at £233 million which included planned savings of £2.1 million and a transfer of £2.5 million from reserves to address the identified funding gap.

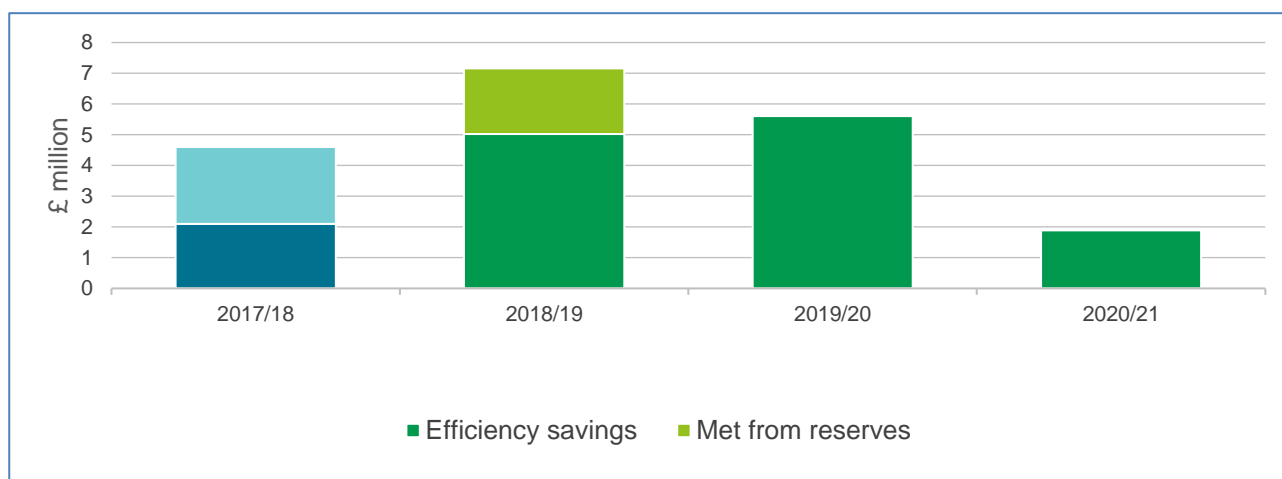
77. The Council is facing several challenges in maintaining a sustainable financial position in future. These include rising demands for services, increasing cost of services (pay and non-pay) and continued reductions in local government funding.

78. In December 2017, the council approved its first five-year financial strategy for 2018 to 2023. The strategy refers to the council's overarching aim of 'reducing inequalities within and across our communities' and the four themes of Growing our Economy, Growing our People, Growing our Communities and Growing our Capacity. The purpose of the strategy is to provide direction on how the council will manage its financial resources in order to deliver the Council Plan.

79. During the annual budget process, the council updated its projected funding gap assumptions for the three-year period from 2018/19 to 2020/21 and estimated that it faced a funding gap of £12.5 million for that period. The three-year budget approved in February 2018 included a package of measures to either reduce expenditure or increase income amounting to £12.5 million, enabling the council to set a balanced budget for the period from 2018/19 to 2020/21. The Council plans to bridge these gaps mostly by efficiency savings and the transfer of reserves from the general fund as illustrated in [Exhibit 6](#).

Exhibit 6

Identified funding gaps 2017/18 – 2020/21



Source: East Lothian Council

New financial powers

80. Proposals have been made for changes to the Scottish Government's budget process, with these likely to be introduced for the 2019/20 budget. The Council considers Scottish Government budget issues within its annual Financial Prospects reports and when preparing its five-year financial strategy.

81. Overall, we concluded that the Council is facing a challenging situation in the short term. Rising costs, ending of the public sector pay cap combined with small increases in funding and dependency on efficiency savings will make it difficult to achieve financial balance.

82. The medium to longer term financial position is difficult to predict given the uncertainty around EU withdrawal and new financial powers and future funding settlements. The Council needs to consider and plan for these events and continue to develop its longer term financial plans based on scenario planning.

Savings plans

83. As outlined above the Council achieved its efficiency savings target in 2017/18. The Council has identified that it needs to make efficiency savings of £12.5 million in the three-year period from 2018/19 to 2020/21 as part of its plans to maintain financial balance. To manage this effectively the Council needs to continue to prepare medium and long-term plans and closely monitor the delivery of its planned savings.

Reserves

84. One of the key measures of the financial health of a local authority is the level of reserves held. The general fund is the largest usable reserve. This reserve is used to fund the delivery of services. It also provides a contingency fund to meet unexpected expenditure and a working balance to help cushion the impact of uneven cash flows.

85. The level of general fund reserves held by the Council decreased from £20.5 million in 2016/17 to £19 million in 2017/18 as illustrated in [Exhibit 7](#).

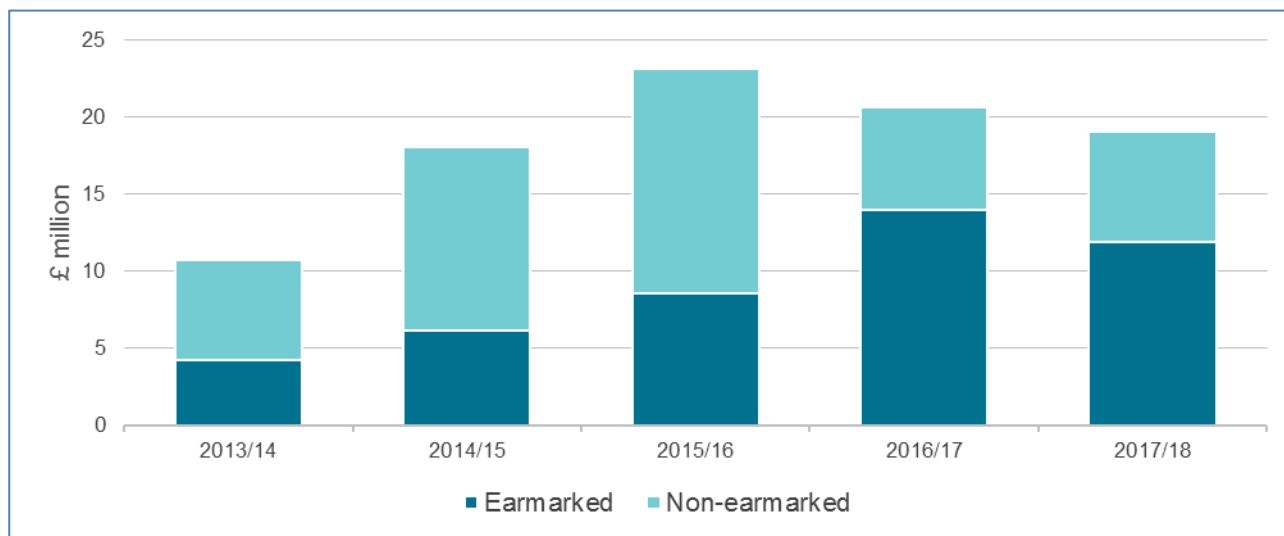
86. The Council was able to build up its general fund balance between 2013/14 and 2015/16. In the past two financial years it has made transfers from the general fund to help to balance its budgets. In 2017/18 it planned to use £2.5 million of reserves but actually only used £1.5 million therefore the year end position is slightly more favourable than planned. The Council plans to use a further £2.1 million of reserves to balance its budget in 2018/19 but no further use of reserves is planned in the following two financial years in line with the financial strategy.

87. The Council reviews the level of its uncommitted reserves when setting the budget each year. The 2018-23 financial strategy considers the level of reserves held in total and the amounts required for different purposes. It also recommends the need to establish a minimum level of uncommitted general fund reserve balances to help with any unforeseen or unquantifiable event. This level is to equate to 2 per cent of the council's annual running costs (about £4 million). The council currently meets this minimum at just under £4.3 million (taking into account the civil emergency fund and the general services capital fund).

88. [Exhibit 7](#) provides an analysis of the general fund over the last five years split between earmarked and non-earmarked reserves. This shows a slight reduction in reserves in the past two years as reserves have been used to maintain financial balance however the level of reserves held is still in line with the Council's policy.

Exhibit 7

Analysis of general fund over last five years



Source: End of year Financial Reviews (2014/15, 2015/16 and 2016/17) end of year reserves forecast 2017/18

EU withdrawal

89. There remains significant uncertainty about the detailed implications of EU withdrawal (i.e. Brexit). It is critical that public sector bodies are working to understand, assess and prepare for the impact on their business in three broad areas:

- Workforce - the extent to which changes to migration and trade policies are likely to affect the availability of skilled and unskilled labour.
- Funding – the extent to which potential changes to funding flows are likely to affect the finances of the organisation and the activity that such funding supports.
- Regulation – the extent to which potential changes to regulation across a broad range of areas overseen at an EU level are likely to affect the activities of the organisation.

90. The Council has flagged the economic uncertainty in relation to Brexit as a challenge within its current Council Plan as follows: East Lothian's economy will also feel the impact of the decision to leave the EU. Key sectors of East Lothian's economy – farming, food and drink and tourism – and Edinburgh's financial and Higher Education sectors, which employ a significant proportion of East Lothian's population, could be negatively impacted by 'Brexit' through loss of EU subsidies, changes in trade agreements and negative changes in currency values. Work is still ongoing to identify the potential impact of any changes at the Council. The Council should ensure it closely monitors developments and has plans in place to mitigate any emerging operational risks.

Part 4

Governance and transparency



Main Judgements

The Council has appropriate governance arrangements in place that support the scrutiny of decisions made by the Council.

The Council is open and transparent in the way it conducts its business and the public can attend meetings of the Council and its standing committees.

Governance arrangements

91. We reviewed the Council's governance and accountability arrangements in 2017/18 as part of the annual audit planning and Best Value Audit Review. This included:

- confirming that the governance framework and governance arrangements, including decision-making and scrutiny, are regularly reviewed and updated to ensure they remain effective – we found these arrangements to be satisfactory.
- assessing the effectiveness of decision-making to ensure it is balanced by effective scrutiny and challenge by those independent of the body – we found sound processes in place surrounding decision making and effective scrutiny and challenge by Members during 2017/18.
- confirming that there is effective scrutiny and challenge in place over policy decisions, service performance, and programme management – we observed through committee attendance effective scrutiny and challenge however we did note that there is scope to improve the depth of challenge given.
- confirming that decision makers have the information they need to scrutinise, challenge and make transparent decisions – we found that decision makers were given appropriate information to make decisions.
- ensuring that it is clear what decisions have been made, who made them and the rationale supporting those decisions – we found that documentation over decisions and rationale was clear and available.

92. Overall we concluded that the Council's governance arrangements are appropriate and effective and support good governance and accountability.

Transparency

93. Transparency means that the general public have access to understandable, relevant and timely information about how the Council is taking decisions and how it is using resources such as money, people and assets.

Governance and transparency is concerned with the effectiveness of scrutiny and governance arrangements, leadership and decision making and transparent reporting of financial and performance information.

94. There is evidence from several sources which demonstrate the Council's commitment to transparency. Members of the public can attend meetings of the full Council, Cabinet, Audit and Risk Committee as well as other committees. Minutes of these committee meetings and supporting papers are readily available on the Council's website.

95. The Council's website allows the public to access a wide range of information including the register of members' interests, current consultations and surveys and how to make a complaint. In addition, the website provides details of the citizen's panel and how to join it. The panel provides information and feedback on services as well as information on the needs of local communities.

96. The Council makes its annual accounts available on its website. These include a management commentary which provides details of performance against budget, information on the use of reserves and risks and uncertainties facing the Council.

97. Overall, we concluded that the Council conducts its business in an open and transparent manner.

Internal audit

98. The Council's internal audit function is carried out by an in-house provider. Each year we consider whether we can rely on internal audit work to avoid duplication of effort. When we plan to place reliance on internal audit work we carry out an assessment of the internal audit function to ensure that it is sufficient in terms of documentations standards, reporting procedures and quality, and is performed in accordance with Public Sector Internal Audit Standards (PSIAS)

99. We reviewed the Council's internal audit arrangements in accordance International Standard on Auditing (UK) 610 (Using the Work of Internal Auditors) to determine the extent we could rely on the work of internal audit. Overall, we concluded that we would place reliance on aspects of internal audit work in the following areas – council tax and non-domestic rates (IT access controls) – for our financial statements responsibilities. The internal audit programme of work for 2017/18 was completed in line with their plans.

100. A formal external quality assessment (EQA) of internal audit's compliance with the PSIAS is required at least once every five years. An EQA was undertaken in 2018 by the chief internal auditor at Argyll and Bute Council. The report provided high level assurance on internal audit's compliance with PSIAS, meaning the overall internal control, governance and the management of risk were of a high standard. There were eight recommendations made in the report (two medium and six low priority) to help further strengthen overall PSIAS compliance.

101. We have reviewed these recommendations and in line with our own observations at Audit and Governance Committee and our review of internal audit reports, that internal audit reports would be strengthened by:

- Having an overall audit opinion in the summary report provided to members - this will help focus members' attention and scrutiny to those areas where there are more significant issues noted.
- Summarising the area tested including the population, samples tested, instances of failure, impact and overall value – this additional information will add value to the covering report.

Recommendation 4 (appendix 1, action plan ref. 2)

Internal audit should provide an audit opinion for each area it audits as well as providing some further summarised contextual information to enable more focussed scrutiny of the areas audited.

Management commentary, annual governance statement and remuneration report

102. The Code of Practice on Local Authority Accounting in the United Kingdom 2017/18 requires councils to prepare and publish, along with their financial statements, an annual governance statement, management commentary (or equivalent) and a remuneration report that are consistent with the disclosures made in the financial statements. The management commentary should be fair, balanced and understandable and clearly address the longer-term financial sustainability of the body.

103. Based on our knowledge and work performed, we concluded that the management commentary, annual governance statement and remuneration report are consistent with the financial statements.

National Fraud Initiative

104. The National Fraud Initiative (NFI) in Scotland is a counter-fraud exercise coordinated by Audit Scotland. It uses computerised techniques to compare information about individuals held by different public bodies, and on different financial systems, to identify 'matches' that might suggest the existence of fraud or irregularity.

105. NFI activity is summarised in [Exhibit 8](#). We undertook a review of the Council's NFI activity in February 2018 and concluded that it was satisfactory. At that time the council had completed 477 investigations out of a total of 578 recommended matches. The Council has now completed 494 investigations. Internal Audit intend to undertake further work on the remaining matches as part of their 2018/19 audit plan.

Exhibit 8

NFI activity



3152

Matches



578

Recommended for
investigation



494

Completed/closed
investigations

Source: NFI secure website: www.nfi.gov.uk

106. The results of the Council's NFI activity were reported to the Audit and Governance Committee in February 2018 by Internal Audit. They reported that, of the 477 investigations completed at that time, they found that:

- In 363 cases, no fraud or errors were identified;

- In 109 cases, errors were identified in respect of blue badges and residents parking permits and in each case appropriate action was taken by the Council's Transportation section to either cancel the permit/badge or to update the system with the correct information;

107. In the remaining 5 cases, overpayments of £52,515 were identified, the main ones being:

- £5,513 related to payments which the Council had continued to make to a residential home after the resident's death. This amount has now been recovered from the residential home.
- £35,023 related to 2 duplicate payments (£24,533.18 and £10,490.24) made to the same contractor. The contractor has acknowledged both overpayments and the Council is currently in the process of recovering these amounts.
- £11,808 relates to a duplicate payment made to a separate contractor. The service area is currently liaising with the contractor to ensure recovery of the overpayment.

Standards of conduct for prevention and detection of fraud and error

108. The Council has a range of established procedures for preventing and detecting fraud and irregularity including a whistleblowing policy, anti-fraud strategy and codes of conduct for members and officers. We assessed these at the planning stage of our audit to ensure that they were appropriate, readily available to staff and are regularly reviewed to ensure they remain relevant and current.

109. We concluded that the Council has appropriate arrangements in place for the prevention and detection of bribery and corruption. We are not aware of any specific issues we require to bring to your attention.

Cyber security

110. The Scottish Government issued a Public Sector Action Plan on Cyber Resilience in November 2017 which requires all public sector bodies to carry out a review to ensure their cyber security arrangements are appropriate.

111. We reviewed the Council's arrangements to mitigate cybersecurity risks and confirmed that the Council complies with ISO27001 the International standard for Information Security (which sets out a risk-based approach to ensure the confidentiality, integrity and availability of Council held information & information systems).

General Data Protection Regulation

112. The new General Data Protection Regulation (GDPR) came into force on 25 May 2018. This replaced the UK Data Protection Act 1998. As a Regulation, all EU member states must implement it in the same way. GDPR sets out further requirements than the DPA and has introduced new and significantly changed data protection concepts.

113. GDPR introduces a wide range of new rights for individuals in respect of their personal data. These include the right to be forgotten, the right to object to certain processing activities and to decisions taken by automated processes. Failure to comply with new GDPR data handling arrangements could result in the Council incurring significant fines.

114. The Council revised and updated its Data Protection Policy in June 2018 to comply with the new GDPR.

115. Information security, data protection and records management awareness training forms part of the Council's induction process. This now incorporates a mandatory GDPR module which is supplemented by paper and person-to-person training. Data Protection, GDPR and information security awareness training is mandatory for all employees and must be renewed every two years. The Council's Data Protection Officer has developed a GDPR toolkit including templates, guidance and information to support GDPR compliance.

116. Overall, we concluded that the Council has taken appropriate steps to comply with GDPR.

Integration of health and social care

117. The Scottish Government's 2020 vision places greater emphasis on enabling people to stay in their homes, or another homely setting, where possible, sharing their lives with their family and friends and doing the things that give life meaning and value. The integration of health and social care is a mechanism to achieve this.

118. The East Lothian Integration Joint Board (IJB) is provided in partnership with NHS Lothian and was established on 27 July 2015. It assumed responsibility for the delegated health and social care services set out in its Integration Scheme from 1 April 2016. The financial transactions of the East Lothian IJB have been consolidated into the Council's group accounts and we have audited these with satisfactory results.

119. The IJB broke even in 2017/18 but only with the additional funding support from the partners, which included £611,000 from the Council. The Council has indicated that in the event of future IJB overspends further financial support is not guaranteed. We have included recommendations in our Annual Audit Report to the IJB that the IJB needs to continue to engage with its partners to ensure that the partners' planned efficiencies for 2018/19 are identified, monitored and achieved in order to break-even. Partners have stated that the provision of additional funds to cover future overspends is not a sustainable position.

Local scrutiny plan

120. The 2018/19 Local Scrutiny Plan (LSP) prepared by the Local Area Network (LAN) of scrutiny partners for the Council was submitted on 23 April 2018. It was presented to the Full Council on 26 June 2018. The LAN and Strategic Risk Assessment did not identify any new scrutiny risks in the year which would require specific scrutiny work during 2018/19. The Council will be subject to a range of nationally driven scrutiny activity as set out in the LSP.

121. The Community Empowerment Act 2015 gave local communities new powers to take control of and manage community assets. The Council has taken steps to engage with local communities and this has been subject to review in the 2017/18 BVAR due to be published in October 2018.

Equal pay

122. There remain some 27,000 equal pay claims across Scotland however East Lothian Council has no new / live claims in 2017/18 with the last settlement being in 2015/16. Workers could potentially still make new claims against councils. This means that councils need to be confident that they have fair and transparent pay arrangements and take necessary action, such as regular equal pay audits, to deliver pay equality in line with their public sector equality duty.

Part 5

Value for money



Main judgements

A best value audit was carried out during the year and will be formally reported to the Accounts Commission on 11 October 2018. A number of recommendations have been made and these will form part of our audit work in 2018/19.

It is important that there is alignment of objectives between the Council and Group components. We recommended that formal reporting and monitoring arrangements should be put in place for significant group components. This remains an area requiring further improvement.

Best value

123. Best value is assessed over the five-year audit appointment, as part of the annual audit work. A Best Value Assurance Report (BVAR) for each council will be considered by the Accounts Commission at least once in this five-year period. The BVAR report for East Lothian Council will be discussed by the Accounts Commission on 11 October 2018 with intended publication on 30 October 2018.

124. The findings in the report and the Council's response will be followed up and reported on as part of the 2018/19 annual audit.

Following the public pound

125. Local authorities have a statutory responsibility to comply with the Accounts Commission / COSLA Code of Guidance on funding external bodies and following the public pound.

126. The Council's financial regulations contain a specific section on following the public pound. These emphasise that services must adhere to the Council's guidance for allocating funds to external organisations. The guidance applies where funding is provided, or transferred, to arms-length bodies such as companies, trusts, voluntary and community-based organisations.

127. In our 2016/17 annual audit report we recommended that formal reporting and monitoring arrangements should be put in place for significant group components (e.g. Enjoy East Lothian Ltd. and Musselburgh Joint Racing Committee) to ensure the Council is complying with the duties set out in the Code of Guidance on Funding External Bodies and Following the Public Pound.

128. During 2017/18 we noted the following from attendance at the Audit and Governance committee with respect to those two subsidiaries:

- Enjoy East Lothian Ltd – an update was provided in November 2017 by the general manager summarising the objectives, activities of the business and its operations. The report was useful and provided necessary context for effective scrutiny. Members welcomed the report. A commitment to

Value for money is concerned with using resources effectively and continually improving services.

providing an annual report to the committee was made, as well as circulating the audited accounts once approved by the Enjoy East Lothian Ltd. Board. However, despite this commitment, there have been no further reports during 2017/18 to the committee.

- Musselburgh Racing Associated Committee (formerly Musselburgh Joint Racing Committee) – during the year a mix of verbal updates and one paper (June 2018) were provided to the committee on the status of the organisation and future direction of travel. However, we did note that the outcome of the governance review of the racecourse was presented as a private paper to the full council in February 2018. We have noted that the newly formed Musselburgh Racing Associated Committee working group papers are now publicly available on the Council's website with papers being available from June 2018 onwards.

129. This remains an area still requiring further improvement and we have reiterated the recommendation made in our 2016/17 annual audit report. There is still a lack of evidence of any routine performance monitoring / reporting to Council committee for significant group components in a timely fashion on an annual basis.

Recommendation 5 (appendix 1, action plan ref. 3)

Formal reporting and monitoring arrangements should be revisited, clarified and strengthened for the significant group components (e.g. Enjoy East Lothian Ltd. and Musselburgh Racing Associated Committee) to ensure the Council is complying with the duties set out in the Code of Guidance on Funding External Bodies and Following the Public Pound. This includes ensuring a report is brought to the Audit and Governance Committee at least once a year.

Governance arrangements for subsidiaries included in Group Accounts

130. In line with the Code of Practice on Local Authority Accounting, the following organisations are defined as subsidiaries within East Lothian Council for the purposes of preparing group accounts:

- Musselburgh Racing Associated Committee (formerly Musselburgh Joint Racing Committee) whose purpose is to organise and develop horse racing at Musselburgh Links.
- East Lothian Land Ltd. – set up to manage land to support economic development in East Lothian.
- Common Good Funds – used to further the common good of the residents of the areas of the former Burghs of Dunbar, Haddington, Musselburgh and North Berwick
- 46 Trust funds with various purposes and objectives.

131. We found the Council's annual Group Boundary assessment to be satisfactory and that the above bodies met the definition of a subsidiary and have been appropriately included in the group accounts.

132. During the course of 2016/17 issues relating to the governance of the racecourse were brought to our attention and we reported this in our 2016/17 annual audit report. During 2017/18 significant progress has been made in this area with a newly formed Musselburgh Racing Associated Committee working group (MRAC). The MRAC working group will consider and recommend the best operating model for the future of the racecourse.

133. In June 2018, the deputy chief executive submitted a report to the Member's Library outlining the MRAC working group's recommendation that a third party operate the racecourse. In July 2018 a further paper was presented by the MRAC working group noting that the preferred option is that the long-term operation of Musselburgh Racecourse should be carried out by a third party operator. The Council will now commence the procurement process to appoint a third party to operate the racecourse. The racecourse's license is valid until December 2018. We will continue to monitor progress in this area.

Overview of performance targets

134. The Council participates in the [Local Government Benchmarking Framework](#) (LGBF). The framework aims to bring together a wide range of information about how all Scottish Councils perform in delivering better services to local communities, including the cost of services and how satisfied citizens are with them.

135. The most recent [National Benchmarking Overview Report 2016/17](#) by the Improvement Service was published in February 2018 and covered the 2016/17 reporting period. This report was submitted to the Policy and Performance Review Committee on 20 June 2018. Overall the Council performed well in comparison to other councils with the majority of indicators (56%) falling within the top two quartiles. The committee report highlighted some specific areas where the Council had performed well or improved, including the number of business gateway start-ups and costs of planning/ trading standards sickness absence days per employee (non-teacher). The report highlighted some areas for further investigation including sickness absence days per teacher, average time per planning application and percentage of secondary pupils in S4 achieving 5 or more awards at level 5.

136. The Policy and Performance Review Committee receives regular performance reports throughout the year and an annual performance report. These reports monitor progress against the Council's key priorities. The Council uses red/amber/green ratings to show which indicators are below, near or on target. Based on the most recent report submitted to the committee in June 2018 several positives were highlighted including:

- 24 indicators are rated green, 4 amber and 14 red
- Average number of days to rehousing has reduced by 34.6% in quarter 4 to 349 days.
- Homelessness assessments completed in under 28 days improved from 72% in Q3 to 83% in Q4.
- Number of delayed discharge patients waiting more than 2 weeks has decreased in Q4 from 13 to 8

137. At the same time the Council recognises that it should improve service delivery in areas such as contact centre call response times. Performance will continue to be reviewed by the Policy and Performance Review Committee to assess progress.

Statutory performance indicators (SPIs)

138. The Accounts Commission places great emphasis on councils' responsibility for public performance reporting. The Commission does not prescribe how councils should report this information but expects them to provide the public with fair, balanced and engaging performance information.

139. For 2017/18 two SPIs were prescribed:

- SPI 1: covering a range of information relating to areas of performance such as improving local public services, improving local outcomes, engaging with communities and achieving best value
- SPI 2: relates to the reporting of performance information as required by the Local Government Benchmarking Framework.

140. The Council's performance in relation to SPI 1 has been covered as part of our best value assurance report due to be presented to the Accounts Commission on 11 October. For SPI 2, we placed reliance on the work of internal audit and we have also commented on this in paragraphs 134-137. Overall we found this to be satisfactory.

National performance audit reports

141. Audit Scotland carries out a national performance audit programme on behalf of the Accounts Commission and the Auditor General for Scotland. During 2017/18 Audit Scotland published a number of reports were issued which are of direct interest to the Council. These are outlined in [Appendix 4](#).

142. We found from attendance and observation at Full Council meetings as well as the Audit and Governance committee that the Council's arrangements for considering national reports is appropriate. A covering paper is prepared by the appropriate officer summarising the national report providing important contextual background for the Council to be aware of. The covering paper sets out the actions/recommendations for the Committee to take as result of the report. Normally these refer the officers and members to consider the recommendations in the national report.

143. The covering paper for the latest national report presented to the Audit and Governance Committee on 12 June 2018 [Local Government in Scotland: Challenges and Performance 2018](#), recommended that the Committee should use the recommendations in the Accounts Commission report and the questions it poses for elected members to identify any further information or scrutiny activity it would wish to have reported back to future meetings of the Audit and Governance committee.

Appendix 1

Action plan 2017/18

2017/18 recommendations for improvement



No.	Issue/risk	Recommendation	Agreed management action/timing
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Recommendations brought forward from 2016/17 still requiring action

b/f 1	Dr Bruce Fund <p>The trust's accounts were not advertised in line with the requirements under Regulation 9 of the Local Authority Accounts (Scotland) Regulations 2014 issued under section 105 of the 1973 Act.</p> <p>The unaudited accounts were not signed on behalf of the trustees.</p> <p>Risk</p> <p>There is a risk of non-compliance with statute/legislation.</p>	<p>The unaudited accounts should be advertised in line with the Regulations.</p> <p>The unaudited accounts should be signed on behalf of the trustees prior to submitting for audit.</p> <p>Paragraph 21</p>	<p>Agreed - formal arrangements have now been put in place to ensure that advertising and signing is incorporated within the Council's planning timelines for 2018/19</p> <p>Service Manager – Business Finance</p> <p>June 2019</p>
b/f 2	Dr Bruce Fund <p>The Dr Bruce Fund was set up to provide relief for the poor of Musselburgh. One of the risks identified for managing this is the financial demands placed on those funds. In 2016/17 there was a net movement in funds of £6,800, of which £3,291 was income received. In the same period only £50 was disbursed.</p> <p>Risk</p> <p>The fund may not be operating the way in which it was intended i.e. providing relief for the poor of Musselburgh.</p>	<p>The Council should review the method(s) used to promote this (and other) charitable trusts to ensure that the potential availability of these funds are known to the wider community.</p> <p>Paragraph 20</p>	<p>A project group has been established to review the Trusts and Common Good Funds, and this will be considered as part of that review.</p> <p>Service Manager – Licensing & Democratic Services & Service Manager – Business Finance</p> <p>June 2019</p>
b/f 3	Trust Funds <p>Of the 46 trusts being administered by the Council, only 16 were actively used, i.e. incurred expenditure or earned income, in 2016/17.</p>	<p>The Council should ensure that the trusts it administers are promoted more widely amongst the public, and the trust objectives clarified legally to help facilitate their use. An exercise should also</p>	<p>A project group has been established to review the Trusts and Common Good Funds, and this will be considered as part of that review.</p>



No.	Issue/risk	Recommendation	Agreed management action/timing
	<p>Risk</p> <p>There is a risk that trust funds held could become dormant due to lack of use and lack of wider knowledge in the community as to their existence.</p>	<p>be undertaken by the Council to consider whether any trusts could be consolidated.</p> <p>Paragraph 20</p>	<p>Service Manager – Licensing & Democratic Services & Service Manager – Business Finance</p> <p>June 2019</p>

2017/18 recommendations

1	<p>Group accounts</p> <p>The 2017/18 group accounts were prepared using the unaudited accounts of the subsidiaries and associates. Audited accounts have recently been received for two of the six group components. Audited accounts have not yet been received for the remaining group entities (Lothian Valuation Joint Board, Enjoy East Lothian Limited, Musselburgh Joint Racing Committee and Brunton Theatre Trust) until recently.</p> <p>Risk</p> <p>There is a risk that the group accounts are not up to date and based on complete and audited information. Further delays could impact on the statutory deadline for the Council’s accounts.</p>	<p>The Council needs to work with the various subsidiaries and associates to plan and agree a suitable timetable for receipt of audited accounts for the group components.</p> <p>Paragraphs 24 -26</p>	<p>All Group components were made aware of the appropriate timelines for submission of group accounts, and all signed audited accounts have been incorporated within the final signed accounts. We will continue to work with Group components during the planning for 2018/19 to ensure that audited accounts are available within appropriate timescales.</p> <p>Service Manager – Business Finance</p> <p>Implemented for 2018/19 accounts</p>
2	<p>Internal audit</p> <p>From observation and attendance at Audit and Governance committees internal audit reports would be strengthened by having an overall audit opinion and, a high level summary of key information in the summary reports provided to members.</p> <p>Risk</p> <p>There is a risk that unnecessary time is spent focussing on every report instead of ones that have the most impact or those requiring more significant actions to be addressed by officers.</p>	<p>Internal audit should provide an audit opinion for each area it audits as well as providing some further summarised contextual information to enable more focussed scrutiny of the areas audited.</p> <p>Paragraph 101</p>	<p>The External Quality Assessment report issued in May 2018 recommended that an overall audit opinion should be provided in the final audit report - this has been implemented.</p> <p>Internal Audit Manager</p> <p>Date – in place</p>



No.	Issue/risk	Recommendation	Agreed management action/timing
3	<p>Following the public pound</p> <p>There have been limited reports presented to the Audit and Governance Committee during 2017/18 (as well as 2016/17) for significant group components and we cannot find evidence of any routine performance monitoring/ reporting to the Council committees in this area.</p>	<p>Formal reporting and monitoring arrangements should be revisited, clarified and strengthened for significant group components (e.g. Enjoy East Lothian Ltd. and Musselburgh Racing Associated Committee) to ensure the Council is complying with the duties set out in the Code of Guidance on Funding External Bodies and Following the Public Pound.</p> <p>A report should be provided to the Audit and Governance committee at least once a year to update member on these significant group components.</p>	<p>Work has progressed during 2017/18 to incorporate more formal reporting arrangements for Group entities, and this requirement will continue to be embedded in future A&G Committee workplan</p> <p>Head of Council Resources</p> <p>During 2018/19 financial year</p>

[Paragraphs 128-129](#)

Appendix 2

Significant audit risks identified during planning

The table below sets out the audit risks we identified during our planning of the audit and how we addressed each risk in arriving at our conclusion. The risks are categorised between those where there is a risk of material misstatement in the annual accounts and those relating our wider responsibility under the [Code of Audit Practice 2016](#).

Audit risk	Assurance procedure	Results and conclusions
Risks of material misstatement in the financial statements		
<p>1 Management override of controls (example)</p> <p>ISA 240 requires that audit work is planned to consider the risk of fraud which is presumed to be a significant risk in any audit. This includes consideration of the risk of management override of controls in order to change the position disclosed in the financial statements.</p>	<p>Detailed testing of journal entries.</p> <p>Review of accounting estimates.</p> <p>Focused testing of accruals and prepayments.</p> <p>Evaluation of significant transactions that are outside the normal course of business.</p>	<p>Satisfactory – we found no evidence of management override of controls during our normal audit procedures.</p>
<p>2 Risk of fraud over income</p> <p>ELC receives a significant amount of income in addition to Scottish Government funding. The extent and complexity of income means that, in accordance with ISA 240, there is an inherent risk of fraud.</p>	<p>Analytical procedures on income streams.</p> <p>Detailed testing of revenue transactions focusing on the areas of greatest risk.</p>	<p>Satisfactory – we found no evidence of this during our normal audit procedures.</p>
<p>3 Risk of fraud over expenditure</p> <p>Most public sector bodies are net expenditure bodies and therefore the risk of fraud is more likely to occur in expenditure.</p>	<p>Reviews work on the National Fraud Initiative matches.</p> <p>Assess high level key controls in areas of significant expenditure.</p> <p>Focused substantive testing of expenditure and housing benefit transactions.</p>	<p>Satisfactory – we found no evidence of fraud during our audit work.</p>
<p>4 Estimation and judgements</p> <p>There is a significant degree of subjectivity in the measurement and valuation of the material account areas such as non-current assets and provisions. This subjectivity represents an</p>	<p>Completion of 'review of the work of an expert' in accordance with ISA 500 for the professional valuer.</p> <p>Focused substantive testing of asset valuations and asset useful lives.</p>	<p>Satisfactory – we found the estimates and judgements (where applied) where appropriate.</p>

Audit risk	Assurance procedure	Results and conclusions
increased risk of misstatement in the financial statements.	Focused substantive testing of provisions.	
<p>5 Rent arrears</p> <p>The Council's risk register (at November 2017) includes a high residual risk in relation to Welfare Reform and the rollout of Universal Credit (UC). It notes that rent arrears for UC claimants are increasing with 82% of ELC tenants claiming UC now in arrears.</p> <p>There is a risk that debtors could be overstated if the provision for doubtful debts is not adequate in light of rising rent arrears. There is an increased risk to the overall delivery of services in line with the Council's strategic objectives.</p>	Monitor rent arrears levels and provision for doubtful debts.	Satisfactory – Housing rent debtors and bad debt provision have both increased by less than 1% compared to the previous year.

Risks identified from the auditor's wider responsibility under the Code of Audit Practice

<p>5 Financial sustainability</p> <p>ELC's 2018-19 to 2022-23 Financial Strategy recognises that it faces significant financial challenges resulting from the expected reduction in grant funding and a rapidly expanding population.</p> <p>Current approved spending plans require the delivery of over £9 million of additional efficiencies between 2017-18 and 2019-20.</p> <p>The total estimated level of revenue savings required over the next 5 years in addition to the current planned savings has been calculated based on a number of different scenarios and ranges from £12.4 million to £39 million.</p> <p>The Council recognises that the scale of the further savings required over the coming years presents a significant challenge.</p>	<p>Review the Council's change / transformation plans as part of the Best Value Audit Review.</p> <p>Assessing the robustness of the Council's transformation plans and other items supporting longer term plans.</p>	<p>Delivering the transformation programme will be challenging alongside increasing demands on services from a growing population. The council should ensure it reviews its transformation programme to ensure it can deliver any changes within the timescale and prioritise the projects that are most likely to result in major change and opportunities for savings. Audit Scotland will continue to monitor the delivery of this programme in future years.</p>
<p>6 Financial management</p> <p>The Quarter 2 financial report for 2017/18 identifies two services areas (Adult Wellbeing and Children's Wellbeing) as</p>	<p>Review of financial monitoring reports and the Council's financial position.</p>	<p>The end of year financial review reported that Adult Wellbeing and Children's Wellbeing both overspent against budget for 2017/18 however this was offset</p>

Audit risk	Assurance procedure	Results and conclusions
<p>high risk of not operating within approved budgets. Both service areas had difficulty operating within budget and required additional funding in the last financial year.</p> <p>There is a risk that the Council will not achieve a balanced year end position and also of future budget overspends if a sustainable budget is not developed timeously.</p>		<p>by underspends in other services and additional income and overall the Council reported a small underspend. Audit Scotland will continue to monitor the Council's financial position in future years.</p>
<p>7 Following the Public Pound</p> <p>In our 2016/17 Annual Audit Report, we reported that no reports were presented to the Audit and Governance Committee during 2016/17 regarding Enjoy East Lothian Ltd. or the other significant Group components and we could not find evidence of any routine performance monitoring / reporting to Council committees in this area. Formal reporting and monitoring arrangements should be put in place for significant Group components.</p> <p>There remains a risk that the Council is not complying with the duties set out in the Code of Guidance on Funding External Bodies and Following the Public Pound ensuring they are holding the various group components to account.</p>	<p>Attendance / observation of relevant Committee(s).</p> <p>Review of arrangements put in place by the Council in response to 2016/17 recommendation.</p>	<p>Limited progress - Reports were presented to the Audit and Governance committee on Enjoy East Lothian Ltd. (November 2017) East Lothian Land Limited (February 2018) and East Lothian Investments Limited (June 2018). An update report on Musselburgh Racecourse was also presented in June 2018.</p> <p>This remains an area requiring further improvement and we have brought forward the recommendation made in our 2016/17 annual audit report.</p> <p>Audit Scotland will continue to monitor the Council's reporting to elected members in relation to group components.</p>

Appendix 3

Summary of uncorrected misstatements

We report all uncorrected misstatements that are individually greater than our reporting threshold of £38,000.

The table below summarises uncorrected misstatements that were noted during our audit testing and were not corrected in the financial statements. Cumulatively these errors are below our performance materiality level as explained in [Exhibit 3](#). We are satisfied that these errors do not have a material impact on the financial statements.

No.	Account areas	Comprehensive income and expenditure statement		Balance sheet		Movement in Reserves Statement
		Dr £000	Cr £000	Dr £000	Cr £000	
1	Over-accrual of capital invoice			69	69	
Net impact				69	69	

Notes:

Entry 1 relates an over-accrual of a capital invoice which led to non current asset additions and creditors being overstated

Appendix 4

Summary of national performance reports 2017/18



		Apr		
		May		
Common Agricultural Policy Futures programme: further update		Jun		Scotland's colleges 2017
		Jul		NHS workforce planning
Self-directed support: 2017 progress report		Aug		
Equal pay in Scottish councils		Sept		
Transport Scotland's ferry services		Oct		NHS in Scotland 2017
Local government in Scotland: Financial overview 2016/17		Nov		
		Dec		
		Jan		
Early learning and childcare		Feb		
Managing the implementation of the Scotland Acts		Mar		

Local government relevant reports

[*Principles for a digital future*](#) – May 2017

[*Self-directed support: 2017 progress report*](#) – August 2017

[*Equal pay in Scottish councils*](#) – September 2017

[*Local government in Scotland: Financial overview 2016/17*](#) – November 2017

East Lothian Council

2017/18 Annual Audit Report

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REPORT TO: East Lothian Council

MEETING DATE: 30 October 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Financial Prospects – 2019/20 and Beyond

4

1 PURPOSE

- 1.1 To provide the Council with an update on the financial outlook for 2019/20 to 2023/24, building upon the previous 5-year financial prospects report covering the financial planning period (2018 to 2023) and updating the financial forecasts of the Council's anticipated cost pressures and changes to funding over the medium term. This report also sets out the budget development framework for 2019 to 2022.

2 RECOMMENDATIONS

2.1 Members are recommended to:

- Note the content of the report including the updated financial prospects covering the financial period 2019/20 to 2023/24;
- Agree that advance work on budget development for 2019/20 onwards commences in accordance with the potential scenarios outlined within this report; and
- Approve the budget development process set out in paragraph 3.35 of this report.

3 BACKGROUND

- 3.1 The financial prospects covering the financial planning period from 2018/19 to 2022/23 was considered and approved by Council in October 2018. This set out some of the wider forecasts and assumptions which the Council may face within the 5 year period.

- 3.2 This report updates these forecasts and extends the financial planning period for a further year to cover the 5 financial years from 2019/20 to 2023/24, and sets the context which guides the financial planning framework for the Council over the next 5 years as set out within the Financial Strategy.
- 3.3 The most recent Annual Audit Report for 2017/18 provides a summary of their key findings in relation to financial management and sustainability for the Council and amongst other messages, states the following:
- Financial Management is effective with a budget process focussed on the Council's priorities.
 - The Council and its group financial position is sustainable in the foreseeable future although rising demand, increasing costs of services and reductions to central funding will continue to place a strain on the Council's capacity to deliver services at the current levels.
 - There is a five-year financial strategy that is aligned to the Council's priorities and demonstrates how it will address future budget challenges. The Council has made savings over the past few years however the scale of the savings required to address future funding gaps will mean that more will need to be identified.
- 3.4 The continuing economic uncertainty around future public sector funding, against a backdrop of increasing demand, means that that it remains inevitable that the Council will need to find more ways of ensuring that it can continue to deliver sustainable services to the public within available limited resources. The Financial Strategy for the Council and associated budget decisions is essential to drive forward the future financial planning to ensure key services can be aligned to the Council plan and priorities.

2018-19 Budget

- 3.5 At its meeting on 13 February 2018 the Council approved a budget for 2018-19 for both General Services and Housing Revenue Account (HRA) revenue and capital, and outline budgets for subsequent financial years. The General Fund revenue budget was approved across a 3 year financial planning period (2018/19 to 2020/21) with the HRA (revenue and capital) and General Fund capital programme covering a 5 year period until 2022/23.
- 3.6 The approved revenue budget included a number of key assumptions as to income and expenditure commitments in future years, as well as the delivery of a range of efficiencies amounting to £12.5m across the 3 year period. The ability for the Council to deliver its commitments and associated outcomes within available resources is predicated on ensuring that these assumptions remain accurate and should any of these assumptions change then appropriate remedial action is put in place. A summary of key variables that were reflected within the approved budget over the next 3 years is set out below;

- **Revenue Support Grant**
 - Assumed 'flat cash' across the 3 year horizon with the exception of one further adjustment relating to the impact of a reduction in historic Loan Charge Support in 2019/20. This includes the assumption that the additional £160 million funding which was reflected within the overall 2018/19 Local Government Settlement to secure the Parliamentary Budget process is baselined, something the Scottish Government have not yet committed to. At the moment, we currently have a one year confirmed LG Finance Settlement for 2018/19, with the assumed level of Scottish Government general Revenue Support Grant (RSG) £169.053 million.
 - The general RSG funding provided from the Scottish Government currently makes up over 71% of the Council's overall funding. The current Council plans and financial strategy places a greater emphasis for the Council to become more commercial and entrepreneurial, including the need to generate increased levels of income. Whilst this continues to be reflected within current budget plans, given the significance of the grant funding, any variance to the current assumptions can have a significant financial implication to overall resources and forward plans.

- **Other Scottish Government Funding**
 - The Council also receives Scottish Government funding for a growing number of specific and new policy objectives including: Social Care Fund, Pupil Equity Fund, Criminal Justice Funding as well as additional funding provided to support the delivery of Early Learning and Childcare – 1140 hours expansion.
 - The current budget assumes that the current levels of specific grant funding will continue across the 3 year budget.

- **Council Tax Income / Yield**
 - The Council Tax income within the 3 year approved budget includes: anticipated levels of increased yield from additional properties anticipated to be built in the next 3 years, and an assumed annual Council Tax increase of 3%. The Council annually approves the level of Council Tax which is charged as part of the annual budget process.
 - Council Tax currently equates to around 24% of the overall funding provided to the Council, and will rise to 26% by Year 3 based on current budget plans. Current projected increases in Council Tax yield is driven by realistic forecasts around planned and completed housebuilding within the Council area and overall collection rates, much of which can be variable and dependent upon economic conditions.

- Given the LDP requirements and projected associated growth across the Council area, it is likely that this trend will continue in future years. However the cost of supporting wider services to support the associated growth in population and continue to deliver services at current levels is more than any associated increase received from Council Tax yield.

- **Use of Reserves**

- The current 3 year budget plans to make use of general reserves of up to £2.140 million in 2018/19 with no further general reserves applied in the subsequent 2 financial years (2019/20 and 2020/21) – this is in line with one of the key requirements of the Financial Strategy to deliver a sustainable budget. During the budget period there is however a planned draw down from a number of the specific earmarked reserves such as DSM balances and approved commitments on the Cost Reduction Fund.
- The 2017/18 audited accounts show a total General Fund Reserves balance (including the Council's Insurance Fund) balance of just over £19.0 million. Most of these reserves have already been earmarked to support a wide range of future commitments, and as a consequence, there is minimal flexibility to manage financial pressures through reliance on reserves. The current approved Financial Strategy includes the requirement to maintain a minimum level of uncommitted reserves which equate to 2% of the Council's annual running costs. In the event that the Reserves are projected to fall below this level then Members must have a clear route for bringing Reserves back up to the level over the subsequent three financial years. The level of uncommitted reserves are now sitting at around the 2% and this relatively low level of balances must be taken into consideration for a future budget framework. Effectively there are no spare council reserves.
- The importance of a clear financial strategy to steer an appropriate course of actions that delivers a recurring and stable cost base has never been higher.

- **Pay / Pensions**

- The approved 3 year budget has included the following in relation to pay:
 - For 2018/19 an assumed a pay award for all staff groups in line with the Scottish Government public sector pay policy which reflects an increase of 3% up to £36,500, a 2% for those earning above £36,500 and below £80,000 and a flat increase of £1,600 for those earning above £80,000.

- For 2019/20 and 2020/21 a budgeted increase of 2% for all staff groups
 - At the time of writing this report, this is still no formal pay award agreed for any of the Local Government staff groups for 2018/19. Should this be agreed at a level over the current budget levels, this would place an immediate and recurring pressure. By way of illustration, an additional 1% equates to around £1.4 million across the East Lothian Council workforce. National pay negotiations remain on-going with the latest pay offer for all staff groups already in excess of the budgeted levels at 3% for all pay groups.
 - Any increase in pay will also generate additional employee oncosts in terms of both employer's pension & NI contributions. In addition, we currently have in place a stability mechanism agreement with Lothian Pension Fund which provides a degree of certainty around current employer's pension contribution rates. As part of this stability mechanism, a further increase in employer's pension contributions of 0.5% increase has been budgeted for 2019/20, and a further 0.5% for 2020/21.
 - As forecast in last year's Financial Prospects report, there is a likelihood that there will be an increase to employers contributions rates related to the Teachers' Pension Scheme from the current contribution rate of 17.2% to 22.4%, resulting from the outcome of recent actuarial valuations. This amounts to a percentage increase of just over 30% with an estimated annual value of around £2M. It is likely that any new rates would be effective from April 2019 but no increase to teachers' pension contribution rates are currently reflected within the existing budget.
- **Non-pay Inflation**
 - Following an extended period of unprecedented low inflation, with some contractual exceptions, no inflationary adjustment has been made to individual service budgets. The inflationary uplift to the 2018/19 National Care Home rate has been reflected within the current budget, but no further uplift has been assumed going forward and any change to this projection is likely to place further recurring pressure on the current budget.
 - UK inflation rate as at August 2018 is currently at a 6 month high of 2.7% (up from 2.5% in July), with the next published statistics available mid October. An inflationary target of 2% remains in line with current Government policy, with the continued drive to reduce this further and driven by the wider Monetary Policy to maintain a low and sustainable inflation rate. We are however starting to see an inflationary impact through increased costs across a number of budget areas which will continue to place wider pressure on Council budgets, and a continued high level

of inflation can impact both directly and indirectly on the overall cost of services which the Council provides.

- Furthermore, the prolonged period of austerity measures continues to place significant and increasing demand on certain Council services as more individuals are relying on the support from Council based services.

- **Capital commitments including future LDP / City Deal**

- The Council already has a much increased General Services Capital Programme which has been developed to support the infrastructure requirements across the county as required by the draft LDP.
- Following receipt of ministerial approval, the LDP has now been formally adopted. Separately, a formal agreement has recently been signed in relation to the South East of Scotland City Deal. The related investments will create significant economic long term benefits for the East Lothian economy, but will place a significant financial burden upon council finances. Some of these commitments have been built into current budgets, but the formal adoption of the LDP and progress towards delivering infrastructure projects identified within the City Deal will require current budget plans to be refreshed and updated.
- The most immediate impact of this requires significant investment in the school estate to align planning for LDP commitments, and Scottish Government policies to deliver enhanced nursery provision. A significant proportion of the current approved capital plans relates to increased investment in our wider school infrastructure, and this will continue throughout the longer term capital plans. This additional investment is significant and is funded through a combination of the proposed new Developers Contributions Framework, Government grants and wider council borrowing. The related on-going servicing and running costs will need to be met by the Council.

- **Demand Growth**

- There are relatively few areas where demand growth has been built into service budgets although the current budget includes an anticipated increased in pupil school roll over the next 3 years in line with significant planning projections.
- The Council's population profile is rapidly expanding with the wider growth associated with development across the area. This will impact on the wider demography within the area, with significant growth in particular in the number of school-age children and the number of pensioners. This will create both opportunities for the Council but also will provide significant

financial challenges in terms of the provision of services to meet these growing demographic changes such as; the number of school children, care packages, waste collection etc. and ensure that the Council has the appropriate infrastructure to support these growing demands.

- The impact of the wider growth associated with the development across the County will continue to have a significant impact in future years.

- **Transformational Change / Efficiency Programme**

- A key requirement to of the current budget is the delivery of the planned programme of efficiencies, with £12.5m of recurring efficiencies already identified within the current 3 year budget.
- The current 3-year budget assumes the delivery of the following efficiencies.
 - £9.0 million service efficiencies;
 - £1.7 million enhanced programme of transformational change / commercialisation;
 - £1.75 million staffing / review of senior management.
- Whilst substantial progress has been made, the delivery of an additional £12.5 million of new savings over the next few years does not come without significant challenges. Any delays regarding the implementation of these recurring savings will create further problems in future years, with some pressures emerging through some of the planned budget savings identified within 2018/19 budget.

- **2018/19 Budgetary Pressures**

- The 2018/19 Quarter 1 Financial report which was presented to Council at end of August 2018, continued to highlight a number of significant service pressures, with particular focus on those service areas within the Health & Social Care Partnership (covering both Children's, and Adults & Older People). These services are classified as High Risk and are now operating within a formal Cost Recovery Plan. The report highlighted that forecast projections indicated that the Council was at risk of overspending during the year, and current forecasts suggest that this remains likely. The current approved 3 year budget is set on the assumption that the Council will deliver a break even position in the current year. Any change to this position will have a recurring impact on future budget plans.

General Services Budget – Prospects/Potential Implications

- 3.7 Whilst many of these assumptions still remain appropriate, the potential consequence of any movement in any of these key variables poses a very significant risk to balancing our future budgets and therefore to maintaining service provision at existing levels.

Economic / Fiscal Outlook

- 3.8 The overall economic position across the UK continues to remain uncertain. Discussions are still on-going to agree the final terms of the departure for the UK leaving the European Union at end of March 2019. With this creates significant uncertainty around the wider impact on the UK and indeed Scottish economy.
- 3.9 The Scotland Act (2016) adds another layer of complexity and uncertainty to future public sector funding projections, where a number of taxes including Income Tax have been devolved to Scotland. The devolution of these taxes will impact on the Barnett Formula and Block Grant which Scotland receives from the UK Government, and it is anticipated that by 2019/20, 50% of Scottish Government expenditure will be funded from tax revenues raised in Scotland. As a consequence, the future sustainability of public sector funding and Scottish Government expenditure will be increasingly dependent upon the actual performance of the Scottish economy.
- 3.10 In May 2018, Scotland's Fiscal Outlook: the Scottish Government's Five Year Financial Strategy was published which set out the Fiscal Framework and funding arrangements that the Scottish Government now operates within. The report outlines the Scottish Government's approach to financial management and fiscal rules and sets out a range of possible funding scenarios for the Scottish Budget over the next five years based on modelling using the Scottish Fiscal Commission's economic and fiscal forecasts as the central scenario. The Strategy also details the Scottish Government's key policy priorities and approach to supporting Scotland's economy.
- 3.11 The Five Year Strategy identifies six key commitments 'that support the Government's social contract and require significant investment'. These are:
- Health: to increase NHS resource spending by £2bn over the parliament.
 - Police: to protect the resource budget of the Scottish Police Authority in real terms over the parliament.
 - Early learning and childcare: to increase resource funding to local authorities to £567m annually by the end of the parliament to support 1,140 hours per year of childcare.
 - Attainment: to allocate £750m to the Attainment Scotland Fund over the parliamentary term.

- Higher Education: to continue to allocate £1bn each year to the sector.
 - Social Security: to deliver a more generous Carer's Allowance Supplement from 2018 and a new Best Start Grant (replacing Sure Start Maternity Grant) from 2019.
- 3.12 At face value the resource budget going forward is over £3bn higher, at £30.5bn, than it was in 2016/17. However, when the resources being transferred to pay for the new social security benefits are removed to consider the Scottish budget on a like-for-like basis, the resource budget – based on the Scottish Government's latest scenarios – is expected to be around half a percent lower in real terms by the end of this parliament compared to the end of the preceding parliament.
- 3.13 The balance of Council expenditure continues to shift with Councils being given enhanced responsibilities in areas such as early year's education and childcare services and the new Children and Young Peoples Act. Local government's core settlement, on a like-for-like basis, has declined by more than headline reductions suggest.
- 3.14 There has been some evidence of a change in the distribution of spending across broad service areas – with spending on education and social care being protected in real terms at the expense of other service areas (source: Audit Scotland: Local Government in Scotland – Challenges and Performance 2018) – reflecting demographic pressures and also policy preferences.
- 3.15 If the government's overall resource budget is falling in real terms there may be a greater than proportionate impact on 'other' areas of spend (those that are not mentioned as a specific priority), including the wider Local Government budget.
- 3.16 The UK budget day has recently been confirmed for 29 October 2018, however it remains unclear whether any agreed terms relating to EU withdrawal will have been agreed by this date, and what this will mean for any future spending projections. Following on from the announcement, the Scottish Government will now publish its draft budget on 12 December 2018 to allow a full 10 week period for the Parliamentary Subject Committees to complete their pre-Budget scrutiny. In recent years the Scottish Government has set a one year Budget, and indications suggest that this is likely to be the same for 2019/20.
- 3.17 Given the challenging economic situation, there remains significant uncertainty within the UK and also Scottish economy. Given this, my assessment suggests that it remains highly likely that the Council will receive further reductions in grant funding over the next few years, and there will be a requirement to deliver significant, additional budget reductions going forward to ensure that services can be delivered within available resources. It is therefore essential that the Council's Financial Strategy provides a practical framework within which policy choices can be identified, debated and approved. This will require some difficult

choices to be made around how resources are prioritised to best deliver local services.

Medium Term Outlook – East Lothian Council

- 3.18 Despite the many uncertainties facing Scottish local authorities, in particular those arising from reduction in Government funding, the need for medium to longer term financial planning is becoming increasingly important. Councils must ensure that they have robust financial plans in place to mitigate any potential impact arising from a wide range of variables highlighted earlier in this report. This need for medium to longer term financial planning is promoted by Audit Scotland both nationally and locally to help ensure longer term financial sustainability in the delivery of public services.
- 3.19 Scenario based financial modelling was presented to Council in October 2017 which set out projections a 5-year planning horizon. These assumptions were based on the approved 3 year budget, and have now been updated to reflect latest assumptions and extended to cover a new financial year 2023/24. The scenario based modelling has continued to focus on a range of scenarios using a relatively limited set of key variables (RSG, Pay and Non-pay Inflation) which can have the greatest impact on the on the spending projections for the Council. In addition we have introduced two further variables relating to current budget pressures, as well as potential growth in Council Tax yield. These variables have been set out to cover scenarios based on three separate options.
- 3.20 The scenario based modelling is in reality different from the approved budget model which includes a wide range of different variables all of which may ultimately impact on any future funding gap. The modelling across these scenarios are set out in more detail within **Appendix 1** of this report.
- 3.21 These scenarios have currently been modelled on top of the existing approved 3-year approved budget, and therefore any assessed funding requirement is over and above existing planned efficiencies as illustrated in the summary table set out in paragraph 3.34.

Employee Pay & Employers Pension Contributions

- 3.22 There remain a wide range of scenarios that could emerge in relation to employee pay and associated pension costs. Public sector pay in recent years have been restrained to around 1% which was broadly in line with public sector pay policy at that time. The change to Scottish Government public sector pay policy for 2018/19 is outlined in paragraph 3.6 and effectively removes the previous cap and pay restraint in recent years. This, alongside already agreed pay awards for this financial year across most other areas of public sector at or above this level, places further pressure on wider pay negotiations, and indeed future budget projections.
- 3.23 Pay projections of 2% have already been reflected within the budget for 2019/20 and 2021/21. Multi-year settlements have been agreed for a

number of public sector staff including Police and NHS, at a higher level and therefore this is taken into consideration within the financial model. Furthermore, any impact on pay results in a further increase in employers National Insurance and Pension contribution rates and therefore these costs must be taken into consideration.

3.24 Alongside this, we are already aware that the employers cost of the LGPS is projected to further increase by 0.5% in 2019/20 and a further 0.5% increase in 2020/21. Given the Council is currently operating within a stability mechanism framework until the next triennial valuation which will be carried out as at March 2020 – these assumptions are unlikely to change until then, however beyond that period there is a further risk of future increases.

3.25 The Teachers' Pension Scheme is administered by the Scottish Public Pensions Agency (SPPA) with the employer's contribution rate set by the UK Treasury. As highlighted earlier in Section 3.6, indications suggest that proposed changes to discount rate and recent triennial valuation will require an increase in employers Teachers Pension contribution rates from April 2019.

3.26 In summary the following scenarios for pay and pensions are outlined below:

- Pay
 - Scenario 1 – anticipated 3% in 2018/19, and a 2% increase from 2019/20 to 2023/24
 - Scenario 2 – anticipated 3% in 2018/19 and 2019/20, and a 2% increase from 2020/21 to 2023/24
 - Scenario 3 – anticipated 3% in 2018/19 to 2020/21 and a 2% increase from 2021/22 to 2023/24
- Pensions
 - Scenario 1 – no further increase above budgeted levels until 2023/24, and an increase in Teachers pension contribution rates of 5.2% in 2019/20 which is fully funded and no further increases.
 - Scenario 2 – a further increase of 0.5% in LGPS in 2021/21 and no further increases until 2023/24, and an increase in Teachers pension contribution rates of 2.6% in 2019/20 (half of proposed rate) and no further increases until 2023/24.
 - Scenario 3 – a further increase of 0.5% in LGPS per annum from 2021/22 to 2023/24, an increase in Teachers pension contribution rates of 5.2% in 2019/20 and no further increases until 2023/24.

Revenue Support Grant (RSG)

- 3.27 Much of the context for central government grant funding is dependent on the UK and Scottish economic projections, however given the significance of the funding provided by Scottish Government to budget levels the implications of any changes can be substantive.
- 3.28 Whilst there may be some early signs that the current period of prolonged austerity may be nearing an end, there continues to remain significant uncertainty within the UK and also Scottish economy, largely driven by the UK's withdrawal from the EU. This uncertainty alongside the likelihood of a further one year financial settlement makes it very difficult to predict future grant levels. Given this, the scenario models are based on the following assumptions:
- Scenario 1 – RSG remains in line with current 3-year approved budget, and remains static in cash terms from 2019/20 onwards
 - Scenario 2 – a reduction of 1% in 2019/20 and 2020/21 and remains static in cash terms from 2021/22 onwards
 - Scenario 3 – a reduction of 3% in 2019/20 and 2020/21 and remains static in cash terms from 2021/22 onwards.

Non-Pay / Inflation

- 3.29 Whilst overall the current budgets do not reflect a general inflationary increase, the impact of continued high levels of inflation can have a significant impact on the cost of delivering and procuring Council services. The impact of any inflationary impact on service delivery must therefore be considered with a range of scenarios and assumptions set out below:
- Scenario 1 – Inflationary uplift of 2% in 2019/20, with a reduction of 0.1% per annum until 2023/2
 - Scenario 2 – Inflationary uplift of 2.3% in 2019/20, with a reduction of 0.1% per annum until 2023/24
 - Scenario 3 – Inflationary uplift of 2.7% in 2019/20 in line with current levels with a 0.1% reduction per annum until 2023/24.

Current Pressures

- 3.30 Paragraph 3.6 sets out the current service level pressures facing the Council during 2018/19. All efforts are being made by management to contain and minimise these cost pressures, but current forecasts suggest that it remains highly unlikely that these pressures will be contained within current budget levels, and a risk that the Council will overspend this financial year. Much of these pressures are demand driven and relate to care being received by children, adults and older people, and given this, it

remains likely that these pressures will recur beyond the current year. The impact of current budgetary pressures are therefore reflected within the scenarios and assumptions set out below:

- Scenario 1 – no recurring budgetary pressure and services will continue to deliver within approved budget levels
- Scenario 2 – recurring budgetary pressure of up to £1m from 2018/19 and no further budgetary pressure
- Scenario 3 – recurring budgetary pressure of up to £3m from 2018/19 and no further budgetary pressure.

Council Tax Growth

- 3.31 Current budget plans to 2020/21 assume an estimated increase in current yield and levels of up to 3% per annum. Current forecasts for growth suggest a continued increase in council tax yield in future years, albeit that there remain risks associated with the timing and delivery of any associated future developments.
- 3.32 Further Council Tax increases of up to 3% per annum have been reflected within current budget plans, in line with the Scottish Government limit to increase Council Tax levels by no more than 3% per annum with the annual Council Tax rate established annually as part of updated budget plans. The impact of current budgetary pressures are therefore reflected within the scenarios and assumptions set out below:
- Scenario 1 – an annual increase of 3% per annum in Council Tax levels from 2021/22 and a further increase of 800 additional new homes per annum from 2021/22 to 2023/24.
 - Scenario 2 – an annual increase of 2% per annum in Council Tax levels from 2021/22 and a further 600 additional new homes per annum from 2021/22 to 2023/24
 - Scenario 3 – an annual increase of 1% per annum in Council Tax levels from 2021/22 and a further 400 additional new homes per annum from 2021/22 to 2023/24
- 3.33 The estimated total level of savings which will be required to be delivered over the next 5 years are summarised in the following table and set out in more detail in **Appendix 1** of this report.

Scenario	18/19 £'000	19/20 £'000	20/21 £'000	21/22 £'000	22/23 £'000	23/34	TOTAL
Existing Planned Efficiencies	5,017	5,612	1,894	-	-	-	12,543
1	320	1,266	1,203	1,228	1,165	1,102	6,283
2	1,320	5,539	3,392	2,589	2,215	2,152	17,207
3	3,320	10,100	8,475	3,703	3,640	3,576	32,814

3.34 All of the scenarios indicate a clear requirement that the Council will require to make large cost savings unless there is a significant improvement in the level of funding provided to Local Government through the next financial settlement and beyond. While the level of savings identified will undoubtedly change as work progresses on developing the Revenue Budget, this provides an indication of the scale of financial challenge potentially facing the Council over the next five years. Reductions on this scale would have a potentially significant adverse impact upon service delivery and it is imperative that early consideration is given to how best this might be minimised. What remains clear however is that if these reductions materialise, the Council will be required to make some difficult choices in order to balance the budget.

Budget Development Process

3.35 Officers have been reviewing the current budget development process and are recommending that the following arrangements should apply to the 2019-2022 budget. This will set the framework for the budget discussions and set out the financial platform for the development of an updated set of financial plans.

- A 3-year General Services revenue budget is prepared covering 2019/20 to 2021/22, based on a roll forward of existing budget plans.
- A longer term General Services capital budget is prepared covering the 5 year period 2019/20 to 2023/24.
- The base budget will be developed and issued to all political groups by the beginning of December. This will be updated for settlement details following the Local Government Finance settlement on 12 December.
- A budget briefing on the development of the baseline budget and key assumptions for members will be held early December.

- The Council's Financial Strategy setting out a clear direction on how the Council will manage its financial resources in the medium to long will now be considered by Council in December. This will be considered alongside a new Capital Strategy
- DRAFT budget proposals (covering both General Services and HRA) are developed by the Administration and considered by Cabinet in January 2019 covering both revenue and capital budgets.
- Other Political Groups will have the option to develop any amendments to the Administration budget, with formal proposals to be considered by Council on 12 February, where the Council budget for both General Services, HRA and Council Tax setting will be approved.

3.36 Given the high likelihood that further savings will be required to be delivered across the next few years, it is recommended that advance work on budget development for 2019/20 and beyond commences to consider the potential options outlined within this report.

3.37 It remains likely that the Council will undertake a formal public budget consultation within this time period, with discussions on-going to clarify the scope of this consultation.

4 POLICY IMPLICATIONS

4.1 There are no direct policy implications associated with this report although on-going monitoring and reporting of the Council's financial performance is a key part of the approved Financial Strategy.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report has been considered and given there is no change in policy direction, there is no requirement to undertake any further impact assessment.

6 RESOURCE IMPLICATIONS

6.1 Financial – as described above

6.2 Personnel - none

6.3 Other – none

7 BACKGROUND PAPERS

- 7.1 Council 19 December 2017 – Item 4 – Financial Strategy 2018-23
- 7.2 Council 13 February 2018 – Item 2a – Administration Amendment General Services budget proposals
- 7.3 Council 13 February 2018 – Item 3 – Rent Proposals
- 7.4 Council 28 August 2018 – 2018/19 Q1 Financial Review

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DATE	18 October 2018

Appendix 1 – Financial Modelling 2019/20 to 2023/24 and potential savings gap

	<u>Current</u> <u>2018/19</u>	<u>Year 1</u> <u>2019/20</u>	<u>Year 2</u> <u>2020/21</u>	<u>Year 3</u> <u>2021/22</u>	<u>Year 4</u> <u>2022/23</u>	<u>Year 5</u> <u>2023/24</u>	<u>TOTAL</u>
Current Planned Efficiencies	5,017	5,612	1,894				<u>12,523</u>

<u>Scenario 1</u>	<u>Current</u> <u>2018/19</u>	<u>Year 1</u> <u>2019/20</u>	<u>Year 2</u> <u>2020/21</u>	<u>Year 3</u> <u>2021/22</u>	<u>Year 4</u> <u>2022/23</u>	<u>Year 5</u> <u>2023/24</u>	
Pay / Pensions	320	0	0	2,907	2,907	2,907	
RSG	0	0	0	0	0	0	
Non Pay / Inflation	0	1,266	1,203	1,139	1,076	1,013	
Current Pressures	0	0	0	0	0	0	
Council Tax	0	0	0	-2,819	-2,819	-2,819	
TOTAL	320	1,266	1,203	1,228	1,165	1,102	6,283

<u>Scenario 2</u>	<u>Current</u> <u>2018/19</u>	<u>Year 1</u> <u>2019/20</u>	<u>Year 2</u> <u>2020/21</u>	<u>Year 3</u> <u>2021/22</u>	<u>Year 4</u> <u>2022/23</u>	<u>Year 5</u> <u>2023/24</u>	
Pay / Pensions	320	2,405	311	3,218	2,907	2,907	
RSG	0	1,678	1,688	0	0	0	
Non Pay / Inflation	0	1,456	1,393	1,329	1,266	1,203	
Current Pressures	1,000	0	0	0	0	0	
Council Tax	0	0	0	-1,958	-1,958	-1,958	
TOTAL	1,320	5,539	3,392	2,589	2,215	2,152	17,207

<u>Scenario 3</u>	<u>Current</u> <u>2018/19</u>	<u>Year 1</u> <u>2019/20</u>	<u>Year 2</u> <u>2020/21</u>	<u>Year 3</u> <u>2021/22</u>	<u>Year 4</u> <u>2022/23</u>	<u>Year 5</u> <u>2023/24</u>	
Pay / Pensions	320	3,356	1,764	3,218	3,218	3,218	
RSG	0	5,035	5,065	0	0	0	
Non Pay / Inflation	0	1,709	1,646	1,582	1,519	1,456	
Current Pressures	3,000	0	0	0	0	0	
Council Tax	0	0	0	-1,098	-1,098	-1,098	
TOTAL	3,320	10,100	8,475	3,703	3,640	3,576	32,814

REPORT TO: East Lothian Council
MEETING DATE: 30 October 2018
BY: Chief Executive
SUBJECT: Local Governance Review

5

1 PURPOSE

- 1.1 To propose an appropriate way of contributing to the Local Governance Review currently being carried out by the Scottish Government and COSLA.

2 RECOMMENDATIONS

- 2.1 It is recommended that the Council agrees to set up a cross-party working group to draft a response to the Local Governance Review. This draft response would be presented for agreement at the next scheduled Council meeting on 11 December.
- 2.2 It is further recommended that each political group on the Council nominate up to two councillors to take part in the working group.

3 BACKGROUND

- 3.1 The Scottish Government's *Programme for Government 2017-18* set out the intention to 'decentralise power to a more local level in Scotland and launch a comprehensive review of local governance ahead of a Local Democracy Bill later in this Parliament'. In December 2017, the Scottish Government and COSLA jointly launched the Local Governance Review.
- 3.2 In June 2018, the relevant Cabinet Secretaries and COSLA's President wrote jointly to Public Sector Leaders, setting out information about the Review.
- 3.3 Professor James Mitchell, who holds the Chair in Public Policy at the University of Edinburgh, undertook a scoping exercise to which council officers contributed in July 2018. The Council's Senior Management Team

also invited Prof Mitchell to join one of their regular meetings on 20 August for dialogue around the Review.

- 3.4 The Scottish Government are seeking to arrange regional events around the country: they anticipate holding an event in eastern Scotland in November, although the date has not yet been announced.
- 3.5 The deadline for responses to the Review is 14 December. In order to prepare a draft response for consideration by the Council at its 11 December meeting with the aim of receiving all party support, it is proposed that a cross party working group be established to consider the principles behind the review and possible responses from East Lothian Council.

4 POLICY IMPLICATIONS

- 4.1 This is an opportunity for the Council to contribute to a potentially far-reaching review which will look at the way the public sector is organised across Scotland.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none.
- 6.2 Personnel – the staffing resource required to service this group can be provided from within the current workforce. In order to meet the review deadline of 14 December, East Lothian Council's response would have to be agreed at the Council meeting on 11 December 2018. In order to meet the Council's deadline for reports, the draft response would have to be ready before 29 November.
- 6.3 Other – the members of this cross-party working group will need to be able to attend and contribute to at least three meetings of the working group held in November 2018. Planned dates are 6, 13 and 20 November, all at 14.00 in Haddington, with the possibility of a further meeting on 27 November.

7 BACKGROUND PAPERS

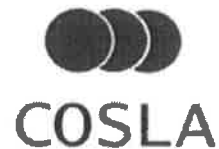
- 7.1 Letter from Cabinet Secretaries and COSLA's President, 22 June 2018 (Appendix A).

7.2 Officers' response to Prof James Mitchell's Scoping Exercise, 5 July 2018
(Appendix B).

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Scottish Government
Riaghaltas na h-Alba
gov.scot



Public Sector Leaders
By email

22 June 2018

Dear Public Sector Leader

LOCAL GOVERNANCE REVIEW – ENGAGEMENT PHASE

Programme for Government 2017-18 set out the intention to “decentralise power to a more local level in Scotland and launch a comprehensive review of local governance ahead of a Local Democracy Bill later in this Parliament”. In December 2017, the Scottish Government and COSLA jointly launched the Local Governance Review.

We believe that it is important to review how powers, responsibilities and resources are shared across national and local spheres of government and with communities in the context of significant change to the governance of Scotland over the last two decades, and in recognition that outcomes for citizens and communities are best when decisions are taken at the right level of place.

This review reflects local and national government’s shared commitment to subsidiarity and local democracy, and builds on joint agreement between COSLA and the Scottish Government to focus on and strengthen local and community decision-making and democratic governance in ways that improve outcomes in local communities, grow Scotland’s economy for everyone’s benefit, support communities to focus on their priorities, and help new ideas to flourish.

The Review of Local Governance will explore what might be achieved, and highlight opportunities for positive change. In doing so it brings a wide range of Scotland’s public services into scope, takes cognisance of reforms where work is already progressing, and will include powers and functions held at national level. It is therefore very important that we hear from you.

Many of you will know that the review is being undertaken in two key strands. First, a highly inclusive conversation with communities is getting underway, and will listen to views about how decision making can work best for towns, villages and neighbourhoods around the country. This reflects our shared commitment to community empowerment, and builds on the work already done to give people a direct say over the decisions that matter most to them. If you would like to support this process, for example by hosting events, please get in touch. As part of that

conversation, we expect people will be interested in how decisions about a range of public services can be made in the communities that they serve.

Second – the main purpose of this letter – we wish to involve you, as Scotland's public sector leaders, in a dialogue about how changes to how Scotland is governed can make the lives of Scotland's people better. Accordingly, we are now inviting you to bring forward proposals to feed into the review.

Just like the first strand, the second strand of the Local Governance Review offers a broad scope, and we anticipate that all public services will wish to offer proposals for improved governance arrangements at their level of place. This is based on an acceptance of increased variation in decision-making arrangements across the country: what is right for one place will not necessarily be right for another. For example, these could be at the level of a city or local authority, community planning partnership or regional economic grouping, or focus on how existing national arrangements can support a more local way of working.

We know that there are already many examples of working creatively across traditional boundaries to deliver responsive services for people. We want to hear how these approaches can be strengthened and scaled up, whether there are new powers or other changes that are needed to make more progress and the benefits these would produce, and about opportunities to hardwire better local governance arrangements into the places you serve. We are also keen to hear about how this landscape could be made to work better overall.

What is important is that proposals reflect our shared aspirations in light of the new National Performance Framework to tackle inequalities and drive inclusive growth, are consistent with Christie Commission principles, and strengthen local decision making.

We also want to have an interactive process with you to consider and develop ideas. Whilst we are setting a deadline for written proposals and evidence of 14 December 2018, we want to hear from you as early in the process as possible in order to understand your proposals, help them take shape and identify where other evidence or assurances might be required to deliver change, and consider how they might link with other ideas.

To get that process underway, we are seeking an initial indication of the kind of issues you would like to discuss by the beginning of September, and we will follow up this letter at that point. There is no fixed format for this, however we do want to receive your initial input no later than early Autumn in order to leave enough time to work with you on proposals. We also want to avoid setting an arbitrary date that would put you under undue pressure to take things forward. But we can't stress enough that we would welcome you getting in touch as early as possible in the process of you forming your ideas. We would of course be happy to meet with you and your networks as part of this process too.

Where there is interest in developing an idea, it will also be important to involve all partners with a potential contribution to make. For example, this approach is already opening up new possibilities for the Islands, following the commitment in Programme for Government 2017-18 to support those Island authorities who want to establish a single authority model of delivering local services.

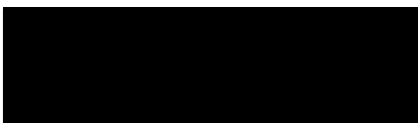
These two strands of the Local Governance Review will run in parallel for a period of around 6 months, and inform a programme of changes to governance arrangements in different places where these can increase the pace and scale of public service reform, focus on shared outcomes, and strengthen local decision making. In the event of legislative change being required a Local Democracy Bill is provisionally scheduled for introduction later this parliament. However, should you have ideas that will make a real difference, but will take longer to develop and deliver, we do of course still want to hear from you.

Joint oversight for the Local Governance Review overall is provided by the Cabinet Sub-Committee on Public Service Reform Delivery and COSLA's Political Leadership Team. These arrangements provide the primary forum for determining how proposals will be progressed, with Ministers reflecting this in the scope and content of legislation.

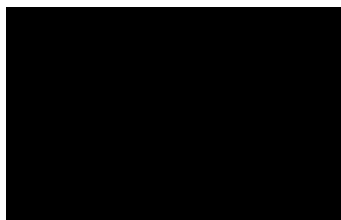
The Local Governance Review is part of a long term commitment by national and local government to place based reform and a more local approach to decision making in Scotland. The newly refreshed National Performance Framework provides a shared set of outcomes that this way of working can help to deliver. It is therefore vital that we hear from all parts of Scotland's public services in line with the timescale above. We look forward to your participation, and to discussing your proposals in the coming months.

To begin this process, you can make contact with the team at: democracymatters@gov.scot or 0131 244 0709.

ANGELA CONSTANCE, MSP
Cabinet Secretary for Communities,
Social Security and Equalities



JOHN SWINNEY, MSP
Deputy First Minister and
Cabinet Secretary for
Education and Skills



CLLR. ALISON EVISON
COSLA President



Local Governance Review: Initial Scoping Exercise Survey – response 5th July 2018

Appendix 2

Over the coming months we will be seeking to collate ideas in order to provide a collective view of reform to supplement that of individual local authorities.

This initial scoping exercise is only the first stage in this process. We are seeking brief high level responses from each local authority to three key questions.

We would appreciate responses by Friday, 29th June. As we are not seeking detailed responses at this stage we hope this deadline is appropriate but please contact us if this will prove difficult.

At this stage, we are not looking for detailed reform proposals (though please let us have such if they exist). Our aim is to collate the issues and themes from across local government to ensure that an authoritative collective view can be identified and developed.

1. Has your authority prepared a position on reform, identified key issues for reform or engaged in any other preparatory work related to the local governance reform? Can you briefly outline what has been done, if anything, to date?

East Lothian Council has not yet prepared a position on reform or identified the key issues for reform. However, the issue of public sector reform is a key element of the Council's 2017-2022 Council Plan and the Plan sets out the Council's position in relation to reform.

Firstly, the Plan is based on a recognition that significant change is required in the way the council (and public services) are delivered and in the relationship between the Council and its citizens.

"This Plan is based on the understanding that East Lothian Council cannot address the diverse needs of our population on its own. At the heart of the Plan is the concept that the Council and the people and communities of East Lothian can best deliver these solutions in partnership – 'working together for a better East Lothian'. Therefore, over the next five year, the lifetime of this Plan, the Council will increasingly become:

- an enabling and empowering authority that works with its citizens and communities, the business and third sectors and other public sector partners to deliver the solutions that work best for East Lothian.
- a more entrepreneurial authority, developing new ways of ensuring services are provided in the most effective and efficient way possible;
- a 'digital' authority, fully embracing and exploiting opportunities to use technology to deliver services."

The background context of the Plan includes a review of Public Sector Reform and the Scottish Government's Programme for Government

"The public sector in general and local government in particular is becoming increasingly complex. Public sector reform has never been higher up the public policy agenda. Whilst attempts have been made to simplify matters and create greater synergy between various

public service providers (for example, through Community Planning) other policy imperatives push in the opposite direction.

East Lothian Council has embraced public sector reform over the last few years and has implemented major changes in governance around vital services. Most notably, East Lothian established a shadow Health & Social Care Partnership Board in advance of the legislative requirement. The Council has developed an innovative form of community engagement and empowerment through establishing Area Partnerships with significant funding to direct resources to local priorities. More recently the Council and the East Lothian Partnership have been managing the transfer of responsibility for Community Justice from a regional board to the Community Planning Partnership with the establishment of a new East Lothian Community Justice Partnership.

There is growing concern about centralisation, with decisions being taken at the Scottish Government level to meet national policy agendas rather than in the best interests of East Lothian. For example, the decision to close Haddington Sherriff Court against the advice and unanimous views of East Lothian Council; some key planning decisions being overturned on appeal to the reporter resulting in wind farm developments and housing developments in areas not zoned for housing in the Local Plan. The Scottish Minister went against the unanimous views of the Council and accepted the Scottish Local Government Boundary Commission's flawed and short-sighted recommendation to cut the number of elected members on East Lothian Council from 23 to 22.

The Council also is concerned about the Scottish Government's proposals for education – moving responsibilities away from local authorities to new regional bodies. This fragmentation of a core local public service flies in the face of the approach which is being developed to take a more holistic (less silo'ed) approach to people and services, and the generally accepted view that diverse services and factors impact on children's readiness to learn and achieve their best – health, housing, physical activities (sport, leisure, access to the countryside) culture and the arts all contribute to a child's well-being and readiness to learn.

The Community Empowerment (Scotland) Act 2015 has created new duties and responsibilities on local authorities and Community Planning partners that could bring about significant change in the local government environment. However, even before these changes have been enacted, the Scottish Government is planning to carry out a major a review of local government and to introduce a Local Government and Democracy Bill.

East Lothian Council acknowledges and embraces the need for change if it will lead to improved outcomes and further our goals; as is demonstrated by our implementation of changes such as Health and Social Care integration, our support for partnership working and the vision and ambition set by the Council's Transformational Change Programme and Digital Strategy."

Finally, the Plan concludes with the following statement:

" the Council will continue to resist central government attempts, directly and overtly, to move responsibilities away from local control and accountability. A 'one size fits all' approach to reforming local government may not be in the best interests of East Lothian.

East Lothian has a proud tradition of standing on its own as an effective, well run, responsive and accountable local authority. Any proposal to reform local government and public services in East Lothian will be measured against the impact that change would have on its citizens and communities. Reform proposals will only be supported if they are in the best interests of East Lothian and help to achieve our vision of 'An even more prosperous, safe

and sustainable East Lothian, with a dynamic and thriving economy that enables our people and communities to flourish.' "

2. What, if any, plans, does you have to inform the process of reform?

The Council will encourage the public and community organisations to respond to the 'Democracy Matters' consultation. We are already signposting to the Democracy matters consultation from our Consultation portal and following the summer holidays will be writing to Community Councils, Area Partnerships and a wide range of community organisations as well as launching a social media campaign to alert the public of the opportunity to respond to the Democracy Matters consultation. At the same time we will be re-launching the Council's 'Guide to Community Participation Opportunities: Getting Involved, Making Your Voice Heard' which outlines how the Council supports and encourages community participation and engagement.

At the same time the Council will be preparing its own response to Phase 2 of the Local Governance Review with the intention of responding formally by the deadline. This will include engagement with the Council's Senior Management Team (Council Management Team plus Service managers and Head Teachers) as well as all elected members.

The Council's response will build on and develop the position set out in the Council Plan.

3. Can you provide a list of the key themes/issues/reforms, and offer these in order of priority, that you want placed on the reform agenda?

Not yet. The Council's response will be formulated over the autumn.

4. We are keen to develop a network of contacts as the review process unfolds. Please provide your contact details or that of the appropriate point(s) of contact within your organisation

Paolo Vestri; Service Manager Corporate Policy & Improvement
pvestri@eastlothian.gov.uk

Christine Dora, Executive Officer
cdora@eastlothian.gov.uk

REPORT TO: East Lothian Council

MEETING DATE: 30 October 2018

BY: Depute Chief Executive (Partnerships and
Community Services)

SUBJECT: East Lothian Council Proposed Local Transport
Strategy

6

1 PURPOSE

- 1.1 To present to Council a proposed Local Transport Strategy and associated plans for approval. Members are advised that these documents have been published in the Members' Library, Refs: 140/18 – 145/18 (October 2018 Bulletin), as detailed at Section 7;
- 1.2 To advise Council on the outcome of the public consultation and changes recommended to be made to the Strategy and associated plans (report to Members' Library, Ref: 146/18, October 2018 Bulletin); and
- 1.3 To provide a strategy that enables elected members, officers and communities to shape the way transport is developed, planned and delivered across East Lothian.

2 RECOMMENDATIONS

- 2.1 To note the outcome of the consultation and recommended changes to the Strategy following the consultation process.
- 2.2 To note that the Local Transport Strategy sets out the policy framework and provides the necessary tools to enable development of appropriately justified interventions. All projects will require further public consultation and be financially viable.
- 2.3 To approve the adoption of the proposed Local Transport Strategy and associated plans.

3 BACKGROUND

- 3.1 On 27 February 2018, East Lothian Council agreed to approve, for consultation, the draft Local Transport Strategy, associated plans

and supporting supplementary documents.

- 3.2 Transport is fundamental to everyday lives. Transport networks move people and goods from origin to destination, they are vital to the economic vitality of our towns, businesses and communities.
- 3.3 Connecting people, integrated transport options and vibrant communities are key in growing East Lothian, the wider city region and Scotland as a whole. Easy to use, reliable, frequent, integrated travel and transport system that connects communities for all users is central to delivering the Council's ambitious plans, strategies and projects.
- 3.4 The Local Transport Strategy has an important role to play in providing for East Lothian as an excellent place to live, work and invest. Growing the county through the Council Plan, the City Region Deal and the Local Development Plan will require the provision of improved and new infrastructure, integrating transport systems, quality and reliable public transport, choice of transport modes and a safer transport network.
- 3.5 East Lothian Council recognises that the promotion of healthier travel options is key to providing safer, sustainable, low carbon environments and the adoption of the Strategy through the Active Travel Improvement Plan, aligned with the Cycling Action Plan for Scotland and investment for improvements in physical activity enables this.
- 3.6 The Strategy has been developed around five main themes reflected in four action plans:

Active Travel Improvement Plan (ATIP)

The ATIP focuses on improving health and well-being by promoting active travel and sustainable transport options. Key outcomes are to

- 1) improve air quality
- 2) reduce congestion
- 3) improve connectivity
- 4) encourage active life-styles
- 5) improve integration.

Parking Management Strategy (PMS)

The PMS focus is on a hierarchical approach to parking, to evaluate parking supply and demand and use appropriate interventions to improve town centre vitality and vibrancy, to improve accessibility for all users, to encourage the use of public transport.

Road Asset Management Plan (RAMP)

The RAMP promotes good stewardship of existing road infrastructure assets within the Budget that is available, sets out appropriate means to test and evaluate the condition of the network and recommends suitable maintenance treatments over the whole life of the asset.

Road Safety Plan (RSP)

The purpose of the RSP is to provide safer roads for all users through a co-ordinated approach with partner organisations to manage speed, provide engineering improvements, educate, and encourage safer road practises.

- 3.7 An online consultation exercise ran from 30 March to 10 May and seven workshops were held in Musselburgh, Tranent, Haddington, Dunbar, North Berwick, Prestonpans and Gullane. A detailed report has been lodged in the Members' Library for consideration.
- 3.8 The consultation process was well received by all groups and organisations; however, consultees raised certain matters.

Accordingly, it is recommended the following items are added or amended within the Strategy and plans:

- Local Transport Strategy: Amend the Land Use Integration Section – Tranent. Replace the sentence 'However, this is not necessary at this time', with 'To assess the implications, constraints, and viability of a bypass, a feasibility study will be commissioned to determine the acceptability and cost of this intervention.
- Local Transport Strategy: Add in 4.6 Encouraging Sustainable Travel (policy 5) – Improving Buses after the last sentence - 'In this regard the Council will prioritise limited resources to support the services, which will deliver the greatest benefits. However, it is recognised that accessibility to local facilities, particularly hospitals and amenities can be challenging and the Council will work with partners to provide regular reliable services, where possible.
- Local Transport Strategy: Encouraging Sustainable Travel – Minimising Environmental Impacts. Second paragraph, after the sentence, 'The main source of the NO2 pollution is from road traffic and the Council will consider ways in which the traffic related air pollution can be reduced'. Add, 'Consideration of the Transport (Scotland) Bill June 2018, Part 1 – Low Emission Zones and subsequent Act and regulatory framework to mitigate exceedance air quality levels may be applicable, however, this would be subject to further consultation. The introduction of Low Emission Zones (LEZ) and partnership working with the City of Edinburgh may also be appropriate in the circumstances.

- Local Transport Strategy: in 4.6 Encouraging Sustainable Travel (policy 5) – Add in Second paragraph, after Quality Contracts (inclusive of the provisions of the Transport (Scotland) Bill Part 2 – Bus Services and subsequent Act and regulatory framework)
- Local Transport Strategy: in 4.6 Encouraging Sustainable Travel – Information Technology add the following paragraph, last paragraph ‘East Lothian recognises that to facilitate ‘door to door’ public transport integration a National cross boundary integrated ticketing scheme is necessary. East Lothian supports the Scottish Governments aspirations about ticketing arrangements and acknowledges the provisions of the Transport (Scotland) Bill Part 3 – Ticketing arrangements and Schemes and subsequent Act and regulatory framework).
- Road Asset Management Plan: Policy 6 will be deleted and replaced with the following. ‘Street Furniture will be replaced depending on the condition of asset and risk to the public. Street furniture of significant deterioration or deemed to be in a dangerous condition will be restored according to the Service Standard’.
- Parking Management Strategy: Policy 5 is replaced with the following: The Council will assess the demand on town centre parking supply and appraise, where appropriate, the introduction of charging for off-street car parks and/or for on-street parking places. The introduction of restrictions and charging has the potential to boost the financial viability and community/business prosperity of an area by increasing turnover. All parking regimes would require annual monitoring.
- Parking Management Strategy: Parking Policy 7, Add ‘including Taxi stance’ to after the word provision and add ‘and taxi stance’ in the preceding preamble after the word provision.

- 3.9 Subject to adoption of the Local Transport Strategy, its plans, national guidance and associated legislative frameworks. Individual projects in delivering the LTS may necessitate further consultation and approvals.
- 3.10 The East Lothian Council Local Transport Strategy and associated plans are dynamic documents with set indicators and targets to evaluate the effectiveness of the strategy and will continue to evolve and change to respond to funding opportunities.
- 3.11 The Council will make appropriate governance arrangements to ensure progress is made on the strategy, that projects are well organised and led.

4 POLICY IMPLICATIONS

- 4.1 The adoption of the Local Transport Strategy and associated plans will contribute the East Lothian Plan 2017-27 focusing on the safety, sustainability and economic growth agenda.
- 4.2 The introduction of Local Transport Strategy and associated plans will contribute towards providing a Safer Environment - a key priority for East Lothian Council.
- 4.3 The introduction of the Local Transport Strategy and associated plans will contribute focus on the needs of cyclists, pedestrians and users of public transport.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report will affect the wellbeing of the community or have a significant impact on equality, the environment or economy. Accordingly, an integrated impact assessment and a strategic environmental assessment (SEA) have been carried out. In accordance with the Environmental Assessment (Scotland) Act 2005, an SEA Post Adoption Statement will be prepared to set out how environmental considerations have been taken into account in the LTS and how any likely significant effects on the environment, as assessed through the SEA, will be monitored.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - The delivery of the interventions necessary to implement the Strategy and associated plans cover a 5-year period is estimated to be a total of £69 million (capital and revenue). However, it is likely that these will be required over a period of time dictated by the rate of development within East Lothian. Current expenditure on asset management – maintenance and renewals £50m, transport interventions £5m, parking improvements £3m, road safety £1m and £10m for active travel. Match funding opportunities are available from Transport Scotland and partner organisations.
- 6.2 Personnel – To assist with the delivery of the Local Transport Strategy and growth agenda a service review will be necessary to re-align staff and resources to deliver the ambitions of the Council.
- 6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Strategy, Members’ Library Ref: 140/18 (October 2018 Bulletin)
- 7.2 East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Active Travel Improvement Plan, Members’ Library Ref: 141/18 (October 2018 Bulletin)
- 7.3 East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Parking Strategy, Members’ Library Ref: 142/18 (October 2018 Bulletin)
- 7.4 East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Road Assessment Management Plan, Members’ Library Ref: 143/18 (October 2018 Bulletin)
- 7.5 East Lothian Council Proposed Local Transport Strategy 2018-24 – East Lothian Partnership Road Safety Plan 2016-20, Members’ Library Ref: 144/18 (October 2018 Bulletin)
- 7.6 East Lothian Council Proposed Local Transport Strategy 2018-24 – Environmental Report, Members’ Library Ref: 145/18 (October 2018 Bulletin)
- 7.7 East Lothian Council Proposed Local Transport Strategy 2018-24 – Public Response to Consultation, Members’ Library Ref: 146/187 (October 2018 Bulletin)
- 7.8 Report to East Lothian Council on 19 December 2017: East Lothian Council Local Transport Strategy
- 7.9 Report to Council on 27 February 2018: East Lothian Council Local Transport Strategy

AUTHOR’S NAME	Peter Forsyth
DESIGNATION	Asset and Regulatory Team Manager
CONTACT INFO	Peter Forsyth
DATE	18 October 2018

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

7

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 29th May 2018
- 7.2 Report to East Lothian Council from the Depute Chief Executive Partnerships and Community Services to East Lothian Council on the 11th 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](#)

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Appendix 1

Iain McFarlane
Service Manager, Planning
East Lothian Council

By Email:
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
astewart3@eastlothian.gov.uk

REPORT TO: East Lothian Council

MEETING DATE: 30 October 2018

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Adopted East Lothian Local Development Plan 2018 Statutory Supplementary Guidance: Report on Consultation Responses to the Developer Contributions Framework

8

1 PURPOSE

- 1.1 Following the adoption of the East Lothian Local Development Plan (ELLDP 2018) on 27 September 2018, this report seeks Council approval of the Developer Contributions Framework (DCF) as formal Supplementary Guidance (SG) that the Council intends to adopt.
- 1.2 Council approval is also sought to submit the DCF to the Scottish Ministers for their review, as required by Section 22 (6) of the Town & Country Planning (Scotland) Act 1997 (as amended).
- 1.3 The report further seeks approval that the Council adopt the DCF as statutory SG if the Scottish Ministers give clearance to the Council that it may be adopted. As such, as soon as the Scottish Ministers give clearance to the Council that their review of the DCF is complete, or if no response is received within 28 of submission to Scottish Ministers, then the Council may adopt the DCF without any further modification and it would become constituted as adopted SG. This is intended to provide the Council with an adopted DCF as quickly as possible as part of the up to date development plan.

2 RECOMMENDATIONS

- 2.1 That the Council approves the responses to the representations received during the June and July 2018 consultation on the updated Developer Contributions Framework – Set out in Annex 1.
- 2.2 That Council gives its intention to adopt the Developer Contributions Framework as Statutory Supplementary Guidance (this document has been lodged in the Members' Library, Ref: 147/18, October 2018 Bulletin).

- 2.3 That the Council submit the Developer Contributions Framework to Scottish Ministers for a minimum 28 day review period, as required by Section 22 (6) of the Town & Country Planning (Scotland) Act 1997 (as amended).
- 2.4 That subsequent to no changes being directed by Scottish Ministers, or no response being received from Scottish Ministers at the end of the 28 day period, that the Council adopts the Developer Contributions Framework as Statutory Supplementary Guidance for the assessment of financial contributions as required in the determination of planning applications.
- 2.5 That the Council grant delegated authority to the Head of Development to make non material amendments to the Developer Contributions Framework, Consultation Responses and accompanying Technical Note and delegated authority to approve a summary of the consultation and engagement on the Developer Contributions Framework to be submitted to Scottish Ministers alongside the Developer Contributions Framework.

3 BACKGROUND

Processes for preparing statutory Supplementary Guidance

- 3.1 Now that ELLDP 2018 is adopted, the Council's intention is that it will be supported by statutory Supplementary Guidance setting out on the likely nature and scale of the key planning obligation costs in advance of the application process, as per ELLDP 2018 Policy DEL1: Infrastructure and Facilities Provision. An initial draft of the DCF was consulted on when the proposed LDP was published for representation in 2016. A version of the DCF was consulted upon over June and July 2018 after being updated to take account of modifications set out in the ELLDP Examination Report. Consultation representations received on these earlier versions of those documents have been taken into account in the updated DCF that is currently before the Council (see Annex 1).
- 3.2 The statutory process for the preparation of statutory SG must be followed by the Council. For statutory guidance to be prepared, the ELLDP 2018 contains a policy 'hook' in Policy DEL1 that signposts and enables this. Such guidance must also be limited to providing further information or detail on such policies.
- 3.3 Statutory SG is not subject to Examination in Public, but the Council must consult on a draft version of it with stakeholders. Following two consultation exercises, this version of the guidance that the Council intends to adopt, and the approach to and outcome of the consultation and any consequential modifications to the draft version of the guidance, must be reviewed by the Scottish Ministers. This review must complete and the Scottish Ministers must give their clearance to the Council such that it may adopt the statutory guidance. If adopted, statutory SG will become part of the development plan and therefore carry significant weight as a material consideration in planning decisions.

Developer Contributions Framework Supplementary Guidance

- 3.4 The DCF provides clear, evidence based guidance on the likely nature and scale of the key planning obligation costs in advance of the application process. On 6 September 2016, the Council approved for consultation a draft DCF. This coincided with the representation period for the proposed LDP so both documents could be read together. On 29 May 2018, the Council approved for consultation an updated draft of the DCF which had been modified to take account of the implications of the development sites which had been added and removed from the ELLDP 2018 and modifications to Policy DEL1.
- 3.5 This guidance should therefore provide a better context for assessing land costs and for assessing the viability of development sites and projects, thereby reducing the chances of non-effective sites. It was also prepared to assist the Council in understanding its role in delivering the interventions required to deliver the ELLDP 2018. The main purpose of the statutory guidance is to provide the Council, developers and communities alike early sight of the need to mitigate the impact of new development within the area, and how this is to be provided for through the planning process.
- 3.6 During the 2018 consultation period on the DCF, 12 organisations submitted representations on the DCF. The Council's responses to the 2018 DCF consultation representations and details of where modifications to the DCF are required as a result of the representations are set out in Annex 1 of this Council Report.
- 3.7 Consistent with relevant ELLDP 2018 policies, the DCF seeks developer contributions towards the provision of the following:
- **Transport network capacity**, including for active travel, rail and the strategic and local road networks;
 - **Education facilities capacity**, including for pre-school, primary school and secondary school levels;
 - **Affordable housing**, which may include provision of housing and support services to meet the needs of older people as well as those with long term health needs including learning disability, mental health needs or physical disability or younger people with health and social care needs;
 - **Sport facilities capacity**, including formal indoor and outdoor recreation and changing facilities; and
 - **Health and social care facilities capacity at Blindwells**, including General Practitioner Services.
- 3.8 The DCF approach reflects that the planning system allows mitigation (financial or in kind) to be sought from applicants towards delivering additional infrastructure capacity that is required to mitigate the impact of their development on an individual and/or cumulative basis as appropriate, consistent with Circular 3/2012: Planning Obligations and Good Neighbour

Agreements. Planning policies can also require that provision is made for other interventions, such as provision for affordable housing as part of market housing development. Together, these interventions are normally called 'developer contributions'. The DCF is also clear that developer contributions are to be used for the purpose originally intended and not for any unconnected purpose, for example, to remedy any existing deficiencies in provision.

- 3.9 In order to deliver the ELLDP 2018, in addition to the Council's own on-going investment in its infrastructure and facilities, additional investment will be required from developers to provide for the transport, education, community, healthcare and affordable housing requirements, or other infrastructure or environmental mitigation, the need for which will arise as a result of their new development on an individual and on a cumulative basis as appropriate. In the preparation of the DCF, the Council has worked with service and infrastructure providers to identify opportunities, constraints and likely costed mitigation solutions for planned development. The need for such mitigation can be generated by an individual development, or by the cumulative impact of a number of developments in an area.
- 3.10 Scottish Government Circular 3/2012 is clear developer contributions can only be sought where they are necessary to make a proposal acceptable in planning terms (overcome a barrier to the approval of planning permission); serve a planning purpose (provide or contribute towards mitigation that is normally identified in the development plan); be related to the proposed development either as a direct consequence of it or arising from the cumulative impact of development in an area (there must be a clear direct link between development and the infrastructure to be provided), fairly and reasonably relate in scale and kind to the development (provide or contribute to the provision of infrastructure that would not be necessary were it not for the development, on a proportionate pro-rata basis as appropriate, but not to resolve existing deficiencies); and be reasonable in all other respects.
- 3.11 ELLDP Policy DEL1 sets out that developer contributions will be required from proposals of 5 or more dwellings or employment, retail, leisure and tourism proposals of 100m² gross floorspace or larger. The DCF identifies the contributions that are likely to be required from developers in association with their proposals in different developer contribution zones within East Lothian. Appendix 1 of the ELLDP 2018 sets out the zones within which contributions from applicants towards the interventions required to accommodate planned development can be sought. These developer contribution zones relate to school catchments, distance standards from sports facilities to be provided and transportation model zones based on where planned development is located and its relationship with required transport interventions.
- 3.12 The likely levels of contributions set out in the DCF are based on a combined infrastructure assessment undertaken at the time of proposed LDP preparation. This assessment has been updated in light of the

proposed LDP Report of Examination and ELLDP 2018 development strategy.

- 3.13 The 2018 DCF was updated since the 2016 consultation draft to take account of the implications of the modifications recommended within the LDP Examination Report. It recommended that three sites within the proposed LDP for housing (one with some employment land) be removed from the proposed LDP, and that one housing site be added. These recommendations are reflected in the adopted ELLDP 2018 and the DCF has been updated in that context. The update also takes account of infrastructure demand assessment changes since 2016. This includes an updated development programme from the 2015 base of the previous draft guidance, such that the updated DCF is based information at March 2018, which is the most up to date information available.
- 3.14 The Report of Examination recommended modifications to Policy DEL1 (Issue 31), which arose from the Council's own suggested modifications during the examination process. These suggestions were made to take account of a Supreme Court Judgement on such matters issued as the Examination was on-going.
- 3.15 In October 2017, the Supreme Court determined that statutory Supplementary Guidance on the Aberdeen City and Shire Strategic Transport Fund (STF) should be quashed because it did not comply with relevant policy and law relating to the justification for developer contributions. In effect, the STF required developers to pay a fixed rate of contributions per dwelling towards a package of transport interventions, regardless of the link between individual proposed developments and the individual transport interventions. However, the need for developer contributions must be determined on a case by case basis during the assessment of planning applications, and fixed rates cannot be prescribed and pre-determined in advance. To do the latter would be tantamount to operating a development levy or roof tax, which is not currently permitted under Scottish planning law.
- 3.16 Subsequent to this, the Reporter issued Further Information Request 16 (FIR16) which sought the Council's view on the implications of this Supreme Court decision on its intention to operate its proposed LDP developer contributions policies, including the draft DCF. The Council's response to FIR16 set out clear differences between the STF and the Council's approach and why the Council's methodological approach complied with developer contributions policy and law. The Council's approach was accepted within the proposed LDP Report of Examination.
- 3.17 However, to ensure full compliance with the Supreme Court Decision the Council suggested potential modifications to Policy DEL1 so that the DCF now sets out the '*likely nature and scale*' of contributions in advance of applications rather than prescribing and pre-determined these. The suggested modifications and the reasoning behind them were accepted by the Reporter who incorporated them into the suggested modifications for

Issue 31: Delivery. These changes are reflected in Policy DEL1 of the ELLDP 2018 and in the updated DCF.

- 3.18 Accordingly, the updated DCF sets out the detailed methodology and assessment principles for how developer contributions towards education, transport, sports facilities and health infrastructure will be determined at the time applications are made. It also sets out the '*likely nature and scale*' of contributions that will be expected from applicants based on a cumulative assessment of the ELLDP.
- 3.19 However, as applications come forward the context for their assessment may change, including scale and phasing, and so the scale of infrastructure required or proportion of need related to a development proposal may change over time, thus so too the level of contributions required to mitigate its impact. Consequently, the developer contribution levels expressed in the DCF are not to be taken as mandatory, since the actual requirement for contributions and their subsequent levels will be confirmed on a case by case basis in the assessment of each planning application, taking all committed and planned development into account. This is reflected throughout the DCF.
- 3.20 With regards to transportation contributions, an updated Transport Appraisal was required by Transport Scotland, even though the Council considered that what had been published with the proposed LDP was sufficient. This work was completed in October 2017 and the outputs provided a different breakdown of trips between originating developments and the transport interventions considered necessary to support LDP delivery. As a result of this, and the recommended addition and removal of sites from the LDP by the Reporter, the distribution of transport infrastructure costs to individual developments was altered. The costs of the interventions have also changed through more detailed design work.
- 3.21 The 2018 updated DCF, which contained these different transport contribution values was approved for consultation at the 29 May 2018 Council meeting. However, there were applications for seven LDP allocated submitted prior to the Council meeting which had not been determined. Officers, in consultation with Transport Scotland and Network Rail therefore considered not to be appropriate to seek transport contributions at higher 2018 levels for these seven proposals as applicants had not been aware of those contribution levels in advance of submitting the applications. All application submitted after 29 May 2018 will be assessed against the 2018 DCF transportation requirements.
- 3.22 Officers will continue to monitor demand and the likely nature and scale of the interventions required, thus the likely nature and scale of developer contributions required, as well as when required interventions should be delivered. It is the current intention that the outcome of this review will be regularly reported to the Council as part of the Council's budget setting and financial strategy processes.

4 POLICY IMPLICATIONS

- 4.1 The DCF SG is an essential component of delivering the strategy of the LDP. It will be used in the determination of planning applications to assess the level of developer contributions required to make a development acceptable. Through its operation the Council will seek to recover approximately £110M of £177M estimated infrastructure costs required to deliver the LDP.

5 INTEGRATED IMPACT ASSESSMENT

The subject of this report has been through the Integrated Impact Assessment process through the ELLDP and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – The growth resulting from the implementation of the adopted ELLDP 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 DCF SG 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 likely contribution requirements are set out within the LDP Action Programme as well as the DCF SG. 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. Now the LDP is adopted, there is 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 Personnel – service providers will be required to provide responses to proposals in line with the demand assessment process set out in the DCF SG.

7 BACKGROUND PAPERS

- 7.1 Developer Contributions Framework Supplementary Guidance (Members' Library Ref: 147/18, October 2018 Bulletin)

- 7.2 DCF Technical Note 14 (Members' Library Ref: 148/18, October 2018 Bulletin)
- 7.3 DCF Technical Note, including DPMTAG Report and Developer Contributions Framework: Outline Methodology Report (Members' Library Ref: 149/18, October 2018)
- 7.4 LDP Transport Appraisal (Members' Library Ref: 150/18, October 2018 Bulletin)

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Annex1 - 2018 Developer Contributions Framework: Council Responses to Representations Received

Barratt & David Wilson East Scotland	Q1 – Section 1-3 DCF	Windfall
Key Points from Representation	<p>Infrastructure delivery is a critical issue for developers trying to deliver both private and affordable homes across East Scotland. BDW supports East Lothian Council's early engagement with infrastructure providers, which should assist in ensuring delivery of development and the realisation of the Local Development plan overall.</p> <p>BDW welcomes the ability for developers to engage at an early stage with the Council and for Developer Contributions to be identified and discussed early in the Development Management process. Again this helps with planning the both the financial and practical delivery of developments as efficiently as possible.</p> <p>We also welcome the Council's confirmation that it will assess each proposal on a case by case basis, taking in to account viability constraints where relevant.</p> <p>With regard to Windfall sites, again each should be assessed on a case by case basis taking in to account the current circumstances. It is not appropriate to reserve infrastructure capacity as suggested at 1.21. If infrastructure provision is planned, or has been delivered and a development makes an appropriate contribution then it status as a windfall site should not be a reason for permission not to be supported. Indeed this approach could undermine the timely delivery of both development and infrastructure.</p>	
ELC Response	Each site will be assessed on a case by case basis. However, if catchment capacity is required to provide capacity for LDP allocated sites which are identified as effective, then that capacity will be reserved for those sites. This will be informed by the Housing Land Audit process. If an allocated sites becomes ineffective for a period of time and action is unable to make it effective, then it may not be appropriate to continue to reserve infrastructure capacity.	
Modification	Modify paragraph 1.22 to state that this will be informed by the Housing Land Audit process.	
Geddes Consulting	Q1 – Section 1-3 DCF	Elsick, Contribution Zones and Triviality
Key Points from Representation	The relevance of the Elswick Supreme Court decision for this Developer Contributions Framework is the validity of an approach which is based on contribution zones. This is relevant insofar that the Council needs to address and be satisfied that the matter of triviality has been taken into account in its requirement for contributions to the proposed mitigation.	
ELC Response	De Minimis – See response to question 2.	
Modification	None required	
Geddes Consulting	Q2 – Pages 13-31 of DCF	Transport Contribution Zones
Key Points from Representation	The Council uses contribution zones to calculate the financial contributions to fund planning obligations to take account of transport impacts. As highlighted by the Elswick Supreme Court decision, the Council's approach needs to consider the triviality of any impacts from developments in these contribution zones.	

	<p>The Elswick Supreme Court decision now requires the Council to define what it considers to be a trivial impact. Any trivial impact within a contribution zone should be excluded from making a financial contribution to the required mitigation.</p> <p>A review has been undertaken of the Council’s Transport Appraisal – DPMTAG (Development Planning and Management Transport Appraisal Guidance) Final Report which was produced by Peter Brett Associates LLP. It is noted that this Technical Report has been reviewed six times since its original publication over a period of less than year. This issue of what is a trivial impact has not been addressed. This equally applies the Council’s East Lothian Modelling Framework: Developer Contribution Framework: Outline Methodology: Technical Note also produced by Peter Brett Associates LLP.</p> <p>The definition of what constitutes a trivial impact has not been explained nor taken into account in the Council’s Framework when deriving its financial contributions for the transport mitigations promoted in the Framework. Accordingly, the Council’s approach is not sound with regard to the triviality of impacts arising.</p>
ELC Response	<p>The Council has demonstrated that its approach to setting contributions meets the scale and kind test as they are in line with the proportion of the impact from the development to the intervention. The Council is not seeking any contribution that is out of scale of the relationship between the development and the planned intervention. In the case of the Aberdeen Strategic Transport Fund, the Supreme Court found that it sought contributions at a fixed level per house regardless of the scale of relationship.</p> <p>The Council has already addressed the matter raised in the representation as set out on page 51 of 2018 Technical Note 14 published as part of the consultation. It states:</p> <p>A representation was received on the Proposed Plan that the small size of some of the transport contributions sought indicated that there was an insufficient strength of relationship to warrant a developer contribution under the necessity test. The LDP Examination Reporter in dealing with this unresolved representation set out the following (page 1060) “regarding the scale of contribution varying within zones, such an effect is to be expected if the strength of scale and kind relationship between individual sites and interventions is to be reflected. This does not mean that where this results in small amounts it is necessarily trivial. Therefore, I consider that the reference to contribution zones should remain within Policy DEL1. The threshold for the application of Policy DEL1 which excludes proposals of less than five dwellings and commercial development of less than 100 square metres also suggests a proportionate response in dealing with this matter.”</p> <p>As set out in the updated DCF page 13, the Council will confirm in all cases whether a contribution is required with each being assessed on a case by case basis.</p>
Modification	None required.

Geddes Consulting	Q3 – Pages 32-56 Local Contribution Zones	School Projections and Accommodation Schedules
Key Points from Representation	The Council’s financial contributions have sought to follow an approach which meets all of the tests in Circular 3/2012.	

Geddes Consulting has reviewed the projected impacts from pupils from new housing. It is observed that the projections of future P1 Intakes form a significant input into the requirement for additional accommodation. This tends to be significantly higher than its own modelling would suggest. Accordingly, the Council's education accommodation requirements could be potentially too large.

The Council recognises that calculation of P1 Intakes is a critical factor in the need for additional accommodation. It is therefore important that there is transparency about the calculation of future P1 Intakes. The Council therefore needs to demonstrate its forecasting of the P1 Intake for all its schools in East Lothian is valid; is transparent and accords with the tests in Circular 3/2012.

Based on our experience in undertaking school impact assessments in East Lothian, it is unclear how the Council actually calculates its future P1 Intakes.

From an examination of the Council's school projections beyond the known data sets (the next 5 years), it suggests to us that whatever the formula adopted by the Council is, it significantly increases the overall number of pupils beyond those expected when taking into account the base and established supply forecasts, and the calculation of the Child Per House Ratio (CPHR) to the number of new homes to be built. This is primarily caused by an unknown significant increase in the P1 Intake over the projection period.

Without detailed explanation about the formula in the modelling assumption and the arithmetic of the calculation of P1 Intakes, there appears to be an over-estimation of the education impacts arising from all new developments in East Lothian. Consequently, the scale of mitigation promoted in the Framework could be over-estimated across those primary and secondary schools identified.

This matter requires further clarification to avoid the Council's projection methodology not being accord with the tests in Circular 3/2012. It may be the case that the contributions being sought from LDP sites do not fairly and reasonably relate in scale and kind to the direct and cumulative impacts of the proposed developments.

Another matter which requires to be addressed is the availability of further detailed information required to substantiate the mitigation measures provided in the Framework.

Given that education mitigation measures have been derived in the Framework such as accommodation requirements, accommodation schedules should be readily available when an applicant wishes to understand both the costs of the planning obligation and the calculation of the financial contribution. For example, the presentation of the education planning obligations and financial contributions in the Framework refers to defined accommodation requirements, expressed in floor space terms. It is a reasonable expectation that this mitigation measure should be supported by an accommodation schedule and architectural feasibility study to support the calculation of floor space requirements for school extensions.

It is noted in Section 4 of Technical Note 14 that further assessment of the proposed education mitigation has been undertaken but not provided as part of this consultation. Outline design proposals and costs have been prepared for the required expansion of

	<p>existing primary schools and where relevant, apportioned proportionally and pro-rata (including between the Council where necessary) on the following basis</p> <p>In practice, this information should be readily available and shared with an applicant if a 'minded to grant' development management decision is reached and a legal agreement is being drafted. Without the sharing of this information during the stage of finalising a Section 75 Agreement for an application, the Council is not in a position to fully explain or justify the scale of the planning obligation and therefore the financial contribution demanded.</p>
ELC Response	<p>Projection calculations and P1 intakes – See Appendix 1 for Council Response. The Council maintains that its projections methodology is in line with the requirements of the circular.</p> <p>The Council is willing to make cost breakdowns of contribution requirements available during the application process.</p>
Modification	<p>Set out in Step 2 of the 14 step process on page 63 of the DCF that:</p> <p>Results of the demand assessments will be provided to applicants, including breakdown of infrastructure costs and how proportions have been calculated.</p>

Geddes Consulting	Q5 – Technical Note	School Projections, Forecasting Guide and Available Evidence
Key Points from Representation	<p>The Council has sought to provide a comprehensive evidence base for the calculation of its planning obligations and the resultant financial contributions set out in its Framework.</p> <p>A review has been carried out of the projection methodology adopted by the Council and explained in its Education Provision Forecasting Guide. The Council rightly highlights that the calculation of its P1 Intake is a key consideration in determining the planning obligations required for delivering education infrastructure.</p> <p>Despite its best endeavours, the Council has not fully detailed its formula and assumptions in arithmetic terms which allows the understanding of, and the implications of its forecasting methodology for the future P1 Intake to be assessed. Paragraph 9.2 ii in the Education Provision Forecasting Guide states as follows:</p> <p>Future P1 intake assumptions are made for each catchment primary school based on three key sets of data: live births data from the NHS tracked for each primary school catchment area; historical net birth to P1 admission migration rates for each catchment area – this data tracks P1 deferrals as well as district/non district intake; and P1 intake rates arising from new residential developments over time. These three key supporting datasets are analysed to assess the potential cumulative impact of future housing on P1 intakes over time. Births and P1 pupils from new housing sites built since 2003/04 are separated out from births and P1 pupils from existing properties within a catchment area to make informed judgements about the projected baseline birth and P1 intake rates for each catchment school and avoid any potential over inflating when the projected new build element is added on.</p> <p>This approach appears to meet the tests in Circular 3/2012. However, none of the trends in these data sets are presented for each school and, the formula and weight to be given to each data set for the arithmetical calculation used is not presented.</p>	

	<p>Accordingly, it is not possible to understand how the integration of these three data sets impacts on the future P1 Intake and consequently, the requirement for the planning obligation.</p> <p>What is known is that the Council’s forecasts of P1 Intakes results in the following:</p> <ul style="list-style-type: none"> • A level of P1 Intakes into all of its schools well above the historic P1 Intake baseline, without any new housebuilding; and • A level of P1 Intakes is significantly above the pupil Intake expected from the new developments by applying the CPHRs to the overall scale of development proposed. <p>The Council may be applying future growth to the historic pattern of births but this is not known. If this is the case, such growth should not be considered a direct or cumulative consequence of LDP developments, as it is the CPHR that measures the impact of new house building over and above current committed development from the established supply and baseline demographics.</p> <p>It is thought that the projected P1 Intake could be at least 25% higher than what would be expected. Accordingly, the Council’s methodology may be overstating the future P1 Intake attributable to the direct or cumulative impact from LDP housing development.</p> <p>If this is the case, then the Council’s methodology is in breach of following tests of Circular 3/2012:</p> <ul style="list-style-type: none"> • necessary to make the proposed development acceptable in planning terms (paragraph 15) • relate to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area (paragraphs 17-19) • Fairly and reasonably relate in scale and kind to the proposed development (paragraphs 20-23) <p>What the Council requires to do is to provide further details of the calculation of the P1 Intakes in finalising its supplementary guidance technical guidance.</p> <p>Given that the sensitivity of this one key variable to the education projections for primary school capacity and resultant secondary school capacity, Appendix 3 of the Education Provision Forecasting Guide needs to be expanded to give a worked example of the formula and arithmetical calculation of the P1 Intake.</p>
ELC Response	<p>See response to question 3.</p> <p>Firstly, the Council is not consulting on its processes and methodology for calculating school roll projections but it did make available the Education Provision Forecasting Guide during this consultation information for how this is undertaken and the Council robustly defends its school roll forecasting processes.</p> <p>The Council does not rely on solely on a mathematical child per house ratio multiplied by the number of dwellings to forecast the impact of development in school rolls. As set out in the Education Forecasting Guide and the detailed Council response in Annex 1, this does not represent a robust methodology to assessing the total number of children that will arise from a development over a</p>

	period. The Council's bespoke process is required to produced detailed roll projections in one of the fastest growing Local Authority in Scotland.
Modification	None required.

Highland Properties	Q3 – Local Contribution Zones	Elphinstone Education and Sports Facilities
Key Points from Representation	<p>Comments relate to the Tranent Area Contribution Zone and in particular proposal TT11 Elphinstone which is clearly an allocated site within the LDP hence the requirement for Developer Contributions.</p> <p>We, Highland Residential Developments Ltd, are the developer/promoter of this site and have submitted a detailed planning application for 90 residential units (16/00970/PM).</p> <p>The draft Developer Contributions Framework Consultation indicates that the developer of site TT11 will contribute £4,953.00 per home towards Ross High School expansion and £5,875.00 per house towards Elphinstone Primary expansion. In addition the developer is to provide land to facilitate the expansion.</p> <p>In terms of the Primary School expansion, this is based upon an expansion of 2 extra classrooms. We submit that at most the school needs one extra classroom given the likely build out rates and likely start date. We have considered in detail the Council's technical Document 14 and the Council's Education Provision Forecasting Guide. We consider a build out rate of 15-20 units per annum not 30 as more appropriate with a start date of end 2019. We submit that the effect of this would be to reduce the contribution by at least 50%.</p> <p>It was made known to the Developer during local engagement that the role of Elphinstone primary was being supplemented by pupils from outwith the catchment. We submit that the Developer should not be disadvantaged by the Council's own policies in terms of school capacity.</p> <p>The developer is required to provide land for the school extension at no cost to the Council. The School lies on the opposite side of the main road from the application site. It is not part of the application. We submit that whilst land can be made available there should be some form of financial off set to reflect the value of the land. See para 2.7 p8.</p> <p>The developer is also being asked to pay £50,000 towards off-site enhancement to changing facilities. We are of the opinion that this condition/requirement is ultraviries as the tests required by Circular 3/2012 are not met. The proposed development does not, in itself, result in a requirement to enhance the already neglected facilities.</p> <p>We submit that the requirement for the developer of TT11 should not be liable for any contribution towards the changing facilities. The developer is also being asked to provide car parking on site for those very playing fields.</p>	
ELC Response	<p>The 2018 Technical Note cost is based on 1 extra classroom and the value of that has not changed from the 2016 Technical Note. However, 2 classrooms are now technically required because the phasing submitted by Highland Properties in their application 16/00970/PM gives a peak roll of 5 primary classes being required, whereas the school currently only has a capacity for 3 classes.</p>	

	<p>The costs in the Technical Note are based on providing an additional 10 place nursery so that the existing nursery could be converted into a classroom, as this is the most appropriate layout solution for this school. Therefore the costs are based on 1 additional classroom, not 2. The applicant should formally submit revised development phasing through the application process. Once received, the Council is willing to look at the primary roll projections and the subsequent costs of the additional classroom. That level of detail is more appropriate through the application process. As stated in the DCF, it sets out the likely level of contributions. The exact level of contributions for developments will be informed by the scale and phasing of proposals and their cumulative impacts with planned and consented development.</p> <p>In terms of school land requirements, the school campus would not be required to expand if this sole development in the Elphinstone primary catchment did not go ahead. The Council is not required to extend the school, and therefore campus, due to forecast baseline or committed projections. Therefore as this site is the only reason that the Council has to seek additional campus land, it is not reasonable for the Council to pay for this campus land. Campus land contributions are only required in the Developer Contributions Framework where a portion of the requirement for the land is because of existing or non-LDP requirements (e.g. partial Council liability at Windygoul or Musselburgh), or where a development by one landowner (Whitecraig North) leads to a requirement for the Council to purchase campus land from another (Whitecraig South) and therefore some remuneration is required. Neither example applies in this instance.</p> <p>The Council maintains that there will be significantly increased usage of the existing pavilion as a result of the new development. The Council is willing to contribute towards part of the refurbishment to take account of the existing detriment. This matter, including the value of the contribution, is best resolved in discussion between the applicant and the Council. Paragraph 2.98 of the Adopted LDP sets out that “Provision should also be made within the site for turning and parking areas for the existing playing field to the west of the site in line with PROP CF1.” As with the upgrade of the pavilion, this responsibility of the provision for this can be agreed between the developer and the Council during the application process.</p> <p>The Council’s approach towards Placing Requests is set out in Appendix 2. Please note that regardless of placing requests, this development could not be accommodated within the three class capacity school.</p>
Modification	None Required

Highland Properties	Q4 – Protocol	Phased Payments
Key Points from Representation	<p>It is essential that phased payment procedures are put in place for any agreed contributions especially where build out rates of residential may be lower than in other parts of the Local Authority area.</p> <p>We welcome the Council's commitment to early discussion with Infrastructure and services providers.</p>	
ELC Response	<p>East Lothian Council considers contribution payment triggers on a case by case basis as applications are assessed and as legal agreements drawn up.</p>	
Modification	None Required	

Highland Properties	Q5 – Technical Note	Elphinstone Roll Projection
Key Points from Representation	Page 27 Assessment of Elphinstone primary School. Number of peak classes should be no more than 1 with roll being breached beyond 2021.	
ELC Response	<p>The 2018 Technical Note costs is based on 1 extra classroom and the value of that has not changed from the 2016 Technical Note. 2 classrooms are technically required because the phasing submitted by Highland Properties gives a peak roll of 5 primary classes being required, whereas the school currently only has a capacity for 3 classes.</p> <p>The costs in the Technical Note are based on provided an additional 10 place nursery so that the existing nursery could be converted into a classroom. Therefore the costs are based on 1 additional classroom, not 2. The applicant should formally submit revised development phasing through the application process. Once received, the Council is willing to recalculate at the primary roll projections and the subsequent costs of the additional classroom.</p>	
Modification	None Required	

Holder Planning on behalf of Persimmon Homes	N/A	Application of 2018 DCF Values, Active Travel, Rail
Key Points from Representation	<p>Persimmon accept the need for new development to be brought forward in association with supporting infrastructure and facilities, and the requirement for necessary developer contributions that are justified and meet the policy tests of Circular 3/2012. Persimmon Homes have two live planning applications for land at Craighall;</p> <ul style="list-style-type: none"> • “Planning permission in principle for proposed Mixed Use Development comprising residential development, education, business, industry, storage and distribution, innovation hub (including class 2,3,4,5 and 6), employment uses, community facilities, residential neighbourhood centre (including class 1,2,3 and 10), playing fields, changing facilities, public park(s) and associated works” – Application Reference 18/00485/PPP, which was validated on 17th May 2018. • “Erection of 370 houses, 103 flats and associated works”. Application Reference 15/00337/PM, which was validated on 15th June 2015. <p>In our view, the current applications should be assessed based on the Developer Contributions Guidance that was in place at the time these applications were lodged.</p> <p>In respect to the updated Proposed Developer Contributions Framework, we note a significant increase of over £1.9 million in contributions, the most notable include the following;</p> <p>Education We note the capacity of Craighall Primary School has increased from 21 to 22 classrooms and the requested contributions have also therefore increased. We are not clear on the reasons for the increase in the school size and would therefore be grateful if this information could be provided to us. We reserve the right to make comment on this, once it has been received.</p>	

	<p>With regards to pre-school capacity, we are unclear why the required capacity is as high as it is. As above, we would therefore be grateful if the background information and justification could be provided to us.</p> <p>Segregated Active Travel Corridor (SATC) Persimmon Homes are delivering part of the SATC within the Craighall site. We therefore, assume that Persimmon will not be required to make a separate financial contribution. Moreover, given that East Lothian Council has indicated that only 23% of the cost of the SATC will be met by developers, logic dictates that if Persimmon are delivering that part of the SATC within the Craighall site, 77% of so doing should be provided by the Council.</p> <p>Rail Improvements Persimmon in response to the Draft Developer Contributions Framework in 2016 questioned the validity of the developer paying for rail improvements. We maintain that concern and question compliance with Circular 3/2012.</p> <p>We note that the Council intend to keep the cost of developer contributions continually under review, in accordance with the Elsieck decision. We support this approach.</p>
<p>ELC Response</p>	<p>The Council acknowledges that Transportation contributions associated with the Craighall site changed in value between the 2016 DCF and the 2018 DCF, despite the scale of the proposal remaining the same. These changes are result of</p> <ol style="list-style-type: none"> 1. additional modelling undertaken between 2016 and 2018 2. Removal of 3 sites from the LDP and the addition of 1 3. Changes in the costs of the interventions <p>As a result of these changes the proportion split between the number of trips and the interventions has changes and therefore as has the value of contributions. Therefore for LDP allocated sites for which applications were submitted prior to the publication of the 2018 DCF on 29 May, then the Council will use the lower of 2016 or 2018 DCF contributions values for each of the Transport Interventions. For applications submitted after 29 May, the contributions set out in the 2018 DCF will be sought, if appropriate to the scale and kind of proposals submitted.</p> <p>This does not apply to the Education Contributions, as they have changed in value due to the development phasing which has changed since the 2015 Housing Land Audit, which the 2016 DCF was informed by. The reasoning for this has been provided to the applicant in detail through the application process.</p> <p>As has been discussed with the applicant, the Council is willing to deduct the value of in-kind provision of a section of the SATC through the Craighall site from the financial value of the SATC Contribution. The Council does not understand the rationale of the other point made. The Council is seeking 16.5% of the cost of the SATC from LDP allocated sites regardless of the length that runs through the Craighall site.</p> <p>The Council commented on the ability to seek rail contributions in its responses to the representations to the 2016 DCF. These responses were made available on the Consultation Hub as part of this consultation. The Council maintains the same response as follows: The matter of rail developer contributions is resolved under LDP Examination Report Issue 18a Transport General and 18c</p>

	Public Transport. The Reporter's conclusions on this matter support the Council's position that it is justified in seeking developer contributions towards rail platform extensions (PROP T10) and enlarging station car parks (PROP T9) as the proposals are required as a result of capacity issues created by planned development and subsequently proportionate contributions are required. Network rail has a duty to maintain, renew and develop the rail network but its role is not effectively to subsidise the transport impacts of new development in the plan. For full detail refer to issues 18a and 18c in the LDP Examination Report.
Modification	None required.

Holder Planning on behalf of Stewart Milne Homes	N/A	Active Travel, Rail
Key Points from Representation	<p>Stewart Milne submitted a response to the Draft Developer Contributions Framework consultation in 2016. However, a number of the concerns raised in this response are not reflected in the Proposed Development Framework and we remain particularly concerned about the required contributions towards the Segregated Active Transport Corridor and Rail related infrastructure, which we consider should be deleted.</p> <p>Segregated Active Travel Corridor The SATC is proposed to extend from Dunbar to Edinburgh, mainly utilising existing roads. As indicated on page 50 of LDP Technical Note 14, the total cost of this is estimated to be £23,400,000, of which the developers will be expected to contribute £3,856,501. There does not appear to be any detailed explanation of how the total amount has been calculated, or any explanation of the basis of the proportion expected to be funded by developers.</p> <p>Firstly, we cannot agree that the need for the SATC arises directly as a result of new development and requiring developer contributions would therefore be contrary to the test in Circular 3/2012. Rather, the proposal seems to be a Council aspiration to serve the East Lothian community. We seriously question whether the actual form of provision will provide value for money and is therefore unreasonable. Furthermore, even if it were reasonable to require developer contributions, we doubt that the financial contribution expected from developers is proportionate.</p> <p>Rail Improvements In response to the Draft Developer Contributions Framework 2016, we questioned the validity of the developer paying for rail improvements, which include platform lengthening and increasing station car park sizes. We maintain that concern and question compliance with Circular 3/2012.</p> <p>In our view, these facilities should be provided directly by Network Rail and not by developers. Network Rail is funded by central government through Transport Scotland, and it is therefore not for the local authority to be burdened with improvements to Network Rail infrastructure either itself, or certainly not through seeking developer contributions towards improvement costs. Network Rail has an operator, who pays to operate the franchise as a commercial organisation, charging customers for use of the service. The increase in passengers over time as the population of East Lothian increases will, in turn, increase the revenue to the</p>	

	<p>franchisee and it is for Network Rail to seek any necessary remuneration from the operator to account for this and to increase the reinvestment back into the network to cover any necessary improvements. It is therefore unacceptable and unreasonable to expect developers to fund improvements to the rail network.</p> <p>We note that the Council intend to keep the cost of developer contributions continually under review and assessed on a case by case basis, in accordance with the Elsie decision. We support this approach.</p> <p>We trust that the above comments will be taken into account in the finalisation of the Developer Contributions Framework.</p>
ELC Response	<p>The representee made the same representation to the 2016 DCF and the Proposed Plan. The matter of active travel developer contributions is resolved under LDP Examination Report Issue 18b Active Travel. The Reporter's conclusions on this matter support the Council's position that it is justified in seeking developer contributions towards part of the cost of delivery the Segregated Active Travel Corridor (PROP T3) and that the tests of circular 3/2012 are met. For full details refer to issue 18b in the LDP Examination Report. The 2018 Technical Note also makes clear that the methodology for how the Segregated Active Travel Corridor contributions are calculated are set out in the Developer Contribution Framework: Outline Methodology Technical Note. This has also been set out again in Appendix 3 to demonstrate compatibility with tests set out in Circular 3/2012.</p> <p>The Council commented on the ability to seek rail contributions in its responses to the representations to the 2016 DCF. These responses were made available on the Consultation Hub as part of this consultation. The Council maintains the same response as follows: The matter of rail developer contributions is resolved under LDP Examination Report Issue 18a Transport General and 18c Public Transport. The Reporter's conclusions on this matter support the Council's position that it is justified in seeking developer contributions towards rail platform extensions (PROP T10) and enlarging station car parks (PROP T9) as the proposals are required are required as a result of capacity issues created by planned development and subsequently proportionate contributions are required. Network rail has a duty to maintain, renew and develop the rail network but its role is not effectively to subsidise the transport impacts of new development in the plan. For full detail refer to issues 18a and 18c in the LDP Examination Report.</p>
Modification	None Required

Network Rail	N/A	Rail
Key Points from Representation	<p>Our comments are limited as a result of discussions with East Lothian Council since publication of the previous draft Developer Contributions Framework in 2016.</p> <p>Notwithstanding these helpful discussions we would ask that cognisance is taken of the continued need to involve Network Rail, as the railway infrastructure provider, in various aspects of the process covered by the Guidance. While it is recognised at 4.21 that Network Rail will have a role we would specifically request that;</p> <ol style="list-style-type: none"> 1. Network Rail should continue to be consulted on all applications for LDP, and windfall sites, for which Rail Package contributions are required; 2. Network Rail should be consulted on all Section 75 agreements for Rail Package contributions; and 3. Further discussion is held at an early stage with East Lothian Council to agree recording and reporting requirements referred to in relation to the Developer Contributions Protocol in Section 4. 	

	<p>We would also request clarification, and if required alteration, to Technical Note 14 in respect of:</p> <p>4. the intended scope of the Statement of Conformity on Transportation which does not make a clear reference to the Rail Package in the subheading which reads ‘PROVISION OF TRANSPORT NETWORK CAPACITY The following table and Appendix 1 explains why Road Services Network Improvements and Mitigation can be justified against the 5 tests of Circular 3/2012: Planning Obligations and Good Neighbour Agreements and thus why it should feature in East Lothian’s Planning Obligations Framework’ although there are references to rail within the section; and</p> <p>5. In particular in relation to page 51 of that section clarification of the exact scope of works included in the Rail Package; given the reference only to the mechanism for gathering and transferring monies to fund platform improvements as identified in PROP T9.</p> <p>Network Rail would be happy to discuss any of the issues raised above.</p>
ELC Response	<p>The Council acknowledges Network Rail’s request that it wishes to be consulted on all applications for which rail contributions should be sought and consulted on the terms of the associated S75 agreements. The Council agrees that further liaison is required and will arrange this separately.</p> <p>Rail is mentioned as with the Transportation Statement of Conformity. The specific reference to Roads Services refers to the name of the Council department who undertook the transport appraisal process which identified the interventions required to mitigate and accommodate the transportation impacts of the LDP, including the rail package. The scope of the Rail Package is platform lengthening and car park extensions as set out in Proposals T9 and T10 of the LDP. Page 50 of the Technical Note referred to details of each of the interventions being set out in the DPMTAG Final Report and DCF Outline Methodology Technical Note. Table 2.1 of the latter sets out that the Rail package is based on platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry and Dram stations as well as car park extensions at Longniddry and Drem. The Council will add descriptions of all the interventions alongside Table 1 in the Technical Note. The Council confirmed that as part of the LDP Examination Process through Further Information Request 13, upon which Network Rail was allowed to comment.</p>
Modification	Add descriptions of the Transport Interventions from Table 2.1 of Outline Methodology Technical Note to page 50 of the DCF Technical Note.

Homes for Scotland	Q1 – Section 1-3 DCF	Implementation, Windfall, Viability, Table 1, Health
Key Points from Representation	<p>Implementation of the Guidance</p> <p>Homes for Scotland notes that financial appraisals and viability assessments will already have been prepared for sites that are already going through the planning application process (either with a PAN submitted and in the process of undertaking consultation, or with the application actually submitted) or for sites that are yet to enter the planning system in East Lothian. These appraisals / assessments will have been based on certain assumptions on the levels of planning gain expected. If changes are then made overnight by introducing this policy and increasing planning gain costs, viability will be affected, which will have an adverse effect on allocated sites and thus the Council’s development strategy. There must be a transition from approval to operation of the guidance</p>	

so that developers have sufficient time to include updated costs in financial appraisals. It cannot simply be applied half way through the consideration of a planning application, for example.

We suggest that perhaps the guidance should only become effective after the approval of Scottish ministers, only in respect of sites not already within the planning system (i.e. if a PAN or planning application have been submitted before or at that point then the updated costs do not apply).

Reserving Capacity for Allocated Sites

Homes for Scotland is concerned at the proposal in Paragraph 1.22 (page 5) to reserve infrastructure capacity for allocated sites which may end up in an undesirable situation whereby development is stalled in waiting for infrastructure solutions to be found and agreed (as experienced recently in Winchburgh, West Lothian). We welcome the potential to front fund infrastructure which is referenced. However, there are likely to be cases where sites will stall or not come forward at all. This will be more of an issue the further into the LDP period we go. If there is no reasonable prospect of the allocated site coming forward within the LDP period, then capacity should not be reserved for it. This is particularly relevant in circumstances where the Council is not maintaining a 5-year effective housing land supply.

Viability

Homes for Scotland welcomes the clarity provided in paragraph 1.24 on development viability given that land values vary significantly across East Lothian and not all locations can sustain significant planning obligation costs. It is important that development viability is respected and the contribution of development of an allocated site to the Council's wider development strategy is properly recognised when weighing up viability cases.

Table 1

This table implies that all development of 5 or more homes will automatically be required to make contributions. We consider this to be the wrong starting point for the guidance. In line with the tests in paragraph 14 of Circular 3/2012 Planning Obligations and Good Neighbour Agreements, the starting point should always be the consideration of whether there is capacity within the existing infrastructure to accommodate the proposed development, not the assumption that all development will be required to contribute. If mitigation is not necessary to accommodate the development, then no contributions towards that nature of intervention should be sought. We suggest that the table and supporting text are amended to be clear on this, and to ensure contributions are sought in line with the tests of the circular.

Health & Social Care

Homes for Scotland was under the impression, from meeting with East Lothian Council officers, that health and social care contributions would only be sought at the new community at Blindwells. This should be more explicitly set out in the relevant bullet point in paragraph 1.25 on page 6.

Table 1 states that contribution towards health and social care facilities are applicable for residential development of 5 and more homes. This implies that all development of 5 or more homes will be required to contribute towards health and social care

	<p>interventions. The table does not make it clear that these contributions will only apply within the new settlement at Blindwells, and of course, only when they are necessary (in line with the tests of the circular).</p> <p>Irrespective of the restriction on health and social care contributions to Blindwells, we reiterate that we do not agree with the principle of charging the home building industry for the provision of healthcare facilities.</p> <p>The NHS as an organisation is funded through central government and the burden should not be placed on the development industry to cover any funding shortfall that may hinder the provision of primary healthcare facilities. Primary healthcare provision should not be for the council to provide for, and it certainly should not be fore developer contributions to meet the cost of any necessary facilities.</p> <p>Most GP surgeries act as businesses, and developers should not be expected to supplement other businesses. The positive effect on health and wellbeing that the delivery of more homes brings should be recognised, and supported.</p>
ELC Response	<p><u>Implementation of the Guidance</u></p> <p>The Council acknowledges that transportation contributions associated with the LDP allocated sites have changed in value between the 2016 DCF and the 2018 DCF, despite the scale of the proposals remaining the same. These changes are result of</p> <ol style="list-style-type: none"> 1. Additional modelling undertaken between 2016 and 2018 2. Removal of 3 sites from the LDP and the addition of 1 3. Changes in the costs of the interventions <p>As a result of these changes the proportion split between the number of trips and the interventions has changes and therefore as has the value of contributions. Therefore for LDP allocated sites for which applications were submitted prior to the publication of the 2018 DCF on 29 May, then the Council will use the lower of 2016 or 2018 DCF contributions values for each of the Transport Interventions. For applications submitted after 29 May, the contributions set out in the 2018 DCF will be sought, if appropriate to the scale and kind of proposals submitted.</p> <p>This does not apply to the Education Contributions, as they have changed in value due to the development phasing which has changed since the 2015 Housing Land Audit, which the 2016 DCF was informed by, or because of windfall consents, or due to removal and additional of sites from the adopted LDP compared to the Proposed Plan. Policy DEL1 clearly sets out that ‘the exact nature and scale of developer contributions required in association with all relevant new development proposals, including windfall proposals, will be assessed on a case by case basis’.</p> <p><u>Reserving Capacity for Allocated Sites</u></p> <p>Each site will be assessed on a case by case basis. If however, catchment capacity is required to provide capacity for LDP allocated sites which are identified as effective, then that capacity will be reserved for those sites. This will be informed by the Housing Land Audit process. If an allocated sites becomes ineffective for a period of time and action is unable to make it effective, then it may not be appropriate to continue to reserve infrastructure capacity.</p> <p><u>Development Viability</u></p>

	<p>Homes for Scotland comments on viability are noted.</p> <p><u>Table 1</u> It is not the intention of Table 1 to set out that all types of contribution will apply in all instances but that they may apply. Housing sites of 5 or more units are the starting point for requiring contributions but the actual contributions required will be dependent on a demand assessment undertaken for the proposal, the contributions arising from which will have to comply with the 5 tests set out in Circular 3/2012. In order to make this clear, the Council will insert the word 'likely' before 'nature of contributions' in first sentence of paragraph 3.3 of the DCF. The Council has already demonstrated through the LDP examination that the principles of gathering contributions for the infrastructure proposals set out in the DCF meets the 5 tests.</p> <p><u>Health & Social Care</u> The Council acknowledges that based on an assessment of LDP sites, only Blindwells is required to make a Health & Social Care contribution. Table 1 will be modified to make this clear for LDP sites.</p> <p>However, the Council disagrees with Homes for Scotland's representation that Blindwells should not make a financial contribution towards the delivery of primary care facilities as the need for these premises directly arises as a result of the new housing at Blindwells. As set out the Reporter's Findings on page 687 of the LDP Examination Report, the Reporter notes 'the objection to the principle of securing developer contributions towards primary healthcare services, given the circumstances described in relation to Blindwells, I consider it reasonable that the plan seeks to do so. The need for such facilities is in this situation directly attributable to new development'.</p>
Modifications	<p>Modify 1.22 to state that this will be informed by the Housing Land Audit process</p> <p>Modify 2nd sentence of paragraph 3.3 as follows: Having identified the <u>likely</u> nature of contributions from Table 1, applicants must then refer to the Developer Contributions Framework to establish the scale if the contributions that they <u>are likely to</u> must.</p> <p>Modifying table 1 to indicate that based on assessment of LDP sites, health and social care contributions are likely only to be required from the Blindwells Proposal out of all LDP Sites</p>

Homes for Scotland	Q2 – Transport Contribution Zones	Rail Zones, Old Craighall, Strategic Active Travel Corridor
Key Points from Representation	<p>Homes for Scotland requests that detail is added within the guidance to explicitly state what interventions are necessary, and why these are necessary. The draft guidance currently moves straight into maps and costs without any explanation. We acknowledge that some of this is provided within the Technical Note, however the key points should be outlined in the guidance itself for clarity. Circular 6/2013 Development Planning (paragraph 139) states that supplementary guidance should contain exact levels of contributions or methodologies for their calculation. The draft guidance itself has indicative costs however does not provide a full explanation. This is left to the Technical Note. We suggest that further detail is added to the guidance to be more transparent.</p> <p>Strategic Road and Rail Contributions</p>	

Homes for Scotland maintains its objection to the principle of the inclusion of contributions towards rail improvements within the guidance. Network Rail is funded by central government through Transport Scotland and it is therefore not for the local authority to be burdened with improvements to Network Rail infrastructure either itself, or through seeking developer contributions towards these costs. The increase in passengers over time as a result of increased home building in East Lothian will increase the revenue to the franchisee, and it is for Network Rail to seek any necessary remuneration from the operator to account for this and to increase the investment back into the network to cover any necessary improvements.

We query the Rail Network Contribution Zones map on page 16 and seek further clarity on the background to these – how are they formed? Is it based on distance from a station? This is not immediately clear, with some areas covered in the map which are not in close proximity to a station at all.

The guidance does not explain how contributions for strategic road and rail interventions will be handled or processed. This is referenced in the Technical Note but not in the actual guidance. We suggest this is explicitly detailed within the guidance.

We note that the Scottish Government’s letter to City of Edinburgh Council of 2nd March 2018 regarding Planning Obligations stated:

“Transport Scotland cannot support the wording in relation to the delivery of infrastructure on page 8 and 13; “The Council will transfer any monies collected towards actions on the trunk road network to Transport Scotland once the relevant project is confirmed”. This statement was included in response to previous comments which noted that it was inaccurate to state that funding for some schemes would ‘come from the Cross-Boundary Study’. The detailed design for grade separation of Sheriffhall is on-going, meaning a cost profile is not currently available. It is therefore not possible to determine a delivery and funding mechanism, or timetable, for this project, meaning the above statement is premature and should be removed.”

The supporting East Lothian Technical Note 14 (p51) states:

“Since 2016 publication of DCF, the Council has had further meetings with Network Rail and Transport Scotland regarding gathering contributions towards Old Craighall and the Rail Package. For the Rail Package, developer contributions will be gathered through Section 75 agreements and transferred to Network Rail when a project to deliver to platform improvements is confirmed. With Old Craighall, contributions will also be gathered through Section 75 Agreements and will then be transferred to the party who undertakes the works, when that is confirmed.”

Paragraph 2.7 on page 5 of Technical Note 14 is similar in respect of strategic transport. Given that detailed design work for Old Craighall and rail improvements have not yet been done, then there is no cost profile, and no delivery or funding mechanism or timetable for these projects. We therefore suggest these statements are also premature and query the legitimacy of seeking contributions towards these rail project. None of them are committed by Network Rail, there is no detailed design work, no timetable for delivery and no identified deliverer. We question how East Lothian Council will enforce that a third party spends the money as intended? This is further evidence to support the removal of these contributions.

Segregated Active Travel Corridors

	<p>Homes for Scotland considers that a mechanism should be included within the guidance to allow offsetting contributions against works undertaken on site. Where a developer provides the land and/or completes the required works on site, there should be a credit element to account for the significant savings that the authority will make in this circumstance. The authority will not have to procure the land, carry out building works or seek consents etc. Without this offsetting, developers are paying twice – once through providing the land and carrying out the works, and again through payment of a developer obligation towards segregated active travel corridors. This will be an issue on a number of sites in East Lothian.</p>
<p>ELC Response</p>	<p>The Technical Note will always be made available alongside the DCF to set out the methodology behind the contributions and therefore all the evidence within it setting out the methodologies does not need to be within the DCF Supplementary Guidance itself. However, the Council is willing to make explicit reference to the Technical Note in the DCF. This will be set out in a new paragraph 3.6. Details of what non transport interventions are necessary are set out in the Outline Delivery Strategy sections for each cluster.</p> <p><u>Strategic Road and Rail Contributions</u></p> <p>The Council commented on the ability to seek rail contributions in its responses to the representations to the 2016 DCF. These responses were made available on the Consultation Hub as part of this consultation. The Council maintains the same response as follows: The matter of rail developer contributions is resolved under LDP Examination Report Issue 18a Transport General and 18c Public Transport. The Reporter's conclusions on this matter support the Council's position that it is justified in seeking developer contributions towards rail platform extensions (PROP T10) and enlarging station car parks (PROP T9) as the proposals are required are required as a result of capacity issues created by planned development and subsequently proportionate contributions are required. Network rail has a duty to maintain, renew and develop the rail network but its role is not effectively to subsidise the transport impacts of new development in the plan. For full detail refer to issues 18a and 18c in the LDP Examination Report.</p> <p>The rail contribution zones are repeated in the DCF but they have taken from the Appendix 1 of the Adopted LDP. The contribution zones represents zones of the regional transportation model. Zones that are identified as requiring a contribution contain LDP development sites where the modelling has determined that there is a link between LDP development in that zone and the need for additional rail capacity (i.e. additional rail trips arise as a result of development) as to be provided by Proposals T9 and T10 set out in the LDP. Whilst distance to stations on the North Berwick Branch Line is strongly correlated with the zones, larger developments further away from stations may still trigger additional rail journeys and therefore a contribution may be justified. A detailed explanation of the methodology is set out in in section 3.2 and 3.5 of the Developer Contribution Framework: Outline Methodology Technical Note. The scale of the contributions levels is set out in tables 2 to 5 of the DCF.</p> <p>Regarding securing road and rail contributions, these will be secured through legal agreements alongside the other contributions. The DCF SG sets out that contributions will be secured through legal agreements.</p> <p>The letter to City of Edinburgh is not relevant in this instance. East Lothian Council have received no similar letters or representation from Scottish Government or Transport Scotland. Transport Scotland's representation to this consultation considers that the DCFSG is thorough. The contribution values in the DCF and the costs of the interventions set out on Table of page 50 of the Technical Note is based on detailed costs appraisal of the interventions set out in the DPMTAG Report and the Developer Contribution Framework:</p>

	<p>Outline Methodology Technical Note. Both the Old Craighall and Rail Package interventions are based on high level costs available at this stage, with a proportion of the costs being recovered through developer contributions based on the what proportion of the need for additional capacity provided by the intervention is driven by LDP development.</p> <p>Regarding Network Rail commitment to platform extensions, it is correct to state that this has not yet been committed. However, this was made clear through the LDP examination process Further Information Request 13. Yet the Reporter did not modify the plan and allowed the Council to gather contributions towards the rail proposals T9 and T10 as the reporter agreed with ‘the council’s conclusion that longer trains are the optimal method to increase capacity to meet travel demand from new development, and, that this requires longer platforms and additional car parking at some stations’ (Examination Report page 771). It is not Network Rail’s responsibility to subsidise the transport impacts of new development in the plan. As per other transport contributions, if platform lengthening is not delivered with a time period of the full rail contribution being received then it will return the contribution to the party that paid it.</p> <p>East Lothian Council will enforce the expenditure of rail contributions on the rail proposals by retaining the contributions until the rail proposals become committed projects. If they do not, then the contributions will be returned at the end of the appropriate period. Definitions in developer contributions legal agreement will set out what contributions are required to be used towards and this will regulate their use, including by delivery bodies other than the Council.</p> <p><u>Segregated Active Travel Corridor</u> On the limited occasions where the Segregated Active Travel Corridor will be delivered in kind through a developer’s site, the Council will credit this against the financial contribution calculated for the site. This will be negotiated with the relevant applicant’s on a case by case basis and does not need to be set out in the DCFSG.</p>
Modifications	Insert new paragraph 3.6 setting out that Technical Note should be read alongside the DCF and that it sets out the methodology and calculations behind the likely values set out in the DCFSG.

Homes for Scotland	Q3 – Local Contribution Zones	Education Issues
Key Points from Representation	<p>Homes for Scotland considers that this section should include more up-front clarity on the fact that actual contributions will be based on up to date capacity assessments.</p> <p>Schools contributions are not well explained in this document as all of the detail is in the Technical Note – it would be useful to have more clarity within the actual guidance.</p> <p>We note that the information contained within the Technical Note on school rolls is useful, but it is limited. We require more detail, for example – it does not state what the 2018 school rolls were which would be useful in terms of providing a baseline.</p> <p>Another issue is the scale of additional capacity that the Council is expecting a contribution for. As an example, in Dunbar, at John Muir School, the established peak is 509 pupils. The LDP peak roll is 527 pupils, which is a difference of 18 pupils – but the guidance seeks almost £1M from new development as a share of the 450sqm of new space required. We consider this to be excessive for</p>	

	<p>what is a small impact. Also, if the school will have 20 classes to accommodate 527 pupils and the capacity would be circa 570 pupils – it is clear that the Council is benefitting from the spare 43 places. We therefore query who should pay for that because it is not related directly to development impact? We do not consider this should be the responsibility of the development industry.</p> <p>We note that the guidance explicitly states in paragraph 4.11 that capacity increase must be provided in appropriate units (i.e. the provision of single classroom). However, if the capacity is only exceeded by say 5 spaces, and a classroom has minimum 25 spaces, then an entire classroom does not reasonably relate in scale and kind to the impact of the proposal (a required test of Circular 3/2012).</p> <p>The guidance also states that the infrastructure must be provided in a permanent form to satisfy the peak demand. Therefore, if there is a temporary breach of school capacity (say 8 pupils) for a two-year period, but then the roll falls below capacity, it seems that a permanent single class extension will still be required, even though it may well be sitting empty after the peak has passed. We consider that the contribution and resultant intervention must be proportionate to the impact of new development on that infrastructure.</p> <p>Homes for Scotland understands that if site programming changes, this will result in changes to peak years and may result in tipping over into the requirement for an intervention, or a more significant intervention. However, the detail of these changes is not clear in the guidance at all. We request further clarity here and the provision of an explanation.</p> <p>We request further information on the Council’s calculation of the Primary 1 intakes within its methodology, and we suggest that the calculations of education accommodation requirements may be too high as a result of these if they are set too high. The forecasting of P1 intakes are critical to the education infrastructure methodology, and as such should be transparent and in line with the tests of Circular 3/2012. It is not possible to accurately calculate the forecasting based on the existing methodology provided, therefore further clarification is required to ensure it meets the Circular tests and contributions being sought fairly relate in scale and kind to the proposed development.</p>
ELC Response	<p>Point 2 of the 14 step administrative process for developer contributions on page 61, paragraph 4.16 and 4.17, the DCFSG sets out that proposals will be assessed to identify any updated level of contributions based on updated assessments. As stated throughout the DCFSG, it only sets out the likely level of contributions that are identified.</p> <p>The Council disagrees with Homes for Scotland regarding the clarity behind education contributions. The DCFSG sets out the likely contribution values and the Outline Delivery Strategy sections set out what sites will be required to contribution towards school extensions. Calculations for the level of contributions are set out in 21 and 42 of the Technical Note. The Council is willing to sign post these assessments in the DCFSG.</p> <p>The Council also disagrees that the information within the Technical Note is limited. Pages 22-27 set out the relevant information for baseline, committed and uncommitted projections for each primary school. Baseline rolls for primary school are largely</p>

irrelevant as school extensions are required where the projected number of classes exceeds the number of classrooms. This is not based on a roll divided by a number of pupils in a class average but by a detail class organisation undertaken for each school. The council is happy to make these available during the application assessment process, alongside baseline rolls if requested.

The representation makes reference to the Dunbar Primary John Muir requirement for £973,591 from the LDP development sites totalling 415 additional units. Whilst the committed projection peak roll is now 509 pupils, the committed projection now includes the impact Newtonlees Farm site which was minded to grant by the Council in late 2017. The Uncommitted Projection adds the combined impact of the Hallhill North and Brodie Road proposals. The established supply peak roll projection in the 2016 DCF Technical Note, when Newtonlees South was not included was 463 pupils or 17 classes. The capacity of the school is 18 classes but the uncommitted projection shows a 20 class peak. What is required to accommodate LDP development, including the now consented Newtonlees Farm, is 2 additional classes and 1 additional GP space. 50 additional Early Learning and Childcare spaces are also required but the Council is required to fund 30 of these spaces due to the committed nursery projection. The total cost of this is estimated at £1,470,000 based a school specific schedule of accommodation costing. The Council is willing to make these available during the application process. Factoring in committed contributions (£316,409) and Council and committed development liabilities (20 nursery spaces from committed Newtonlees North and the Council contributing a further 10 spaces (cost £180,000)), the amount the three post 2016 DCF sites are required to contribution is £973,591 spread across the 415 contributing units from Newtonlees Farm (115), Brodie Road (50) and Hallhill North (250). The Council is not benefiting from a spare 43 places. The 20 class requirement only arise because of the planned development and therefore it is the development that should bear the costs of this, not the Council.

Units of capacity must be increased in permanent, whole classrooms up to the peak capacity as the Council will not accept class overcrowding or temporary units. The Council cannot build half a classroom. If a further class arises solely because of new development then that additional class must be provided (if it can be physically accommodated) by the development, therefore meeting the scale and kind test. Regarding permanent provision, this is set out in Adopted LDP Proposals PROP ED2 to ED7 for each of Education Clusters. Part B of each sets out 'The Council will provide additional phased **permanent** extension to pre-school and primary schools as required to meet the need arising as a direct result of new housing development. Developer contributions will be sought from the developers of housing land to fund the costs of this **permanent** provision, which will be the subject of legal agreements'.

The likely contribution levels in the DCFSG are based on a singular assessment of all the LDP proposals informed by the LDP or minded to grant site capacities and the site phasing set out in the Housing Land Audit. However, as the DCFSG only sets out likely contribution levels and contributions will be determine by the assessment of proposals as per Policy DEL1, then the scale of the infrastructure requirements can changing of the scale of phasing of development changes. For example, more contracted site phasing can often lead to higher peak school rolls as more pupils will arise out of a site at the same time if it is build out over a shorter period. Roll projections will be updated for each application as it is assessed.

	The Council is not consulting on its processes and methodology for calculating school roll projections but it did make available the Education Provision Forecasting Guide during this consultation information for how this is undertaken and the Council robustly defends its school roll forecasting processes. Matters regarding the methodology behind primary 1 intakes are set out in Appendix 1.
Modifications	None required.

Homes for Scotland	Q4 – Protocol	Structure, Policy and Clawback Periods
Key Points from Representation	<p>Homes for Scotland considers that this section would be better placed earlier in the Guidance document, before the inclusion of some of the maps and costings. We suggest this could be moved to page 13 with the contribution zones following on from this section. This would add clarity as it currently appears to be wedged in between sections of contribution zones.</p> <p>We suggest that Paragraph 4.1 is clarified and wording added to ensure that it is in line with Circular 3/2012 Planning Obligations and Good Neighbour Agreements. The current wording suggests that a policy requirement is sufficient justification to require a developer contribution. The wording should reflect that the obligation must meet the tests set out in Paragraph 14 of the Circular – that the obligation is necessary, that it serves a planning purpose, that it relates to the proposed development, that it fairly and reasonably relates in scale and kind to the proposed development, and that it is reasonable in all other respects. There must be a need for the obligation which depends on whether there is capacity in relation to that piece of infrastructure (school, road etc) to accommodate the proposed development, and this is on a case by case basis.</p> <p>We support the inclusion of text relating to the repayment of unused contributions to the developer and suggest that the timescales for this are proportionate. We suggest that this timescale could be ten years from first payment, rather than the last payment as currently suggested in the proposed guidance.</p>	
ELC Response	<p>The Council considers that the document structure is logical in that it begins with policy and legal requirements, the likely level of contributions followed by how assessment protocol and administrative processes.</p> <p>It is not considered that paragraph 4.1 needs to be modified. Circular 3/2012 is explicitly referenced in the section 2 of the DCF and the Council would not seek to secure obligations through the assessment process that fail the tests of the circular. Through the LDP examination process that the principle of the Council’s ability to seek the relevant contributions has met the five tests.</p> <p>Setting clawback period from the first payment is not appropriate. This is because it often is that the Council cannot start to begin projects until all the contributions are gathered. The need to mitigate development impacts often arises after development is completed or until the cumulative impacts of multiple developments arises. This is particular the case with secondary education and transportation and therefore a time period from the last payment is most appropriate. This has been recent practice in East Lothian and there is no need to change that.</p>	
Modification	None required.	

Homes for Scotland	Q5 – Technical Note	Technical Note
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<p>Key Points from Representation</p>	<p>Homes for Scotland supports the publication of Technical Note 14: Developer Contributions Framework in support of the draft guidance.</p> <p>However, we consider that it is not particularly clear or explicit as to the exact methodology of how contributions are actually calculated. Whilst we welcome the supporting Technical Note 14, this does not provide sufficient detail as to where the transport costs and school build costs actually come from, for example. We request further detail on this, and detail on how these costs are proportionately shared. Paragraph 35 of Circular 3/2012 requires that where “planning authorities propose to rely on standard charges and formulae, they should include these in supplementary guidance along with information on how standard charges have been calculated, how monies will be held, how they will be used and, if applicable, how they will be returned to the developer.” There is therefore the requirement to include detail on the background methodology. It appears that this layer of the evidence base is missing.</p> <p>We also suggest that the 2017/18 census roll is added to the evidence base, and the inclusion of the working capacity for each school. The evidence base could also benefit from the inclusion of a table showing the planning and working capacity of each school relative to the number of classes (as has been provided by City of Edinburgh Council for its guidance, and which is considered to be a useful additional source of information).</p>
<p>ELC Response</p>	<p>Firstly the Council does not rely on standard charges as only the likely scale and nature of contributions is now set out in the DCF. The exact level of contributions will be determined during the application demand assessment process and the Council will make available the evidence behind the sought contributions at that point. Regarding the Technical Note and the Supplementary Guidance, the Council considers that the relevant information has been made available both during this consultation, the 2016 consultation and the briefings with Homes for Scotland that took place in 2016 and 2018. Regarding Education, the technical note provides the relevant current school capacities and the future committed and LDP school rolls and class numbers required. It then sets out the scales of extensions required for each school and what the development and Council responsibility split is for that. The expansions are costed and the developer cost then clearly apportioned between the numbers of contributing developments in each catchment. This is a significant level of technical information and is more than sufficient to determine the likely per home contributions set out in the DCF. When the demand assessments of individual applications are undertaken the Council is committed to providing updated workings setting out how the contributions have been calculated.</p> <p>The methodology behind the transportation contributions is clearly signposted in the Technical Note as being set out in the DPMTAG Report and the Developer Contribution Framework: Outline Methodology Technical Note. The Council is happy to reconfirm these during the application demand assessment process when the exact level of contributions are established.</p> <p>Capacities for East Lothian Primary Schools are expressed as planning capacities and classroom numbers. The Planning Capacity is a measure of the total number of pupils and classes which could be accommodated in a school, based on the number and size of teaching spaces. It is also informed by the pupil distribution across class stages and the class organisation required for the projected pupil numbers. This is the capacity figure which is provided to the Scottish Government in the annual School Estate Core Facts</p>

	Statistical return and together with the class organisation profile prepared by the Council is the realistic figure used in the assessment of the impact of development on the schools' infrastructure. Providing two different definitions of school capacity would result in confusion.
Modifications	None Required

Homes for Scotland	Q6 – Additional or General Comments	Level of Evidence
Key Points from Representation	Homes for Scotland refers to the letter from Scottish Government to Fife Council in relation to its Supplementary Guidance on Planning Obligations in March this year in which it requires the authority to prepare new guidance following statutory procedures, and for “information regarding the approach taken (the justification and methodology) for the developer contributions zones to be made available as part of the consultation process”. The letter also reiterates the need to consider the tests of Circular 3/2012. Whilst we acknowledge and support the publication of Technical Note 14 in support off this draft guidance, we consider that the note does not go far enough to provide all the necessary detail required to fully scrutinise the draft guidance. We request that this detail is provided, as outlined above.	
ELC Response	As stated in the previous response, the Council does not rely on standard charges as only the likely scale and nature of contributions is now set out the DCF. The exact level of contributions will be determined during the application assessment process and the Council will make available the evidence behind the sought contributions at that point. Regarding the Technical Note and the Supplementary Guidance, the Council considers that the relevant information has been made available both during this consultation, the 2016 consultation and the briefings with Homes for Scotland that took place in 2016 and 2018. An evidence base has been made available to adopt the Supplementary Guidance which sets out the principles for how contributions will be calculated, secured and gathered and also what the likely level of contributions may be based on the whole LDP demand assessment undertake at this time. The type and nature and scale of contributions that will be secured will be based on the assessment of development proposals.	
Modifications	None required.	

Persimmon Homes	General Comments	Lammermoor Terrace Education & Transport
Key Points from Representation	<p>Education Contributions</p> <p>We note the capacity of Windygoul Primary School has decreased from 9 additional classrooms required in the 2016 iteration of the DCF to present requirement of 6 additional classrooms. Whilst Persimmon are aware of the error associated with the figures on p40 of the Technical Note 14 whereby the associated costs specify £7,287 and the DCF states £6,390 per unit, we remain unclear as to why the number of classrooms has reduced and where we can find evidence to support this change. Whilst the cost aspect is understood and generally accepted, it appears that there is a level of information missing from Technical Note 14 which demonstrates how the peak years and peak rolls have been calculated by ELC Education Officers. We would therefore be grateful if this information could be provided and request the right to make further comment once it has been received.</p> <p>Transport Contribution Levels</p>	

	<p>It is noted that the Lammermoor Terrace site and the majority of the sites within the urban limited of the Tranent Cluster are expected to contribute to Segregated Active Travel whilst the site at Windygoul South is excluded from any calculation. Similarly, in terms of the proposed rail contribution (which is generally dealt with separately in our submission via Holder Planning) the site at Windygoul South is anticipated whilst Lammermoor Terrace is not. It is not entirely clear within either the Technical note or DCF how specific costs are allocated on a site by site basis.</p> <p>Looking globally at the Transport Contribution Levels with specific regard to the Tranent Cluster on page 29 of the DCF and subsequently working these out on a per unit basis for the sites located within or around the urban limit results in a very wide range of contributions which breaks down to £196.90 per unit at Windygoul South to £784.71 per unit at Lammermoor Terrace and the highest of £11.89.16/unit at Bankpark Grove. Given that all these sites are located in fairly close proximity to each other, these disparities appear fairly significant in scale. It is not clear from the DCF and background papers exactly how these zones have been established and it may be that further detail is necessary to increase the transparency of the calculations on a site by site basis.</p>
ELC Response	<p><u>Education Contributions</u></p> <p>The Windygoul Primary projection now forecasts an established school roll (factoring in committed development only) that is 3 classes less than the 2016 projection. This is why the additional capacity requirement has reduced by 3 classrooms from 9 to 6. The established roll for Windygoul is set out on page 27 of the Technical Note. This school projection will be subject to an updated assessment when applications for catchment developments are submitted, as the scale and phasing of development is likely to be different than that used as evidence for this assessment. The updated projections will be made available to applicants upon request.</p> <p>Windygoul South is not required to make Segregated Active Travel Corridor contributions because the site is not within 1.2km buffer of the route. The methodology for the SATC contributions was set out in the Council’s responses to representations to the Proposed Plan and was considered at the LDP examination. It is also set out in the Developer Contribution Framework: Outline Methodology Technical Note and was signposted in the DCF Technical Note.</p> <p><u>Transport Contributions Levels</u></p> <p>It would not be appropriate for contributions for all Tranent sites to be the same per house value as that would not consider how the impacts of development are specific to the location and nature of each development. Transportation contribution methodology is set out in the Developer Contribution Framework: Outline Methodology Technical Note. With the exception of active travel, transportation modelling of all the LDP sites has identified the likely number of trips from each site related to each transport intervention. If the full costs of the intervention is to be received from contributions then that is split proportionally by the number of journeys/trips from each site. Whist not exact, the closer the routing from a development to an intervention, the higher the number of journeys is likely to be. That way the contribution directly arises from the scale and nature of the relationship between development and transport intervention. Appendix B sets out a worked example of how the specific contributions for Blindwells have been calculated. Appendix C in the Developer Contribution Framework: Outline Methodology Technical Note sets out the proportional split of additional trips from LDP sites by each intervention.</p>
Modifications	None Required

Hallhill Developments Ltd	General	Segregated Active Travel, Rail Contributions, Education Costs and Viability
Key Points from Representation	<p>Referring to the document setting out East Lothian Council (ELC) responses to representations which refers to the Local Development Plan (LDP) Examination Report, Hallhill Developments Limited (HDL) notes that none of the concerns raised by HDL, Homes for Scotland or house builders have been accepted and no changes on these points are proposed. Notwithstanding, the views of HDL remain as previously expressed.</p> <p>Supplementary comments are as follows:</p> <p>PROP T3 – Active Travel Corridor</p> <p>Technical Note 14 refers to an indicative cost of £23,400,000 and a developer proportion of £3,856,501. That would mean an amount of £19,543,499 relating to existing stock. Using the Council’s figures, that means that the level of additional contribution from new development over and above the existing base case is $£3,856,501 \div £19,543,499 = 19.7\%$. Albeit that there may be some marginal impact from non-residential developer contributions, it is not clear that the new developments would result in a projected 19.7% population increase. It is, therefore, not clear that the level of developer contributions is proportionate. It is suggested that reference to developer contributions to T3 Active Travel Corridor be deleted from all LDP policies, proposals and supplementary guidance.</p> <p>T9 and T10</p> <p>It is noted that the Examination Reporter uses the terminology <i>“Whilst I agree that Network Rail has a duty to maintain, renew and develop the rail network, I am not persuaded that its role is to effectively subsidise the transport impacts of new development in the plan”</i>. This appears to be a subjective view and it is not accepted that Network Rail is in any way subsidising new development.</p> <p>Network Rail’s Strategic Business Plan, in its breakdown of income sources, refers to other sources of income – grants and income from operators. There is no indication that the £100M that Network Rail states it spends every week on improving Britain’s railway (www.networkrail.co.uk/who-we-are/jobs-and-growth) is dependent on Planning Gain income. In fact, Network Rail makes reference to profits from its own property holdings as a source of revenue, reinforcing the point raised previously by HDL that Network Rail seeks to make a profit from its activities to reinvest in rail infrastructure improvements.</p> <p>At a more detailed level, Network Rail’s information displays at Dunbar station set out why the Dunbar station improvements are being progressed. The information provided is as follows:</p> <p>“Q: Why is the project being delivered?</p>	

A: The new platform will provide increased capacity and improve operational flexibility. Currently all northbound and southbound services have to use the same platform. Northbound stopping services will use the new once it is constructed. Beyond 2020, there are aspirations by train companies operating on the East Coast Main Line to operate more long distance and local services on the route. These cannot be accommodated within the existing infrastructure.”

This makes no reference whatsoever to station improvements being as a result of new developments in the town. Rather, the implication is that any improvements derive from the already existing situation.

In terms of funding, the Network Rail information display goes on to state:

“Q: How much will this cost?

A: The project is being funded by Transport Scotland with a current estimate of circa £15m.”

The clear statement is that the project is already funded, therefore developer contributions are neither required or reasonable.

Further, there is precedent elsewhere of railway infrastructure upgrades, funded through Network Rail and without developer contributions, taking place in locations where new housing is being delivered – for example at Robroyston, Glasgow and at Kilmarnock. The proposed approach at Dunbar is inconsistent with this.

The T9 and T10 proposals fail to meet the S.75 tests of being proportionate and arising directly as a result of the proposed development. HDL remains of the view that the T9 and T10 proposals for developer contributions towards rail network improvements are unreasonable. It is, therefore, suggested that references to developer contributions to rail linked infrastructure should be deleted from all LDP policies, proposals and supplementary guidance.

Education contribution

Technical Notes 14, education section, P.35 makes reference to school construction costs of £3,000/m². This has also been referred to in the Council’s responses to representations. The £3,000/m² cost has been challenged, particularly in relation to the treatment of VAT. There has been a suggestion that this figure is inclusive of VAT, whereas the Council should be able to reclaim the VAT in accordance with proven methodology eg through Hub frameworks. If the figure of £3,000/m² is VAT inclusive, the net cost to the Council would be materially lower in the event of VAT reclamation. So far as HDL is aware, the treatment of VAT has never been clarified by the Council. In the absence of any such clarification the stated cost of £3,000/m² is unsubstantiated and is therefore challenged by HDL. Reference to this figure should be removed.

General

	<p>It should be noted that the amounts of S.75 contributions, as set out in the draft Developer Contributions Framework, are proposed at a sufficiently substantial level in aggregate as to impact on development viability.</p> <p>None of the documentation relating to developer contributions takes account of the economic benefits of encouraging and facilitating development. In the case of Dunbar, an economic impact assessment by independent expert Tony Mackay in 2016 concluded that existing and future Hallhill developments in Dunbar will contribute c.£29.4m per annum to the East Lothian economy, and have to date generated over 700 jobs.</p>
ELC Response	<p><u>Segregated Active Travel</u></p> <p>The calculation of the Segregated Active Travel Contributions was set out in the Council’s responses to representations made to the Proposed Plan and considered during the examination. The contribution methodology was set out again in the Developer Contribution Framework: Outline Methodology Technical Note. A specific worked calculation has been made available in Appendix 3. PROP T3 is set out in the LDP, is partially required because of new development and the Council will continue to seek contributions towards it, proportional to the relationship between the Segregated Active Travel Corridor and new development.</p> <p><u>Rail</u></p> <p>The Council sets out that the proportional distribution of the rail contributions has changed since the 2016 DCF consultation. The representee should note that no rail contributions are now sought from Dunbar sites. This is because rail contributions are dependent on proximity and journeys made from North Berwick Branch Line stations, of which Dunbar station is not part of. It is proposed that North Berwick services are extended to 8 cars and therefore contributions are sought towards platform extensions to stations on that line. As Dunbar developments will generate rail trips from Dunbar station which is not served by North Berwick Branch services, then contributions are not required from Dunbar developments.</p> <p><u>Education Costs</u></p> <p>The 3,000 per m2 costs are not inclusive of VAT.</p> <p><u>Viability</u></p> <p>The DCF addresses development viability and how it will be considered in paragraphs 1.15, 1.16 and 1.24. The Council recognises the economic benefits of development but development and the increase in land value realised by residential planning consents is required to fund infrastructure required to support the development.</p>
Modifications	None required.

Scottish Government	General Comments	Legal Fees
Key Points from Representation	<p>We note that paragraph 4.20 states that the Council will seek to recover from applicants the cost for drafting legal agreements. With regard to the payment of fees, currently there are no provisions in the Town and Country Planning (Fees for Applications and Deemed Applications) (Scotland) Regulations 2004 providing for the payment of charges relating to the drafting or conclusion of</p>	

	legal agreements under section 75 of the Act. We do not consider that a planning authority is entitled to charge for undertaking its functions without express authority to do so and we would suggest you seek independent legal advice on this matter.
ELC Response	The Council acknowledges that this was due to be removed after previous consultation but was left in in error. This will now be removed.
Modifications	Remove element of paragraph 4.20

Transport Scotland	General Comments	Engagement and Likely Values
Key Points from Representation	<p>Transport Scotland do not have any significant concerns with the Supplementary Guidance document and welcome the involvement to date on its initiation and progression. We welcome paragraph 1.14 which discusses the need for early engagement and discussion to identify the level of contribution. We trust this will negate situations where, in the past, the Council has asked Transport Scotland to provide a level of contribution it would deem appropriate to apply to a development rather than the Council determining this figure in consultation with ourselves. The Guidance is thorough and we would strongly recommend regular and consistent discussions relating to the timing and delivery of specific trunk road mitigation when developments come forward.</p> <p>The Guidance refers to the “likely” contributions required and seek clarification if the Council will be applying the specific figures within Tables 2 - 5 to the relevant developments? In previous meetings it was discussed the Council would calculate the contributions on a case by case basis utilising information provided by its consultants to meet the tests within the Circular?</p>	
ELC Response	<p>If the scale of proposals do not vary from those set out in the LDP, then the contribution levels set out in Tables 2 to 5 are those likely to be sought. If however, the scale of development is different, then the transportation impacts are likely to change and a further assessment will be required to identify whether a) any additional impacts arise, b) whether they can be mitigated and c) what the revised level of contributions should be. The Council will work with Transport Scotland where this situation arises.</p>	
Modifications	None Required	

Walker Group	General	General
Key Points from Representation	<p>General</p> <p>The Walker Group acknowledges the reference to Circular 3/2012 in para 1.5 and the paraphrasing of the tests for developer contributions set out in the Circular, however, we do not consider the Supplementary Guidance adequately demonstrates full compliance with the tests.</p> <p>Indeed, in the examination of the LDP, the Council acknowledged that it is not possible at this stage to identify the likely nature and scale of all the requirements, however, the approval of statutory Supplementary Guidance can only be achieved if the Guidance itself clearly justifies the level of contributions as being necessary and being fairly and reasonably related in scale and kind to the proposed development.</p>	

	<p>The Walker Group maintain that the Supplementary Guidance - Developer Contributions Framework and the evidence provided in the Technical Note (14) does not adequately demonstrate that these tests are met.</p> <p>The information provided in the Updated East Lothian Local Development Plan 2018 Technical Note 14 - Developer Contributions Framework and East Lothian Council Education Forecasting Guide May 2018 does not contain a full analysis of the potential requirements arising from the “Proposed LDP Projections”. An assessment of the contribution levels set out in the SG is therefore not possible from the information provided.</p> <p>In presenting its draft Supplementary Guidance, the Council is responsible for demonstrating how each of the allocated sites in its LDP development strategy, including the future potential for windfall sites, impacts on education capacity in the catchment schools; what direct action is needed to mitigate any impacts including cumulative impacts; and explain the cost of this direct action.</p> <p>It is the view of the Walker Group that neither the Supplementary Guidance document nor the information which was put out to consultation is sufficient to enable an informed view to be reached as to whether the proposals are consistent with Circular 3/2012: Planning Obligations and Good Neighbour Agreements.</p> <p>The Council acknowledges that it is difficult to accurately predict pupil populations and school rolls over a long timeframe and therefore the accuracy of the peak roll figures contained in section 3, some of which extend out to 2035, cannot be guaranteed. The use of peak roll figures is crucial to the calculation of the actual developer contributions themselves, since it is these figures which the Council rely upon as being required to be accommodated. Given that the peak roll figures are based upon the Housing Land Audit 2017 which only programs development sites to 2024 the Council should be required to produce a full program extending to year 2035 at the very least in order to justify the use of peak roll figures at that date. Neither the Supplementary Guidance of Technical Note 14 provide this information.</p>
ELC Response	<p>The Council does not agree with the representation that the Supplementary Guidance does not comply with the requirements of Circular 3/2012. The Council cannot at this stage identify the exact level and nature of scale of contributions required as it only can assess requirements of planned development based on LDP site capacities and phasing set out in Housing Land Audits. However, it can identify the likely level and scale of nature of contributions required because of the cumulative demand assessment of all the LDP proposal undertaken in 2016 and updated in 2018 as set out in the Technical Note. The DCF sets out the likely contribution levels following this demand assessment. However, when applications come forward, they often are at different site capacities than set out in the LDP and have different phasing from the Housing Land Audit. A new demand assessment will be required for education to identify the revised impact on school roll projections, this in turn may identify a different level of infrastructure to be required and therefore will impact on contribution levels. Even if the scale of infrastructure required is the same, a change in the number of planned dwellings will impact on the per dwelling contribution value.</p>

	<p>The Supplementary Guidance does therefore set out the likely impacts on education capacity, action required and what the likely costs of this action is based on the cumulative demand assessment. However, the Council cannot forecast the impact of windfall development as by its very nature it is unknown. The approach towards assessing windfall is set out in paragraphs 1.22, 4.5 and 4.6.</p> <p>Projections are based on a variety of inputs, including the Housing Land Audit. The representation states that the Council needs to provide a full development programme to 2035. However, the version of HLA 2017 agreed with Homes for Scotland contains details of completions on individual sites up to 2035. This was used for the basis of the projections.</p>
Modifications	None Required

Walker Group	Tranent	Tranent Contribution Zone, Evidence & Consultation		
Key Points from Representation	<p>The Walker Group's principle interest is in relation to site TT1 Windygoul South, located within the Tranent Area Contribution Zone. The most significant developer contribution relates to the increase in the capacity of Windygoul Primary School.</p> <p>The Council acknowledges that it is difficult to accurately predict pupil populations and school rolls over a long timeframe and therefore the accuracy of the 2033 peak roll, stated as 903 in the 2018 Technical Note 14 must be regarded with some caution. Indeed, as stated above, the supporting information for the consultation does not demonstrate how the figure of 903 peak roll capacity is justified and in turn how many classes a roll of this size will require.</p> <p>An examination of the existing school estate at Windygoul confirms a total of 26 existing classes capable of accommodating 758 pupils. This equates to an average class size of 29.15. Notwithstanding the fact that the Consultation does not justify the peak roll of 903, if we adopt this figure for the purposes of assessing the additional accommodation required and divide it by the class average of 29.15 we get a figure of 30.9 or 31 classes if you round this figure up to a whole class.</p> <p>It is not possible to interrogate the Technical Note 14 to verify either the projected peak roll of 903 or indeed the requirement for an additional 6 classrooms arising from the peak roll projection. In the absence of this information the Consultation is flawed and the Supplementary Guidance cannot be adopted.</p> <p>Furthermore, the description of the accommodation required in the Technical Note 2018 is stated as <i>"6 additional classrooms required to meet LDP roll. Council to fund costs for 1 for increase in Established roll. Additional GP and core accommodation required and new PE hall and changing rooms. Council to fund 50% cost of new hall to reflect current deficit. Alterations and replacement MUGA required"</i> comprising a total additional area of 1517 sqm. Although a breakdown of this total additional area is not contained within the Consultation information, an email dated 20-07-18 was issued by ELC advising that the 1517 sqm was comprised of the following:</p>			
		Cost per sqm	Area (sqm)	Cost
	2 Court Hall plus storage, toilets and changing	£3,000	550	£1,650,000

New accommodation required	6 classrooms plus 2 GP plus toilets / cloaks	£3,000	867	£2,601,000
	Dining extension	£3,000	100	£300,000
	Additional allowance for alteration work			£100,000
	Allowance for replacement play area (MUGA)			£120,000
TOTAL COST			1,517	£4,771,000

The table above contains an additional 100sqm at a cost of £300,000 for a dining extension (highlighted above) which is not identified in the accommodation required as set out in the Technical Note 14. The Council have not explained or justified the inclusion of this additional accommodation. This element of the additional accommodation is not explained or justified based upon the Technical Information provided with the Consultation.

It is understood that the 'standard' classroom size for a class of 33 pupils is around 66sqm¹, which would equate to circa 396sqm for 6 classrooms. This leaves a balance of 471sqm to accommodate "2 GP plus toilets / cloaks" at a cost of £1,413,000. The Supplementary Guidance and the Technical Note do not provide any information which would assist in justifying this level of accommodation.

Conclusion

The Walker Group consider that the Proposed Supplementary Guidance - Developer Contributions Framework has not been supported with sufficient information to test the contribution levels contained within it.

In view of this it is not possible to conclude that the Proposed Supplementary Guidance meets the tests of Circular 3/2012.

The Proposed Supplementary Guidance should not be submitted for adoption until it has been further examined following the publication of additional supporting information and a further round of consultation has taken place.

Finally, the Walker Group, as a member of Homes for Scotland, supports and endorses the submissions made in respect of this Supplementary Guidance in all respects.

ELC Response

The roll projections are the best estimate at this point of the future school rolls, which inform the size of school extension required to accommodate housing development within the catchment. The Council accepts that these projections will change over time but the biggest impact on these is the phasing and scale of development. Therefore the projections and scale of accommodation required are an estimate at this stage, informing a likely contribution value. The Technical Note on pages 27 and 40 set out that a 903 peak roll will required 32 classrooms. When applications are submitted for relevant development proposal and an update demand assessment is required, a full breakdown of the roll distribution by year group will be provided.

Class numbers are not fixed ratio of the number of pupils per class but are based on a detailed class organisation by year group specific to each school and specific to each demand assessment. This will be made available during the application demand

	<p>assessment process. The numbers of classes required will be based on how the P1 to P7 classes can be arranged within teaching requirements and maximum pupil per class.</p> <p>Pages 35 to 41 of the 2018 Technical Note set out how school expansion costs have been calculated, description of each school extension required and the total additional floor space of that extensions. No consultation response was received to the 2016 DCFSG that additional detail on this matter was required. The Council acknowledge in an email to Walker Group on 19 July that there were errors in the 2018 Technical Note regarding the Windgoul Primary calculation on Page 40. The Council then responded in detail 20 July to Walker Group, as well as Homes for Scotland and Persimmon (developer of the other Windygoul Primary catchment development) with the correct calculation and that the likely contribution per home should be £6,672. On the basis of this correction, the Council extended the consultation to the affected parties until Wednesday 20 July. This email also responded to the request from Walker Group, that the Council provided a breakdown of the additional floor space requirement for Windygoul primary based on the cumulative demand assessment informed by HLA2017. The dining extension is part of the expansion of the schools core accommodation. The dining room is required to be extended to accommodate the increased number of pupils in the school, from an established projection of 641 pupils up to 903 pupils in 2033.</p> <p>The Windygoul Primary extension plan is being reworked in the light of the revised projections, which resulted in three fewer classrooms being required in the committed projection. It should be noted that the representee has now submitted a planning application for the Windygoul South allocation (TT1). However, this is for 50 units more than the site capacity set out in the LDP and the phasing is likely to differ from that set out HLA 2017. This emphasises the Council’s position that the DCFSG only sets out likely contribution values and that actual education infrastructure requirements will be based on demand assessment of actual proposals as they are submitted as the impacts will be different than that identified in the cumulative LDP assessment informed by the HLA, undertaken for this Supplementary Guidance. The Council will provide a breakdown of the floor space required from the updated demand assessment when applications are submitted.</p> <p>The Council considers that sufficient information has been made available to all parties over both the 2016 and 2018 consultations on the DCFSG for it now to be adopted. Information provided included how the demand assessment was undertaken, key information from roll projections, including current and projected rolls and capacities, descriptions of extensions required, responsibility between council and developers and proportional likely contributions levels. This information meets the requirements of the circular to adopt supplementary guidance setting out only the likely contribution levels to be required. These are not pre-determined contribution levels but likely levels of contributions. The exact contribution levels will be based on updated demand assessments undertake at the time of the application. The Council is not looking to enforce fixed contribution values set out in the Supplementary Guidance.</p>
Modifications	Update likely Windygoul Primary per home contribution to £6,672. Update Technical Note with correct Windygoul Primary Calculation.

Appendix 1 – Projecting Annual Primary 1 Intakes

a) The Evidence Base

As stated in Section 9.2 of the Education Provision Forecasting Guide, there are three key sets of data that are used to make informed assumptions when projecting the annual start of session P1 intakes:

1. Live births data tracked for each primary school catchment area from 1996/97 through to the most recent months' worth of data available from the NHS (usually up to date to within 2 months of the date the projection is run).
2. Birth to P1 intake migration rates tracked for each primary school catchment area from academic session 2003/04 to the most recent academic session (P1 relates to the start of session P1 intake numbers attending the primary catchment school as at the September Pupil Census of each session). This data tracks P1 deferrals as well as district/non district P1 intake numbers. Births and P1 intake numbers from new housing sites built since 2003/04 are separated out from births and P1 intake numbers from existing sites built before 2003/04. This allows us to make informed judgements about the projected baseline annual birth and start of session P1 intake rates for each catchment primary school. This also allows us to avoid any potential over inflating when the projected new build element is added on for the "Established Supply" and "LDP" projection sets.
3. Start of Session P1 intake pupils tracked from academic session 2003/04 to the most recent academic session for each new build development that has taken place within each primary school catchment area in East Lothian. Note: data prior to 2003/04 on new builds and stage by stage pupil outputs is not available for analysis. These new build P1 intake datasets allow us to calculate annual new build P1 per house rates for each of those new housing developments from street level to catchment area level. This provides a robust evidence base for projecting the number of new start of session P1 pupils arising specifically from new housing sites each year over a period of up to 15 years.

Note: The P1 data in No.3 above relates purely to the P1 children living in the tracked new developments and attending East Lothian local authority schools as at the September Pupil Census of each academic session.

From the data we have tracked we can see that, as a direct consequence of approx. 6000 houses built across East Lothian since 2003/04, there has been a 21% increase in the total start of session P1 intake. During this time the proportion of the total annual P1 intake living in the tracked new build sites each year has risen steadily from 3% of the total P1 intake in 2003/04 to 27% of the P1 intake total in 2017/18. Within individual primary catchment areas the impact has been proportionally greater. For example, the total annual P1 intake at Dunbar Primary School increased by 80% between 2003/04 and 2016/17 with just under 50% of the total P1 intake living in the new build sites. This impact is not just seen in large scale strategic developments but also from smaller scale developments. For example, the new houses that have been built in the Macmerry Primary catchment area since 2003/04 have generated an additional 76 new P1 pupils, doubling the number of P1 pupils living in the Macmerry catchment area at the start of session over the last 6 years with between 7 and 13 new P1 pupils each year since 2011/12. The Greendykes development in Macmerry alone, 69 units built between 2004/05 and 2005/06, has generated 49 new P1 pupils alone over the last 14 years, with 11 new P1 pupils living in the development at its peak in 2013/14, contributing to 42% of the peak P1 pupil intake of 26 pupils at Macmerry Primary School in 2013/14.

As the new build P1 intake datasets are based on individual pupil level data and are aggregated at different granular levels from street level up to whole scale strategic site and catchment area level, they are subject to disclosure control. It is not possible to publish the full set of base numbers used in the calculation of the annual P1 per house rates that are selected as where these base numbers are based on small cohorts of children, particularly at street level, it may be possible to identify individuals.

b) The Process for Establishing P1 intake assumptions

The first step in the P1 intake assumptions process is to establish the “Baseline” start of session P1 intake projections. The projected baseline P1 intake for each primary school assumes that there will be no further new house build in the associated primary catchment area and aims to provide a base on which to layer the impact from new housing.

The baseline projected P1 intake for each primary school for the next academic session is based on the latest Pupil Placement data available at that time, taking into account underlying migration trends for the area and excluding the new build element.

Baseline P1 intake projections for each primary school for the years following the next academic session are then considered and set, consulting the data in points 1 and 2 above. These two datasets allow officers to make informed judgments about:

- What the likely P1 intake at each primary school will be over the next 5 enrolment years, given the last 5 years of live births info and historical birth to P1 intake rates for its associated primary catchment area;
- What the baseline births and P1 intakes within each primary catchment area and primary school may be beyond the next 5 years if there was no further new house build;

As stated in the Education Provision Forecasting Guide paragraph 9.2 (ii) the births and P1 intake numbers from new sites since 2003/04 and the births and P1 intake numbers from existing sites built prior to 2003/04 are separated out in the key supporting datasets. As a result, officers are able to use the numbers excluding the new sites element to project a baseline that avoids creating a compound effect and any potential over inflating when the projected new build P1 element is added on.

Once the baseline annual P1 intake projections are completed. The next step is to consider the impact of new housing on the projected baseline P1 intake numbers for the “Established Supply” and the “LDP” projections. The new build P1 intake dataset in point 3 above is used to make informed judgements about:

- What the potential cumulative impact on the projected baseline P1 intake data may be from new housing, from the start of the new build for a period of up to 15 years

Using the evidence from the new build P1 intake dataset, an annual new build P1 per house rate has then been applied to the baseline P1 projections to project new P1s arising from the projected new house build each year. A bespoke rate is applied in each year from the start of the new build for a period of up to 15 years separately for the “Established Supply” and the “LDP” projection sets.

It is important to note that there is no single average rate that is applied to each of the P1 intake calculations. Annual new build P1 per house intake rates vary from year to year and from site to site depending on the type, scale and annual build out rates of each new development. Therefore it would not be appropriate to create an average P1 intake rate to be applied across the board.

For example, the number of P1 pupils and resulting annual new build P1 per house rates arising from small scale sites are based on small cohorts of children and have varied and fluctuated widely, creating extreme peaks and troughs. These extreme fluctuations in rates have less of an impact cumulatively over time on the P1 intakes from small scale developments. If a pattern of these extreme fluctuations were applied to a larger scale development, it would create extreme peaks and troughs for the projected P1s. This would not be consistent with the patterns seen in larger developments, particularly of 100 units or more. Applying a pattern of average new build P1 per

house rates from the small scale developments in the assessment of a larger scale site would also produce higher rates than is typical of larger developments and would overinflate the projected P1 figures.

New build P1 per house rates do fluctuate over time in the larger scale developments but these fluctuations tend to be less exaggerated from year to year. The P1 evidence datasets show that the peak rate from new build sites often appears 8 to 10 years from the start of the new build. In developments of 50 units or more, this often results in a 100% increase in the P1 intake over and above the baseline demographic.

The new build P1 per house rates that are applied in the calculations for each school's projected P1 intake are bespoke to each primary school's "Established Supply" and "LDP" projection set. Each annual rate that is applied is individually selected from the P1 new build evidence base, taking into account the particular circumstances of the projected house build, i.e. the type, scale and phasing of new housing that is projected to be built.

Where a catchment area has not had a period of new build of the scale and size set out for the assessment since 2003/04, we would look to evidence collected from new build sites from another catchment area of similar demographics.

c) Clarification of the role of the CPHR

It is important to clarify and note that the Primary Child Per House Ratio (CPHR) does not feed into the calculations for the projected annual start of session P1 intakes.

As set out in Section 7 of the Education Provision Forecasting Guide, the average New Build CPHRs are only applied to the calculations during the specific years that new houses are projected to be built in. Their purpose is to provide a starting point for the number of primary and secondary aged pupils who might initially move into the new houses, during the first year that each of the new houses are built and ready for occupation, between one academic session and the next.

It is also important to clarify and note that the Primary and Secondary CPHR do not measure the full impact of new house building, over and above current committed development from the established supply and baseline demographics.

The average New Build CPHRs do not calculate the cumulative total number of pupils that we might expect to see arising from a new housing development over the entire development period and beyond. Any additional new pupils arising each year and pupil migration in and out of the area are calculated and modelled through the annual net stage migration rates, projected new P1 intake, P7-S1 transfer rates, and secondary S4-S5 and S5-S6 stay-on rates. The CPHR is therefore one of several factors that are applied in the modelling.

As a result, they must not be used on their own to calculate the total number of primary and secondary aged pupils projected to arise from a new development over time. Applying the average New Build CPHRs as a rate to the total number of houses, does not accurately model how new pupils arise from a new development over time and the impact this has on the total school roll in conjunction with underlying baseline demographics in the catchment area. This approach would be based on too short a time period, not capturing all relevant variables and other factors that are taken in to account to produce robust pupil roll projections over time.

The Education Service uses monitoring checks to track the pupil outputs from new builds within each catchment area. This monitoring allows the Service to review and make any necessary adjustments to the other contributing factors (i.e. stage migration rates, stay-on rates and P7-S1 transfer rates) to address any variances in outputs as

part of the roll forecasting process. The evidence from recent new builds is particularly important for modelling the effect on the annual births and projected new P1 intake over time. The annual net primary and secondary stage migration rates for each school is used to attempt to model natural fluctuations that occur within each catchment area.

Appendix 2 – Out of Catchment Placement Requests

Legislation enables parents to make a placing request to have their child educated in school of their choice. The Education Authority can only refuse the placing request if a legal ground of refusal stands, as detailed below:

The Council can only refuse a request in accordance with the Education (Scotland) Act 1980 Section 28 (A)(3):

- (3) The Duty imposed by subsection (1) above does not apply –
- (a) if placing the child in the specified school would –
- (i) make it necessary for the authority to take an additional teacher into employment;
 - (ii) give rise to significant expenditure on extending or otherwise altering the accommodation at or facilities provided in connection with the school;
 - (iii) be seriously detrimental to the continuity of the child’s education;
 - (iv) be likely to be seriously detrimental to order and discipline in the school;
 - (v) be likely to be seriously detrimental to the educational well-being of pupils attending the school;
 - (vi) assuming that pupil numbers remain constant, make it necessary, at the commencement of a future stage of the child’s primary education, for the authority to elect either to create an additional class (or an additional composite class) in the specified school or to take an additional teacher into employment at that school;
or
 - (vii) though neither of the tests set out in sub-paragraphs (i) and (ii) above is satisfied, have the consequence that the capacity of the school would be exceeded in terms of pupil numbers;
- (b) if the education normally provided at the specified school is not suited to the age, ability or aptitude of the child;
- (c) if the education authority have already required the child to discontinue his attendance at the specified school;
- (d) if, where the specified school is a special school, the child does not have special educational needs requiring the education or special facilities normally provided at that school; or
- (e) if the specified school is a single sex school (within the meaning given to that expression by section 26 of the Sex Discrimination Act 1975) and the child is not of the sex admitted or taken (under that section) to be admitted to the school,

The school roll of Elphinstone Primary School over the last 10 years has been between 50 to 60 pupils which means they require to operate 3 composite classes. The maximum number of pupils in each composite class is 25 which means the school has the capacity to accommodate 75 pupils. It would not be reasonable for the Education Authority to hold all the available places in reserve. This means there are no legal grounds to refuse placing requests and the Education Authority had to grant out of catchment placing requests.

Education Response – Inclusion of 2018 school rolls: The annual school baseline rolls are based on the validated September Pupil Census Rolls. As the DCF was prepared in April 2018, the 2018 September Census School Rolls were unavailable at that time.

Education Response on 2017/18 School Census Rolls: The validated 2017/18 September Pupil Census roll can be added to the evidence base

Appendix 3 – Strategic Active Travel Corridor Contributions

The Segregated Active Travel Corridor was not modelled within the SRM, microsim or junction modelling tools, so a different approach was required to calculate the proportional developer contributions for it. To do this, a spatial catchment for the proposed scheme was defined to determine the area within which developments would be deemed liable for contributions. For the purpose of the Segregated Active Travel Corridor, a buffer was placed around the route creating a 1.2km catchment either side of the proposed route. All LDP developments within this buffer were included in the contribution zones calculation.

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the “committed” scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

There are 5,130 LDP allocated dwellings within the 1.2KM catchment which equates to 171 pseudo hectares and 5,427 LDP allocated jobs which equates to 90.5 pseudo hectares.

The total LDP share of contributions was then calculated as:

$$\text{LDP development pseudo-hectares within catchment} / \text{LDP} + \text{“Committed+Base” pseudo-hectares within catchment} = \text{total LDP impact}$$

$$261.5 \text{ LDP development pseudo-hectares within catchment} / 1,586.4 \text{ LDP} + \text{“Committed+Base” pseudo-hectares within catchment} = 16.5\% \text{ on impact from LDP}$$

To determine the proportional contribution of each development site, the total LDP figure is split across the individual developments based on the size in pseudo-hectares. This figure was calculated at a zonal and development level by using the 30 dwellings to hectare factor. Development site contribution is therefore calculated as:

$$\text{Development site pseudo-hectares} / \text{total LDP development pseudo-hectares} = \text{development site proportional contribution}$$

The costs used for the project and applied in the above calculation was £23,400,000.00 (This taken from the 2016 Transport Appraisal and reconfirmed in the DPMTAG Report). However, only 16.5% of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

As each pseudo hectare pays this same proportionate contribution, this results in a singular figure per dwelling and per 100sqm employment = £492 per dwelling and £147.50 per 100m2. This is based on the LDP pseudo hectare split of 171 hectares for housing and 90 hectares for employment. If this split is applied to 16.5% of the cost of the SATC that is relate to LDP development, the contributions are calculated as follows:

Costs of SATC attributable to development = £23,400,000 * 16.481% = £3,856,501

Proportion of cost attributable to housing = £3,856,501 * (171/261.5) = £2,525,222

Proportion of cost attributable to employment = £3,856,501 * (90.5/261.5) = £1,336,448

Cost per dwelling = £2,525,222 / 5,130 dwellings = £492 per dwelling

Cost per 100sqm employment = £1,336,448 / 90.5 hectares = £147.50 per 100 sqm

REPORT TO: East Lothian Council

MEETING DATE: 30 October 2018

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Adopted East Lothian Local Development Plan 2018 Supplementary Planning Guidance: Report on Consultation Responses (Development Briefs, Cultural Heritage and the Built Environment, Farm Steadings Design Guidance, Special Landscape Areas and Action Programme)

1 PURPOSE

- 1.1 To inform Members of the results of the public consultation exercise on supplementary planning guidance and the Action Programme to the East Lothian Local Development Plan.
- 1.2 To seek Members' approval for amendments to the supplementary planning guidance and the Action Programme arising from the consultation responses received.
- 1.3 To seek Members' approval to adopt the supplementary planning guidance and the Action Programme as amended.

2 RECOMMENDATIONS

- 2.1 That Council approves the amendments proposed to the supplementary planning guidance and the Action Programme arising from the consultation responses received.
- 2.2 That Council adopts the Action Programme (Members' Library Ref: 151/18, October 2018 Bulletin) and the following as non-statutory supplementary planning guidance to the East Lothian Local Development Plan 2018: Cultural Heritage and the Built Environment (MLS Ref: 152/18), Farm Steading Design Guide (MLS Ref: 153/18); Development Briefs (MLS Ref: 154/18); and Special Landscape Areas (MLS Ref: 155/18).

3 BACKGROUND

- 3.1 At its meeting of 29 May 2018 Council approved draft consultation documents as follows.
- 3.2 An updated draft of the non-statutory Supplementary Planning Guidance: Development Briefs.
- 3.3 A draft of the non-statutory Supplementary Planning Guidance: Cultural Heritage and the Built Environment.
- 3.4 A draft of the non-statutory Supplementary Planning Guidance: Farm Steading Design Guide.
- 3.5 A draft of the non-statutory Supplementary Planning Guidance: Special Landscape Areas.
- 3.6 At its meeting on 26 June 2018 Council approved the draft Action Programme for consultation.
- 3.7 The Council has now replaced the East Lothian Local Plan 2008 with a new Local Development Plan, the adopted East Lothian Local Development Plan 2018 (ELLDP 2018), adopted as of 27 September 2018. The above non-statutory supplementary planning guidance to the Local Development Plan, if approved, would add further guidance to the plan's policies to guide decision makers.
- 3.8 The Council consulted on the draft Action Programme with the Key Agencies, the Scottish Ministers and anyone specified by name in the Programme. The Council must publish the Action Programme within three months of the adoption of the Local Development Plan. The Council is also required to send two copies of the Action Programme to Scottish Ministers, place copies in local libraries and publish it electronically.
- 3.9 Supplementary planning guidance is non-statutory and does not require the approval of Scottish Ministers. It provides detail on a range of subject areas and can be updated during the lifetime of the plan.
- 3.10 The supplementary planning guidance on Cultural Heritage and the Built Environment provides guidance on conservation areas, including conservation area character appraisals and statements, shopfronts, advertisements, external security and replacement windows.
- 3.11 The supplementary planning guidance on the Farm Steading Design Guide carries forward and updates the earlier guidance on the conversion of farm steadings.
- 3.12 All the supplementary planning guidance was prepared and published for consultation in the period 8 June to 20 July 2018. Publicity was by way of a press advert and on the Council's web page and consultation hub.
- 3.13 The Action Programme was prepared and published for consultation in the period 6 July to 17 August 2018. Publicity was by way of a press advert and on the Council's web page and consultation hub. In addition, the Key

Agencies and Community Councils were contacted by email informing them about the consultation.

- 3.14 The supplementary planning guidance on Development Briefs provides additional detail on how the Council wishes to see the ELLDP 2018 Proposal sites developed. Early draft versions of the development briefs were first published along with the plan in 2016. These were subsequently revised and published again for consultation in the period 8 June to 20 July 2018.
- 3.15 A landscape review was undertaken as required to inform the ELLDP 2018 and this identified landscape character areas across East Lothian as well as Special Landscape Areas, designated for the first time in the plan. Special Landscape Areas replaced Areas of Great Landscape Value as the local landscape designation. The SPG provides guidance on how the character of each Special Landscape Area should be reinforced. It also contains a statement of importance for each SLA that identifies the special qualities and features and provides guidance on how they should be maintained.
- 3.16 The Action Programme sets out the guidance, policies and proposals of the ELLDP 2018 and the actions needed to implement them to successfully deliver the plan.
- 3.17 Following consultation a number of responses were received on each item of supplementary planning guidance and the Action Programme. All responses received are summarised and responded to in detail as shown in the tables appended to this report. A total of 3 responses raising 8 issues were received to the Cultural Heritage and Built Environment, 1 response and 1 issue to the Farm Steading Design Guide, 19 responses raising 84 issues were received to the Development Briefs and 8 responses raising 33 issues to the Action Programme. There were no responses received to the Special Landscape Areas.
- 3.18 Generally those comments received to the Cultural Heritage and the Built Environment and to the Farm Steading Design Guide, including those from Historic Environment Scotland, were supportive but sought additional clarity and where appropriate this is proposed to be amended.
- 3.19 As a result of some developers submitting planning applications for sites contained in the ELLDP 2018 a number of planning decisions have been made on sites and where planning permission in principle and approval of matters specified in conditions has been granted the development brief is no longer included. All other development briefs are included.
- 3.20 Generally those comments received to the draft Action Programme sought additional clarity and where appropriate this is proposed to be amended. The Action Programme is proposed to be amended to include two of the Key Agencies, namely the Scottish Environment Protection Agency and Scottish Natural Heritage, who both requested to be identified as working jointly with the Council on the preparation of the Blindwells Development Area Design Framework.

- 3.21 A finalised version of each document is available in the Members' Library (see Section 2.2 for Members' Library reference details). If approved these will be published as adopted supplementary planning guidance to the ELLDP 2018.

4 POLICY IMPLICATIONS

- 4.1 The supplementary planning guidance provides essential detail in support of the policies of the ELLDP 2018 and will be used in the determination of planning applications.

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report has been through the Integrated Impact Assessment process and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial - none
6.2 Personnel - none
6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 Proposed Local Development Plan Draft Development Briefs 2016 Supplementary Planning Guidance Parts 1 and 2
7.2 East Lothian Local Development Plan Development Briefs – Proposed Supplementary Planning Guidance 2018, 29 May 2018
7.3 East Lothian Local Development Plan , Farm Steading Design Guide – Proposed Supplementary Planning Guidance 2018, 29 May 2018
7.4 East Lothian Local Development Plan, Cultural Heritage and the Built Environment – Proposed Supplementary Planning Guidance 2018, 29 May 2018
7.5 Report to 29 May 2018 meeting of East Lothian Council: East Lothian Local Development Plan 2018 – Supplementary Guidance / Supplementary Planning Guidance Consultation.
7.6 Report to 26 June 2018 meeting of East Lothian Council: East Lothian Local Development Plan 2018 – Action Programme and Supplementary Planning Guidance for Consultation

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DATE	8 October 2018

**SPG Cultural Heritage and the Built Environment
Representations received and proposed changes**

Ref no.	Respondent	Consultation Response	Officer Comment	Summary of Proposed Change to Document
001/1	Historic Environment Scotland (HES)	Welcome the proposed SPG which it considers will, along with the suite of policies for the protection of built heritage included in the Local Development Plan, provide a good framework for decision making.	Support noted	No change
001/2	Historic Environment Scotland (HES)	No specific comments on Conservation Area Character Statements and note the intention to replace these with full Conservation Area Character Appraisals on which they will comment as they are produced.	Comment noted.	No change
002/1	D Campbell	Para 1.3 sentence 1 – redraft sentence to read, ‘This SPG is based on the Historic Environment Scotland Policy Statement 2016 and the guidance notes flowing from it, all of which the Council are committed to implementing to the highest standards. It outlines...’	The planning guidance is supplementary to the East Lothian Council Local Development Plan therefore it is logical for para 1.3 to state that it is the Council’s design guidelines. National policy for the historic environment is contained within the HES Policy Statement to which the LDP and its supplementary guidance comply. The guidance should flow from the	Insert new paragraph 1.4 to read: ‘ <i>Historic Environment Scotland provides an overarching Policy Statement on the historic environment and provides a series of guidance notes under its Managing Change series which provide additional guidance on particular aspects of the historic environment. Where appropriate this HES</i>

			ELLDP policies. However it may be helpful to make a reference to Historic Environment Scotland's Managing Change guidance notes.	<i>guidance will also be relevant in the determination of statutory permissions. Where reference is made within this SPG to HES guidance this will also apply to any updated versions of that guidance.'</i>
002/2	D Campbell	Include a reference to the need to review conservation area boundaries when preparing a conservation area character appraisal and include a reference to the potential for designating a new conservation area. Suggest new sentence to this effect at paragraph 1 in Appendix 1.	Agree that it is useful to note that the boundaries of a conservation area will be a part of the review when preparing a conservation area character appraisal. Agree to add a reference to note that any new conservation area designations will be prepared along with an associated conservation area character appraisal.	Insert the following two new sentences at end of paragraph 1 Appendix 1 to read: <i>'The preparation of a conservation area character appraisal will involve a review of the boundaries of the designated area. The Council may also designate a new conservation area and if so an associated conservation area character appraisal and management plan will be prepared.'</i>
002/3	D Campbell	Make clear the statutory force of the Historic Environment Scotland (HES) policy framework to encourage developers that the SPG contents are non-negotiable.	While the intention behind this suggested change is understood, it should be noted that Supplementary Planning Guidance is guidance that expands upon the core policies contained in the local development plan.	No change

			HES policies are stand alone policies. All planning applications are treated on their merits and it is for the planning officer to use the policy guidance as appropriate to determine the application. It is impossible for guidance to cover every eventuality therefore it may be that in some cases the content may require some negotiation.	
002/4	D Campbell	The SPG contains two references to specific HES guidance notes which could be imply that other HES guidance notes are of less significance. As HES guidance may change, the SPG should refer to current and future versions of HES guidance to avoid having to change the SPG when HES guidance is updated.	It is accepted that it should be made clear that HES policy guidance can also change – the change proposed to 002/1 above will do this	No change
002/5	D Campbell	Conservation Areas must remain relevant. The SPG could make reference to the potential for new conservation areas or to the potential to alter the boundaries of existing conservation areas.	It is agreed that Conservation Areas must remain relevant and these areas will be reviewed in due course when the conservation area character statement and management plans are	No change

		<p>Three examples are given:</p> <p>The Aberlady Conservation Area Character Statement highlights the importance of the high quality 1920s Council housing to the west of the village but similar consideration might be given to housing areas in the Beechwood Road/Hopetoun Drive and roads north of Tesco in Haddington.</p> <p>The early post war development 1960s redevelopment of Civic Square at Tranent is a typical example of its era could be considered for inclusion in the Conservation Area.</p> <p>Many small historic settlements of considerable distinction such as Pitcox, Peaston and Bolton might be considered for future protection by conservation area designation.</p>	<p>prepared. There is no need to consider these in this SPG. The Council can consider the designation of new conservation areas at any time.</p>	
003/1	W J Main	<p>Dirleton Conservation Area Character Statement: Objects to the revised brief as all the safeguards against unsightly development have been eroded completely. Requests that the original brief is reinstated to allow an acceptable development that is</p>	<p>Although this appears to be a comment in relation to the Development Brief for Proposal NK11 Castlemains Place, it can also be taken as a comment that new development within Dirleton</p>	No change

		unobtrusive and would sit well with the existing properties in the locality.	Conservation Area should be unobtrusive and sit well with existing properties in the locality. The purpose of the character statement is to identify the special architectural and historic character and is a material consideration in the assessment of a planning application within the area.	
	Additional Changes: These changes are not made as a result of representations received but have either been noticed as a minor omission or update a situation that no longer applies as explained below			
005		Para 6.5 sentence 1 is incomplete.	Sentence 1 currently reads 'Within the Haddington and East Linton Conservation	Insert the words ' <i>will not be permitted</i> ', at the end of sentence 1 in para 6.5 to

			Areas, advertisements which are illuminated by either external or internal means'. The wording contained in East Lothian Local Plan 2008 and intended to be carried over to this SPG had the following words at the end of this sentence which were inadvertently omitted – ' <i>....will not be permitted</i> '.	accurately reflect the wording of the East Lothian Local Plan 2008.
006		Dunbar Conservation Area Character Statement – the last sentence that refers to the former Bellevue Hotel is no longer relevant.	The derelict remains of the former Bellevue hotel have been redeveloped to form a residential block of flats. The reference to the Bellevue hotel should therefore be deleted.	Delete last sentence of the Dunbar Conservation Area Character Statement: ' <i>The listed former Bellevue hotel continues to blight the appearance of the conservation area.</i> '

SPG Farm Steading Design

Representations received and proposed changes

Ref no.	Respondent	Consultation Response	Officer Comment	Summary of Proposed Change to Document
001/1	Historic Environment Scotland (HES)	Welcome the proposed SPG which it considers will, along with the suite of policies for the protection of built heritage included in the Local Development Plan, will provide a good framework for decision making.	Support noted	No change
001/2	Historic Environment Scotland (HES)	At paragraph 1.3 it is recommended that a caveat be inserted in reference to the document 'Guide for Practitioners : Rural Buildings of the Lothians – Conservation and Conversion'. The document, while still useful, refers to outdated legislation and policy, and it would be helpful to make this clear.	This comment is accepted.	Amend the wording of paragraph 1.3 to add at the end of the sentence after '... Lothians.' to read; '...Lothians, though it should be noted that its references are to outdated legislation and policy.'
001/3	Historic Environment Scotland (HES)	At paragraph 3.1 (15) suggest a minor amendment to the last sentence, so that it reads 'Where appropriate, the Council will seek the advice of Historic Environment Scotland....'	This comment is accepted.	At paragraph 3.1 (15) third sentence delete the word 'may' and replace with 'will'.

Development Briefs SPG

Representations received and proposed changes

Ref no.	Respondent	Consultation Response	Officer Comment	Summary of Proposed Change to Document
MH1 Land at Craighall				
017/1	Holder Planning on behalf of Persimmon Homes_MH1 Land at Craighall	<p>General comments: This consultation was being undertaken when there are two live planning applications on the site: Planning permission in principle (mixed use development) 18/00485/PPP and planning permission (370 houses, 103 flats and associated works) 15/00337/PM. The required technical studies have now been undertaken and submitted with the above planning applications, and a significant level of discussion has taken place with East Lothian Council. In our view, these discussions and the detailed analysis of the site should be used to inform the content of the Development Brief, as well as the content of the masterplan submitted with the planning applications. There would appear to be inconsistencies between the Proposed Brief and the submitted applications.</p>	Comment noted – no changes sought.	No change


		These are discussed in the main part of the response.		
017/2	Holder Planning on behalf of Persimmon Homes_MH1 Land at Craighall	Primary School (point 1): It has been agreed with ELC that the Primary School should be located to the north of the Cairnie Burn corridor, ensuring that it sits adjacent to new playing fields along the A1 parkland corridor. This location will facilitate safer and more direct access to the school, via active travel links from homes in areas 1, 2 and 3, while also deterring parents from dropping children off at the school, by ensuring its entry point is further north away from the B6415. The plan contained within the Proposed Brief should be amended accordingly.	Policy MH1 states that the primary school should be located adjacent to and north of the Old Craighall village. The Brief indicatively illustrates this immediately to the north west of Old Craighall. However, the important factor is that the primary school be well linked to the proposed communities and be sited in Area 1 to allow for its early delivery. It is agreed that the Brief could give a better indicative location for the school by placing it centrally within Area 1. Point 1 of the text requires no change.	Amend the indicative diagram for site MH1 to show the potential location of the proposed primary school more centrally within Area 1.
017/3	Holder Planning on behalf of Persimmon Homes_MH1 Land at Craighall	Access (point 6): The provision of a bus route using the upgraded footbridge over the rail line has been discussed with ELC and it has been agreed that this route will remain as a pedestrian / cycle linkage. However, a safeguarded zone for future bridge provision has previously been discussed and agreed. The	The draft Brief states that 'the provision of a bus route using the upgraded footbridge or provision of a new overbridge constructed for the purpose of bus connection should be investigated and, if feasible, delivered as part of the wider movement framework for the	Amend sentence 3 of Point 6 to read: ' <i>The provision of a bus route using the upgraded footbridge should be investigated and, if feasible, delivered as part of the wider movement framework for the site. Following investigations,</i>

		submitted plan (Plan 3) shows the zone for this future possibility and this should be reflected in the brief.	site...’ The draft Brief adequately covers the eventuality that the upgraded footbridge remain in pedestrian/cycle use. It also covers the possibility that a future bridge may be provided for bus connections. However, this could be amplified to ensure that additional land is safeguarded for this purpose, where appropriate.	<i>should this not prove possible, the provision of a new overbridge constructed for the purpose of bus connection should be investigated and land safeguarded for this purpose as a minimum.’</i>
017/4	Holder Planning on behalf of Persimmon Homes_MH1 Land at Craighall	Structured Landscaping (point 12): The Brief requires the provision of structural landscaping to provide noise attenuation in zone 3. However, the masterplan submitted with the planning applications proposes to introduce a network of green corridors and links across this area, rather than a single green space cutting east west. It is intended that this can provide direct access to landscape and open space provision through active travel routes as well as integrate SUDs provision and wildlife corridors with new areas of housing. This new network of green corridors and links can also help mitigate the effect of the	The Development Brief is indicative and it may be that an alternative form of landscaping is considered in detail at the application stage. However, it is accepted that a noise attenuation buffer cutting across Area 3 is unnecessary and instead a network of green corridors spread throughout, providing access links and opportunity for recreation, may be beneficial. Point 5 of the Brief already refers to the need for a multi-functional green network along the	Remove Point 12 and replace with: <i>‘Introduce a network of green corridors in Area 3 to provide a multi-functional green network capable of providing setting for the development, wildlife corridors and noise attenuation’</i> Remove the green wedge (Point 12) on the indicative diagram and instead include lines of green, both vertical and horizontal, to demonstrate green corridors.

		pylons and provide a setting for Cairnie Burn as they pass through area 3. The brief should be updated to reflect this.	watercourse. These green networks could link together. Area 3 is a proposed mixed use area and noise attenuation is important to protect residential amenity. The green network must be capable of providing noise attenuation.	
017/5	Holder Planning on behalf of Persimmon Homes_MH1 Land at Craighall	<p>Connection to Newcraighall Park and Ride (point 13):</p> <p>The Brief requires walking and cycling connections to Newcraighall Park and Ride. This land is outwith Persimmon's landownership, it is located within a different Local Authority area and would be challenging to deliver. Therefore, it is considered that the reference to the connection to the Newcraighall Park and Ride should be removed from the Development Brief. Incidentally, there is an existing indirect access to the Park and Ride.</p>	The proposed route to Newcraighall Park and Ride is part of the segregated active transport corridor. It is accepted that the route crosses into Edinburgh District and, in this respect, delivery may be more difficult. However, it is important to support the inclusion of the segregated active transport corridor and, in this respect, it is important to secure the potential for connections with adjoining land. Point 13 does not stipulate that the developer must deliver these linkages but expresses a desire for connections to be made; this will be insisted on by the Council where	No changes.

			<p>applicants can deliver routes and where they cannot the council will seek to safeguard land as part of the overall masterplan so they can be delivered. It is important that the site is designed in such a way so as not to preclude these linkages or future connections.</p>	
017/6	<p>Holder Planning on behalf of Persimmon Homes_MH1 Land at Craighall</p>	<p>Omissions: The Development Brief does not propose any development on the area of land to the south of the rail line and north of Queen Margaret University. However, the agreed Indicative Masterplan submitted with the planning applications, proposes mixed use development comprising educational and residential uses. The Development Brief should be updated to reflect this.</p>	<p>It is not for the Development Brief to pre-determine the outcome of the planning application to which the masterplan referred to relates.</p> <p>However, PROP MH1 of the LDP allocates the 3ha of land to the north east of Queen Margaret University for mixed use development, potentially including housing and employment uses. This should be reflected in the Development Brief.</p>	<p>Annotate site plan MH1 to illustrate the 3ha mixed use allocation to the north east of QMU (that land bound to the north by the railway line and QMU to the south). Refer to this as site 5 (point 19 in the Brief text). Update introductory text to refer to '5 main areas'.</p>

MH8 Levenhall

002/1	CALA Homes	<p>General Comments: The Levenhall Site is the subject of a pending planning application. CALA has a considerable level of technical and design knowledge about this site.</p>	<p>Comment noted – no changes sought.</p>	<p>No changes</p>
002/2	CALA Homes	<p>Access (point 1 of the DB): Access is shown from the A199. The images included in the Brief were taken from the incorrect location. The access point (based on the LDP allocation and the design brief boundary) is located south-east from this location. Removal of the stone wall is inevitable, but the wall can be later reinstated.</p> <p>Bridge access to the site is not required. Road and pedestrian access to the site is possible without the need to cross the burn.</p>	<p>The Development Brief seeks the retention of the stone wall but recognises that it may need to be reconstructed to serve the site entrance. The images are taken to the west of the allocation (see image below) where an existing gap exists in the stone wall. The</p>  <p>photographs will be up-dated.</p> <p>ELC Transport department are satisfied that bridge access is not required to access the site via the A199</p>	<p>Remove photographs and replace with up-dated photographs to illustrate the wall, potential access and wider site.</p> <p>Remove from point 1: <i>'with bridge access to the site'</i></p>

			as there is already a culvert. Point 1 of the brief should be amended accordingly.	
002/3	CALA Homes	SUDS (point 2 of the DB): SUDS feature is to be located in the northern part of the site and not the 'southern part of the western boundary' as indicated in the DB.	Point 5 of the DB confirms SUDS in the northern part of the site as an option. The representation refers to the location of SUDS as proposed in the pending planning application. To date this has not been approved and SUDS remain acceptable on the south western boundary.	No changes
002/4	CALA Homes	Pedestrian Routes (point 3 of the DB): The identified pedestrian connection is a Right of Way, but its surface is in poor condition, it is unlit and its northern end-point leads to a dangerous junction with no footpath. Pedestrian connection at frontage of the A199 offers the most direct, and closest connection to public transport.	Whilst it is accepted that the route running along the western boundary of the site is unlit, it is still important to offer connections to this right of way. The Brief does not require upgrading of the pathway.	No changes
002/5	CALA Homes	The Ravensheugh Burn (point 4 of the DB): De-culverting the Burn would compromise the site's capacity rendering the scheme unviable.	The Development Brief states that 'the developer <i>should investigate</i> whether it can be de-culverted'. It is for the applicant to consider the viability of de-culverting and	No changes

			to demonstrate this at the planning application stage.	
002/6	CALA Homes	Future vehicular and path connection to the site (point 6 of the DB): It is not clear why a future vehicular and path connection to the south-eastern boundary is needed. This part of the site adjoins greenbelt and Goshen site has been rejected by ELC for future development.	Land to the south east of site MH8 is Green Belt. Therefore there should be no requirement for site MH8 to retain an area for future vehicular access. It is important that pedestrian links are formed between site MH8 and all adjoining land.	Remove the following sentence from point 6 of MH8 'Sufficient space to allow for a future vehicular and path connection to the south eastern boundary of the site should be provided'. Instead alter Point 3 to read ' <i>Provision should be made for pedestrian links to adjoining land, in particular to the west of the site, to facilitate connectivity between the site and the coast and public transport provision.</i> '
009/1	HES_ MH8 Levenhall, Musselburgh	This allocation is located within the Battle of Pinkie Inventory battlefield. HES note that no reference is made to this nationally important heritage asset in the design brief. HES recommend that this updated, to reflect the fact that impacts on the battlefield will be a key consideration in the design and implementation of development in this area. The potential for direct impacts on in situ remains of battle, and also	Agreed. The Development Brief should include reference to the Battle of Pinkie Inventory Battlefield. When a battlefield is included on the inventory it becomes a material consideration in the planning process.	Add a note to state ' <i>consideration should be given to the location of the site within the Battle of Pinkie Battlefield. Careful consideration should be given to the design and density of the development in an attempt to mitigate any negative impacts on the Pinkie battlefield. Historic</i>

		for impacts on the battlefield's landscape characteristics should be considered.		<i>Environment Scotland must be consulted at the planning application stage.'</i>
MH10 Land at Dolphingstone, Wallyford				
010/1	HES_ MH10 Land at Dolphingstone, Wallyford	The development brief makes no reference to safeguarding the setting of the category A listed Dolphingstone Dovecot, which is close to the development boundary. HES recommend that this is updated, and that consideration should also be given to the inclusion of provision for repair and conservation of this heritage asset.	Point 8 of the Development Brief does refer to ' <i>equally spaced, large growing specimen trees.....which will provide setting for the listed buildings, adjacent to the east of the site.</i> ' This can be strengthened to specifically mention the Dolphingstone Dovecot which sits closest to the MH10 boundary. A planning permission in principle has been granted on this site – it would not now be appropriate to include further requirements for off site contributions to assist with repair of the Dovecot.	Point 8 – refer to the Dolphinstone Dovecot and the need to safeguard the setting of this important asset.
MH14 Land at Whitecraig North, Whitecraig				
011/1	HES_ MH14 Land at Whitecraig North, Whitecraig	HES note The allocation lies within the boundary of Pinkie battlefield, and in close proximity to the scheduled monument known as Monktonhall Junction, Neolithic cursus 150m N of	Agreed. The Development Brief should include reference to the Battle of Pinkie Inventory Battlefield. When a battlefield is included on the	Add Point 7 to read: ' <i>Consideration should be given to the location of the site within the Battle of Pinkie Battlefield, and the site's</i>

		<p>Whitecraig. The development brief should be updated to identify potential impacts on both of these heritage assets.</p> <p>It would be helpful to identify requirements for evaluation of this area's contribution to the battlefield. This will be necessary to inform an appropriate mitigation strategy for any significant impacts. This should consider impacts on both the battlefield's landscape characteristics and its special qualities. Without appropriate mitigation there is the potential for significantly adverse impacts on the battlefield.</p> <p>Possible impacts on the setting of the scheduled cursus, should be considered through the design and layout of any proposed development in this location.</p>	<p>inventory it becomes a material consideration in the planning process.</p> <p>Reference can also be made to the scheduled monument and its setting, itself a consideration through the planning application process.</p>	<p><i>location, in close proximity to a Scheduled Monument (Monktonhall Junction). Careful consideration should be given to the design and density of the development in an attempt to mitigate any negative impacts on the Pinkie Battlefield and the setting of the Scheduled Monument. Historic Environment Scotland must be consulted at the planning application stage.'</i></p> <p>Add Point 7 to the indicative diagram.</p>
PS1 Longniddry South, Longniddry				
012/1	HES_PS1 Longniddry South, Longniddry	HES welcome the fact that this brief has been updated to reflect their advice relating to mitigation of potential impacts on Gosford House Inventory garden and designed landscape, particularly in relation to	Noted.	No changes.

		the design and density of development in this area.		
TT1 Windygoul South				
029/1	Walker Group_ TT1 Windygoul South	<p>The Walker Group objects to the following statement within the Brief, as it applies to TT1 Windygoul South, where it states: “Surveys for noise, odour and emissions will be required to consider the adjoining employment use at Elphinstone Research Centre. These should inform any necessary mitigation of negative impacts on the proposed residential development.”</p> <p>The Walker Group note that the Brief acknowledges that the sites included within the document have all been established in principle as suitable for development in the East Lothian Local Development Plan (2018) and have already been subject to SEA as part of the site assessment process in preparing the Local Development Plan.</p> <p>The Draft Development Brief (2016) for TT1 – Windygoul South, Tranent contained no mention of impacts from</p>	<p>The sites are all appropriate ‘in principle’ and as such have been allocated in the LDP.</p> <p>Since publication of the proposed LDP SEPA have raised a question relating to the activities of the neighbouring employment use at Elphinstone Research Centre. In order that the Local Planning Authority can assess whether there are any potential impacts from this employment operation on future residents of site TT1, the Brief requests studies from the applicant so this assessment can be undertaken. These studies should be undertaken ahead of any decision on a planning application. For</p>	<p>For clarity reword note 4 to read: ‘<i>Surveys for noise, odour and emissions should be undertaken to consider the adjoining employment use at Elphinstone Research Centre...</i>’</p>

		<p>the Elphinstone Research Centre or indicated that there would be any requirement for odour or emissions assessments.</p> <p>Since publication of the 2016 draft development briefs, the Walker Group have been working towards an appropriate masterplan for the development of the site.</p>		
TT5 Bankpark Grove, Tranent				
013/1	HES_TT5 Bankpark Grove, Tranent	<p>HES welcome the changes to this brief identifying the need to consider Tranent Conservation area and Prestonpans battlefield. It would be helpful here to identify specific considerations for battlefield impacts. This may include, for example, avoiding significant changes to the topography of the area, and identifying a maximum height for housing proposals.</p>	<p>The Brief refers to the need to protect the landscape setting of the Prestonpans Battlefield. The effect of proposed development on the historical and archaeological significance of designated battlefield areas is a material planning consideration. Policy CH5 of the LDP deals with Battlefields. It is not appropriate for the Brief to include further detail on scale and massing etc. these issues should be dealt with through the planning application process when a scheme has been designed.</p>	<p>Include in point 4 – <i>‘Careful consideration should be given to the design and density of the development in an attempt to mitigate any negative impacts on the Prestonpans Battlefield. Historic Environment Scotland must be consulted at the planning application stage.’</i></p> <p>Remove reference to the Council’s SPG on Cultural Heritage, as this does not refer to Battlefields.</p>

			However, the Brief could include a sentence to ensure that appropriate consideration is given to design and density in the context of the battlefield.	
TT7 Macmerry North				
018/1	Holder Planning on behalf of Taylor Wimpey_ TT7 Macmerry North	General comments: This consultation was being undertaken at the time when there is a live planning applications for the site: <i>Erection of 94 houses, 8 flats and associated works</i> ” (Application Reference 18/00090/PM). A significant level of discussion has taken place with ELC with regards to this planning application, which should be reflected in the Development Brief for the site. However, in its current form, elements of the Proposed Development Brief do not reflect these discussions.	Where a site benefits from planning permission the Brief has been amended to accurately reflect the decision, since adequate scrutiny has been undertaken. Where an application is pending, the Development Brief will be used as a material consideration to guide appropriate development and therefore discussions. The Brief will not be altered to reflect any pre-application discussions.	No changes.
018/2	Holder Planning on behalf of Taylor Wimpey_ TT7	Development Description (site capacity): The reference to 150 homes in the Proposed Development Brief reflects the capacity identified for the site in	PROPOSAL TT7 of the LDP applies and has reached a stage of the LDP process where it has significant weight. The Brief will be	No changes.

	Macmerry North	<p>Proposal TT7 of the LDP. It is considered that this capacity is significantly under-estimated and a development of circa 262 homes on the site would be in accordance with the LDP's Policy DP3 requirement expecting to achieve a minimum average density of 30 dwellings per hectare (net) using a full range of housing types and sizes. It is suggested to amend the description in the Development Brief should be amended to; "Residential development for circa 262 homes".</p>	<p>Supplementary Planning Guidance and must therefore be in accordance with LDP policy on which it supplements. It is not the purpose of the Brief to identify additional housing capacity.</p> <p>The issue of increasing the capacity of the site from 150 to 200 homes was raised by Balfour Beatty and considered by the Reporter (0209/2). The Reporter concludes that overall the housing land supply (as recommended to be modified) is sufficient to meet and exceed the housing requirement over the period to 2024 without the need to find additional housing land at this time.</p> <p>The scope for any additional housing on this or any other site will be a matter for project level discussion.</p>	
018/3	Holder Planning on behalf of	Vehicular Access (point 1 of the DB):	ELC Transportation Department agree that the	Amend point 1 of the Brief to read: ' <i>Vehicular access</i>

	<p>Taylor Wimpey_TT7 Macmerry North</p>	<p>A revised layout has been submitted and agreed with East Lothian Council Planning and Transportation Officers, which proposes road access from two points on Chesterhall Avenue up to the edge of the Taylor Wimpey site, with the potential for it to connect across the wider site (see submitted plan with this representation). In order to accord with the agreed layout Point 1 of the Draft Development Brief should be amended to remove the reference to there being no vehicular access across the site and should read as follows; “Vehicular access should be taken from the A199 and Chesterhall Avenue, off Greendykes Road.” The reference to “a secondary access” at Chesterhall Avenue should be removed. Firstly, even if there is a road through the site linking Chesterhall Avenue to the A199, it cannot really be described as “secondary” access. Secondly, if the Proposed Brief is to make sense in its current form (i.e. no road link between the east and west of the site), then</p>	<p>wider site can acceptably be connected for vehicles, walking and cycling. Indeed, a link would go part way to reducing traffic on Chesterhall Avenue and assist in connecting both parts of the site which remain under separate ownership. It is agreed that Chesterhall Avenue was designed to facilitate a future expansion of Macmerry westwards, so should not be described as a secondary access.</p>	<p><i>should be taken from the A199 and Chesterhall Avenue, off Greendykes Road. An east-west connection, capable of vehicle movement, should be provided across the site’</i></p>
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		clearly, the access from Chesterhall Avenue will be the only access.		
TT11: Elphinstone West				
024/1	James Fraser EMA Architecture and Design TT11: Elphinstone West	General comment: The detailed planning application lodged for this site (16/00970/PM) generally accords, where possible, with the aspirations set out in the proposed development brief.	Noted	No changes
024/2	James Fraser EMA Architecture and Design TT11: Elphinstone West	Points 6 / 7, As outlined in the application for the site, the suggested off-site connections within the development brief are to land out with the control of the application. The current application proposes footpath connections to the edge of the land under control of the applicants with the physical connections beyond this point subject to discussion between the local authority and the relevant landowner.	It is difficult for a developer to ensure delivery of off-site footpaths. However, it is still an aspiration that good connections be made for both walking and cycling. Point 6/7 should be retained, but the words 'off site' removed. It is important to keep access points open on the development site for future delivery. If land ownership precludes development of the proposed links, this should be dealt with at the planning application stage.	Remove the words 'off-site' from Points 6 and 7.

TT12 Woodhall Road, Wester Pencaitland				
014/1	HES_TT12 Woodhall Road, Wester Pencaitland	HES welcome the update to this brief to include a reference to Pencaitland Conservation area.	Noted	No changes
HN2 Letham Mains Expansion, Haddington				
023/1	Anonymous_HN 8 Land at Peppercraig East, Haddington	Support the proposal as it seems a fitting expansion to the already significant changes at Letham Mains and would make no detriment to the area.	Noted	No changes
DR2 Hallhill North,				
019/1	Ross Developments & Renewables Ltd on behalf of Hallhill Developments Limited (HDL)_ DR2 Hallhill North, Dunbar	Access (point 1 & 2): The Brief refers to the existing access road being closed to motorised traffic at Lochend Kennels. However, local residents are understood to enjoy rights of access, so these rights would need to be amended or extinguished and the practicality of closure may be questionable. The guidance should be amended to acknowledge this, with the relevant sentence introducing the words "if possible". Point 2 is contradictory in that it refers to traffic being discouraged as opposed to the road being closed to traffic.	The east-west track through the site is a private through road that existing residents can currently access from either side of the track. The Reporter through the LDP examination considered it appropriate that the Council protect the track with appropriate traffic calming measures. It may not be practical to close off this private access. The need for appropriate	Point 1 – remove the final sentence ' <i>This existing access road should be closed to motorised traffic at the eastern end at Lochend Kennels.</i> ' Remove the last sentence from point 2 and instead add this as new Point 3: ' <i>Appropriate traffic calming measures may be required to ensure pedestrian safety and to discourage school traffic and through traffic.</i> '

			traffic calming should be strengthened and ensure this is linked to discouraging school traffic and through traffic.	Amend all subsequent numbering in text and diagram.
019/2	Ross Developments & Renewables Ltd on behalf of Hallhill Developments Limited (HDL)_ DR2 Hallhill North, Dunbar	The Brief refers to a footway being created along Beveridge Row, while retaining the existing wall. There is very little space for a footpath and it may not be possible to provide without, at the very least, a relaxation of standards for footpath width. The guidance should be amended to acknowledge that this aspiration for a footpath should be subject to deliverability, having regard to safety and the space available.	Point 6 refers to the managed edge and the need for a multi-user path. This could be on the development side of the site. A safe route is needed to link into Beveridge Row at the northwest corner. This link is required to link to the northern section of Beveridge Row. The Brief should clarify these points.	Remove the last sentence from Point 6: <i>'A footway should be created along Beveridge Row, taking account of the need to retain the wall.'</i> Remove from Point 6 : <i>'A pedestrian access should be formed in the northwest corner of the site to connect it to Beveridge Row and under the bridge of the East Coast Mainline'</i> . Instead add a Point 8 to read: <i>'A safe pedestrian route should be formed at the northwest corner of the site to connect it to Beveridge Row and under the bridge of the East Coast Mainline.'</i> Amend diagram to reflect this. Remove this similar sentence from Note 2.

DR7 Land at Spott Road, Dunbar				
015/1	HES_DR7 Land at Spott Road, Dunbar	HES welcome the fact that the brief has been updated to make specific reference to potential impacts on Broxmouth Park Inventory garden and designed landscape, and Dunbar II Inventory battlefield.	Noted	No changes.
NK7 Saltcoats, Gullane				
003/1	CALA Homes	General Comments: The site has the benefit of Planning Permission in Principle (16/00594/PPM) and a Masterplan forms part of the approved development. The Brief has the potential to create confusion when compared to the approved Masterplan.	The Brief should not be in conflict with the approved Masterplan. The Development Brief intends to reflect the principles of the most up-to-date planning consents. Nevertheless, the Brief needs to maintain a level of flexibility in order to adequately respond to any future planning proposals.	The Brief will be amended where necessary to avoid any confusion.
003/2	CALA Homes	Access (point 1 of the DB): Two points vehicular access has been agreed with ELC.	Comments noted. The Brief should reflect the principles in the planning consent. Whilst the wording of the Brief does not require a single access point to be provided, for the avoidance of doubt it should specify that more than one access point is acceptable.	Amend the first sentence of the Brief's point 1 relating to NK7 - Saltcoats, Gullane to say: <i>Access(es) should be taken from the road C111 which would require upgrading with additional street lighting and a footway provided along the full</i>

				<i>roadside frontage of the site, extending northwards up to the junction of the C111 with the A198.</i>
003/3	CALA Homes	<p>The southern boundary of the site (point 2 of the DB): The JMW does not route along the southern boundary of the site, but progresses along Main Street. The track to the south of the site is Core Path 98. A requirement for the minimum 8m-wide landscape edge is unnecessarily specific. The SUDS location is shown incorrectly. The lowest point of the site is the south-east corner which has implications on the required 8m-wide landscape edge. The track to the south is an operational farm track and for safety reasons this (and western) boundary should be fenced off by providing hedge planting. Pedestrian access might be possible at fixed locations having regard to pedestrian safety.</p>	<p>It is accepted that the site's diagram erroneously shows the John Muir Way routing along the southern boundary of NK7.</p> <p>Comments noted. The Brief shows an indicative location of the SUDS. The exact location of the SUDS will be agreed at the planning application stage. It is considered that the current requirement for the landscape edge reflects the principles of the approved indicative Masterplan docketed to the planning permission in principle 16/00594/PPM. However, the requirement of a minimum width of the said landscape edge may be too prescriptive.</p>	<p>Correct the description within the diagram with regard to the track to the south of the site: replace the John Muir Way with the Core Path 98.</p> <p>Amend point 2 of the Brief to say: <i>On the southern boundary, along the boundary with the Core Path 98, a managed and accessible landscape edge of a reasonable width would be beneficial. This landscape edge should incorporate specimen trees planted as individuals and in groups to soften and enhance views of the building line to create an appropriate setting for the new development by framing views to the Pentlands and the Lammermuirs. Externally visible gardens should be</i></p>

			Comments noted. It is acknowledged that the track is used in connection to day-to-day farming operations and, for safety reasons, pedestrian access points should be restricted to fixed locations.	<i>defined by hedging. Path access points should be provided on to this edge from housing areas, connecting, at fixed locations, to the Core Path 98 which will require upgrading and the provision of hedge planting on its northern boundary.</i>
003/4	CALA Homes	Building line along the southern boundary (point 3 of the DB): CALA seeks to include outward looking edges with 'fronts' and 'gables' as opposed to 'backs' as in point 3 of the DB. This approach seeks to minimise views of back gardens with washing lines etc.	It is accepted that houses along the southern boundary of the site should front on to the proposed open space. The Brief should specify that requirement.	Amend the Brief to say: <i>Houses along this edge should have mixed fronts and gables.</i>
003/5	CALA Homes	Walking and cycling connectivity (point 4 of the DB): Off-site delivery to connect to Muirfield Gardens/Grove is not possible as the land is privately owned by the adjoining residents who are unwilling to grant access. It is not a requirement of the Planning Permission in Principle consent to provide such connection.	The Brief requires that new walking and cycling routes connect to the existing settlements. It is noted that the approved indicative Masterplan docketed to the planning permission in principle 16/00594/PPM includes a linear open space extending from a play area at Muirfield Gardens /Muirfield Grove to the Core Path 98. The play area at Muirfield Gardens is	Amend the last sentence in point 4 of the Brief to say: <i>This may require some off-site delivery to connect to Muirfield Gardens, Muirfield Gardens/Grove, and Muirfield Drive at Gullane Primary School.</i>

		Pedestrian connection to the Recreational Ground, via Millennium Wood is agreeable.	publically accessible and would seem to form a logical pedestrian connection point between the existing settlement and the development site. However, it is accepted that third party ownership issues might prevent this connection link to be delivered and the Brief should address this possibility.	
003/6	CALA Homes	SUDS (point 5 of the DB): The SUDS location on in the DB is incorrect. The site's low point is the south-east corner of the site, adjacent to C111	Comments noted. The Brief shows an indicative location of the SUDS. The exact location of the SUDS will be agreed through project level discussion/planning application stage.	No change
003/7	CALA Homes	HRA: The HRA was competed during the determination of 16/00594/PPM. Pink Footed Geese mitigation measures requirements are included within the consent.	The Brief includes a general requirement for HRA that ensures that any current or future development proposals comply with the Habitat Regulations.	No change
006/1	FBR on behalf of Luffness Ltd	Saltcoats Farm performs day-to-day farming operations to the west and south of the Saltcoats development site. Safety is of paramount importance and whilst public access	Comments noted. Any impact of the farm traffic on local residents should be considered at the planning application stage.	Amend point 2 of the Brief to say: <i>Path access points should be provided on to this edge from housing areas, connecting,</i>

		may be achieved along the farm track any impact of farm traffic on local residents needs to be minimised.		<i>at fixed locations, to the Core Path 98 which will require upgrading and the provision of hedge planting on its northern boundary.</i>
006/2	FBR on behalf of Luffness Ltd	Access to the track on the new southern urban edge should be at fixed locations.	It is acknowledged that the track is used in connection to day-today farming operations and, for safety reasons, pedestrian access points should be restricted to fixed locations.	Amend the Brief to say: <i>Path access points should be provided on to this edge from housing areas, connecting, at fixed locations, to the Core Path 98 which will require upgrading and the provision of hedge planting on its northern boundary.</i>
006/3	FBR on behalf of Luffness Ltd	The farm track on the southern edge of the site is not part of the John Muir Way, but is a Core Path route.	It is accepted that the site's diagram erroneously shows the John Muir Way routing along the southern boundary of NK7.	Amend the Brief to correct the description within the diagram for NK7 and the wording of points 2 and 4 with regard to the track to the south of the site: <i>replace the John Muir Way with the Core Path 98.</i>
006/4	FBR on behalf of Luffness Ltd	The footpath access to Muirfield Gardens/Grove is not possible owing to third part ownership.	The Brief requires that new walking and cycling routes connect to the existing settlements. It is noted that the approved indicative Masterplan docketed to the	No change

			planning permission in principle 16/00594/PPM includes a linear open space extending from a play area at Muirfield Gardens/Muirfield Grove to Core Path 98. The play area at Muirfield Gardens is publically accessible and forms a logical pedestrian connection node between the existing settlement and the development site.	
021/1	Martin White on behalf of Gullane Area Community Council NK7 Saltcoats, Gullane	The Community Council view is that the John Muir Way should go through the centre (conservation) of Gullane. This would bring vital trade to Gullane, and is line with routing the Way through North Berwick, for example.	Comment noted. The John Muir Way routes through the centre of Gullane, including its conservation area.	No change
NK8 Fentoun Gait East				
004/1	CALA Homes	The site has the benefit of full planning permission and is currently under construction. The requirement under Point 9, to form a path between a site and Muirfield Steadings should be resisted. An application to remove the	Comments noted. The brief should reflect the latest decisions of the Council regarding this particular footpath.	Reflect this latest planning decision (18/00422/PM) and amend the Brief by deleting point 9 from the diagram.

		footpath link was approved by ELC on 26/6/2018.		
NK9 Fentoun Gait South				
005/1	CALA Homes	General Comments: CALA has a contract to purchase the site. It is proposed to design the site in the context of the adjacent, approved, sites at Fire College, Fenton Gait East and Saltcoats. Our proposed design approach has been discussed with planning and highways at ELC, with a full planning application to be lodged imminently.	Comments noted.	No change
005/2	CALA Homes	Access (point 1 of the DB): The access point is in fact closer to the north, opposite the pedestrian linkage to West Fenton Gate. This ensures pedestrian crossing and permeability to Fenton Gait East.	Comments noted. The site's plan included in the proposed Brief shows an indicative location of access to the site. The precise location of the access point(s) to the development will be agreed between the applicants and ELC at the planning stage.	Amend point 1 of the Brief to say: <i>Access(es) should be taken from the road C111 which may require upgrading with additional street lighting.</i>
005/3	CALA Homes	Pavement on the western side of Fenton Road (point 2 of the DB): No footpath is proposed on the frontage of the site to Fenton Road. A footpath will be provided on the eastern side of the road (as part of approved developments. Provision of	Whilst the exact location of any pavements or footpaths within the site will be determined at the planning application stage, it should be noted that the Brief requires the building line to front onto	Amend point 3 of the Brief to say: <i>If the C111 requires widening and the existing specimen trees have to be removed replacement specimen tree planting should be provided at</i>

		footpaths on both sides of Fenton Road would affect the character of this semi-rural edge. It is envisaged to introduce landscape planting on the site's frontage.	the C111 (West Fenton Road). It would be best if the proposed driveways onto West Fenton Road were connected to each other with footways. However, it is noted that the agreed plans for West Fenton Road include a footway on the western side adjacent to the Saltcoats site.	<i>equal spacing to create a formal avenue affect. The building line along this edge should front onto the C111, at an appropriate set back to protect the existing trees. Buildings can be 2 storey in height with the potential for terraced forms.</i>
005/4	CALA Homes	SUDS/Open Space (point 4 of the DB): Open space and SUDS are proposed on the southern edge of the development.	This comment is noted. However, the most appropriate location for SUDS will be agreed at project level stage.	No change
005/5	CALA Homes	Site layout and connectivity (point 6 of the DB): Footpath linkage to Fenton Gait East is not possible, due to the lack of allocation overlap between the sites. Fenton Gait East planning permission does not show such linkage.	Comments noted. A possibility of allocating an area of open space and footpath linkage within this part of the site should be investigated further at the planning application stage.	Amend the Brief to say: <i>Site layout should enable pedestrian and cycling connectivity through the site and must not prejudice the future delivery of paths connecting new open space within or outwith the site and appropriate crossing points on the C111.</i>
NK10 Aberlady West, Aberlady				
016/1	HES_NK10 Aberlady West, Aberlady	HES welcome the fact that this development brief has been updated to reflect the potential for impacts on	This site now benefits from full planning permission 16/00552/PM. The details of	No change

		Gosford House Inventory garden and designed landscape. It may also be helpful to identify potential mitigation for this impact, which would be likely to include avoiding building directly up the curved allocation boundary. A curved settlement boundary in this location would alter the settlement pattern, and impact both on the designed landscape and the adjacent conservation area.	development have been scrutinised through the development management process. The Brief was amended to reflect the principles in the planning consent and includes requirements for a landscape edge and open space that will reduce the visual impact of the future development.	
NK11 – Castlemains, Dirleton				
001/1	APT Planning on behalf of Mr Robert Simpson and Queensberry Properties	<p>General comments</p> <p>There is an ongoing application for planning permission (18/00016/PM) seeking permission for 36 homes. It is understood that this application will be determined in late August/early December. Attached with this representation is a copy of the very latest layout for the Castlemains site and application 18/00016/PM</p>	<p>Much of the respondent's comments reflects the position of the applicant on how they consider their current planning proposals would satisfy the brief. However, the current planning application remains undetermined and at this stage officers offer no comment on its merits. The development brief continues to provide guidelines for the development of the site that give an indication as to how</p>	No change

			the Council would wish to see it developed.	
001/2	APT Planning on behalf of Mr Robert Simpson and Queensberry Properties	Point 1 of the DB Support for vehicular access via Station Road. Access via Castlmains Place is not the best option nor can it be delivered without incorporating third-party land.	Support noted. The development brief supports vehicular access from Station Road or from Castlemains Place as indicated on the amended main diagram. Non-vehicular access could be provided via Castlemains Place.	Main diagram to be altered to add an additional access point to the east.
001/3	APT Planning on behalf of Mr Robert Simpson and Queensberry Properties	Point 2 of the DB The importance of the south facing aspect of the proposed new development to creating a new south-eastern edge to Dirleton is acknowledged. Maintaining and if possible, enhancing the views to Dirleton Castle is paramount.	Noted. The development brief acknowledges the importance of the southern edge and the views towards the castle.	No change
001/4	APT Planning on behalf of Mr Robert Simpson and Queensberry Properties	Point 3 of the DB The option of creating a further landscape feature incorporating a detention feature (for SUDS reasons) would be inappropriate visually and	Point 3 of the development brief suggests that the incorporation of a linear SUDS feature would complement and expand on the existing landscaped edge to the northern part of the	No change

		practically and this reference should be removed from the Brief.	site. That principle remains and it is not accepted that a swale would be an inappropriate feature at this location.	
001/5	APT Planning on behalf of Mr Robert Simpson and Queensberry Properties	<p>Point 4 of the DB</p> <p>All the proposed new homes are one and a half storeys in height with pantile roofs and render in similar colour. This approach aims to ensure that the proposed development will 'fit' onto the south-east edge of Dirleton and will help to maintain or improve the key viewpoints looking to the Castle and towards Dirleton.</p>	The respondent comments are noted and further discussion at project level will be required.	No change
001/6	APT Planning on behalf of Mr Robert Simpson and Queensberry Properties	<p>Point 5 of the DB</p> <p><u>Open Space</u> A significant area of public open space can be created along the southern boundary of the site between the A198 and the proposed development. This will consist of a meadow-like area and open area of accessible amenity space providing a practical and visual buffer between the new development and the A198. It is not possible to create an area of open space in the north west corner of</p>	<p>Open Space: Comments are noted. The development brief is prepared to guide the development of the allocated site within the LDP; this includes the area to the west of the site and excludes the area to the south of the site and must continue to do so notwithstanding current proposals by the potential developer.</p> <p>Layout:</p>	<p>No change.</p> <p>No change.</p>

		<p>the site as a strip of land is being retained by the landowner for farming purposes.</p> <p><u>Layout</u> There is no public link from the north-west corner to Dirleton Village centre. Once this was established, the layout then reflected the developable area concentrating on the south facing aspect, and the relationship to Castlemains Place.</p> <p>It is suggested that, due to surrounding uses and landownerships, the north-west corner of the site is suited to being a more inward and private part of the site where the cul-de-sac element is appropriate.</p> <p>It is not possible to provide pedestrian routes through the north-west corner of the site. Where possible, pedestrian routes be provided along the Castlemains place frontage.</p> <p>The electricity line will be undergrounded</p>	<p>Much of the respondent's comments reflects the position of the applicant on how they consider their current planning proposals would satisfy the brief. At this stage officers offer no comment on its merits. As with all sites the developer should provide open space within the site boundary. The reason why the open space is promoted in the north west corner is to complement and expand on the existing strip of open space between the existing houses on the west side of Castlemains Place and the site. Closing this off through provision of new houses as suggested by the respondent would impact adversely on the existing area of open space on Castlemains Place. It would also remove the glimpsed views through existing open spaces in Dirleton, when seen from the main road.</p>	<p>No change.</p>
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		<p><u>SUDS</u> It would not be practical to incorporate a SUDS feature in the north or west of the site – water runoff is to the north and east, hence the proposed SUDS feature is on the eastern edge of the site.</p> <p>The reference to the open space and SUDS aspect in the western part of the site should be removed from the Brief.</p>	<p>SUDs: Whilst the Development Briefs may indicate where SUDs provision may be located on a site this is only indicative. It is for the developer to identify the most appropriate location for SUDs.</p> <p>The reference to the open space and SUDs aspect in the western part of the site should remain in order to guide any future developments. It is noted that a swale could still be provided as part of the SUDS for the site in this location as the respondent has indicated that SUDS features on the northern edge are possible.</p>	
001/7	APT Planning on behalf of Mr Robert Simpson and Queensberry Properties	<p>Point 6 of the DB</p> <p>Support this part of the Brief. Also, extensive consultation has taken place with Historic Environments Scotland, the Councils Heritage Team.</p>	Support noted	No change
001/8	APT Planning on behalf of Mr Robert Simpson	<p>Point 7 of the DB</p> <p>Support re-routing of the culvert.</p>	Support noted	No change

	and Queensberry Properties			
007/1	Gillian Main_ NK11 Castlemains, Dirleton	Object on the grounds that, compared to the original development brief, the new plan has been changed without the consideration of HES and SNH. The previously proposed Development Brief was sympathetic to the surroundings of the historic Dirleton Castle and the conservation village of Dirleton. The current proposal is unsympathetic to the castle and its surroundings. Is this change due to the site's viability issues? The site is of special interest historically compared with other sites thorough out the County.	The changes to the plan of the development brief only between the first and second consultations relate only to the point of access and the culverted burn. The briefs have been consulted on to allow everyone, including HES and SNH, to make their comments. The brief is sympathetic to the heritage of the surrounding area including the castle and the Conservation Area and will guide the developer as to how the site should be designed. The brief, as amended following this consultation, will be a material consideration in the determination of any future planning application for the site.	No change.
008/1	HES_ NK11 Castlemains, Dirleton	As stated in HES response to East Lothian Council's Proposed Plan consultation, it is considered that	Comment noted. The development brief should be amended to recognise that	Amend the main development brief diagram to add in text under the words

		<p>without appropriate mitigation, development in this area has the potential to have a significant adverse impact both on the setting of Dirleton Castle, which is a scheduled monument, and on its associated Inventory garden and designed landscape.</p> <p>It is important that the fundamentals of this necessary mitigation are clearly set out in the development brief. HES considers that the details provided here are broadly in line with the mitigation they have advised both in the local development plan process and separately in the development management process.</p>	<p>Dirleton Castle is a scheduled monument and that it has an associated Inventory garden and designed landscape that requires to be taken into account in the design of the site.</p>	<p>Dirleton Castle the words 'Scheduled monument and Inventory garden and designed landscape.' Add to point 2 of the text sentence 3, 'Views across the site to Dirleton Castle, <i>scheduled monument and Inventory garden and designed landscape</i>, from the A198 will be retained.</p>
008/2	HES_ NK11 Castlemains, Dirleton	<p>Views: HES welcome the undertaking to maintain views of Dirleton Castle and consider the view angles laid out in the document helpful in specifying requirements for this. We note that the plan diagram shows a single line rather than arc of view of the Castle from point 2 in the east. The Council may wish to consider amending this as it could be potentially misleading.</p>	<p>It is noted that that the views to be retained of Dirleton Castle are shown as an arc on the photo montages on the third page of the development brief but not on the main diagram. This should be amended.</p>	<p>Amend the main plan diagram to show a narrow arced view at point 2 on the plan to the east of the site.</p> <p>Amend point 2 to add a new sentence after sentence 2:</p>

		HES recommend that some indication of potential mitigation requirements for views from the Castle is also considered. Specifically, any planting intended as screening for views from the castle should consider the impacts such screening may have on reciprocal views of the castle. The use of smaller trees and large shrubs is recommended. This would reduce the risk that tree growth over time would disrupt views of the Castle.	Comment noted. The brief will be amended to ensure that the impact of planting proposals on views from the castle will be considered.	<i>'Consideration should be given to the detailed landscape proposals for the southern edge to ensure that there is no impediment to views from Dirleton Castle'.</i>
008/3	HES_ NK11 Castlemains, Dirleton	Street lighting: It would also be helpful for the document to identify the potential impacts of street lighting on the setting of the Castle. HES acknowledge that it may not be possible to identify specific requirements at this stage, but recommend that the need for sensitive design which minimises impacts should be identified.	This point is accepted. The development brief should be amended to include a reference to the sensitivities of new street lighting and its effect on the castle.	Add new sentence at end of point 4: <i>'Depending on its design new street lighting could adversely impact on the setting of the castle and should be carefully designed to avoid any such impacts.'</i>
008/4	HES_ NK11 Castlemains, Dirleton	Building heights: HES Note that the brief has been altered to allow for 1.5 storey homes across the entire site, rather than only in the north. Whilst this may be acceptable, for clarity it may be helpful to specify a maximum height – recognising that the number of storeys	The request for height restriction is noted. However, it is noted that when read as a whole the brief does specify on its third page in the photo montage that the height of buildings on the site should not be any higher than the	Add to Notes section at end of brief: <ul style="list-style-type: none"> • Landscape and Visual Analysis (LVA) required

		will not define the overall height of the building.	existing building heights of those buildings adjoining the site at Castlemains Place. However, the brief should be amended to require a landscape and visual analysis of any development proposals for the site to ensure that views across the site towards Dirleton Castle can be appropriately retained.	
008/5	HES_ NK11 Castlemains, Dirleton	HES welcome the inclusion of a reference to the adjacent conservation area in the brief, and the requirement to refer both to its character statement and the Council's Cultural Heritage SPG.	Support noted.	No change
020/1	Tom Drysdale On behalf of Gullane Area Community Council (Representing Aberlady, Dirleton, Drem and Gullane)_ NK11 Castlemains, Dirleton	GACC support the submission made by Derek Carter on behalf of the Dirleton Village Association.	Noted	See responses to Dirleton Village Association below

020/2	Gullane Area Community Council (Representing Aberlady, Dirleton, Drem and Gullane)_NK11 Castlemains, Dirleton	GACC expressed their concern that the brief does not adequately protect the sight lines to Dirleton Castle as seen from the bypass when travelling west from North Berwick.	Agreed. The addition of an arced viewpoint from the A198 towards the castle would adequately protect sight lines to Dirleton Castle when travelling west from North Berwick.	Add an arced viewpoint 2 to show the views towards the Dirleton Castle from the A198.
020/3	Gullane Area Community Council (Representing Aberlady, Dirleton, Drem and Gullane)_NK11 Castlemains, Dirleton	GACC is concerned that the Brief will allow houses of up to 1½-storey in height, as opposed to the previously stated requirement of single storey on parts of the site. GACC considers that this extra height will compromise the views of the castle as seen from the bypass.	One of the key issues on this site is to ensure that it can be developed without adverse impact on views towards and from the castle. Building height may play an important part in this. To address the respondent's concerns, the brief should be amended to require a landscape and visual analysis of any development proposals for the site to ensure that views across the site towards Dirleton Castle can be appropriately retained.	Add to Notes section at end of brief: Landscape and Visual Analysis (LVA) required.
020/4	Gullane Area Community Council	GACC commented that they believe it is the only development site identified in the local development plan and in the whole of East	This site is not the only site that potentially impacts on a nationally important historic	No change.

	(Representing Aberlady, Dirleton, Drem and Gullane)_NK11 Castlemains, Dirleton	Lothian, where housing development is proposed in close proximity to a historic site of national importance. For this reason an inappropriate scale of development on this site should not be allowed.	site. The Council considers that a residential development of circa 30 houses should not be an inappropriate scale of development provided the design does not adversely impact on the historic site and considers that the safeguards presented in the development brief will achieve this.	
022/1	Weston John Main_ NK11 Castlemains, Dirleton	The proposed new Development Brief offers no real protection against an inappropriate development. The 2016 Brief included the requirements on access to the site, green area within the site, height of buildings which were prepared with input from SNH and HES. These requirements took into consideration the location and setting of the site and what would be acceptable and should be reinstated to allow the protection of the character and aesthetics of this most beautiful conservation village and Castle. If the site is undevelopable under the original brief then the Council should look for alternative sites throughout the county of which there are many that would not be as contentious.	The Council revised the first development brief on matters related to the point of access, the height of buildings across the site and reference to a culverted burn in response to comments received. The process by which the briefs were prepared continues to involve key agencies, including SNH and HES, who are consulted, along with everyone else, on revised versions and on subsequent planning applications to ensure that they continue to have a say on how the site is developed. The brief is designed to address the	No change.

			sensitivities of the site and the Council considers that the site can be developed in an appropriate way in line with the development brief.	
026/1	George Learmonth_NK1 1 Castlemains, Dirleton	Object to the revised development brief which allows 1.5 storey houses. It is noted that the Brief at the same time requires (point 3) the build form to reflect the scale and character of the build form of the existing houses on the north side of Castlemains Place. The existing houses north west on Castlemains Place are only single storey, so it should be assumed that the new properties on the north west side of the development should also be single storey. Historic Environmental Scotland and Scottish Natural Heritage should be involved in the revised design brief as they were for the first one.	<p>One of the key issues on this site is to ensure that it can be developed without adverse impact on views towards and from the castle. Building height may play an important part in this.</p> <p>The development brief does not accept that buildings should be any higher than those on Castlemains Place which are 1.5 storeys. It does not require all houses to be of that height and would allow lower houses.</p> <p>However, the brief should be amended to require a landscape and visual analysis of any development proposals for the site to ensure that views across the site towards</p>	<p>Add to Notes section at end of brief:</p> <p>Landscape and Visual Analysis (LVA) required</p>

			<p>Dirleton Castle can be appropriately retained.</p> <p>The Council revised the first development brief on matters related to the point of access, the height of buildings across the site and reference to a culverted burn in response to comments received. The process by which the briefs were prepared continues to involve the key agencies, including SNH and HES, who are consulted, along with everyone else, on revised versions and on subsequent planning applications to ensure that they continue to have a say on how the site is developed. The brief is designed to address the sensitivities of the site and the Council considers that the site can be developed in an appropriate way in line with the development brief.</p>	
027/1	Lawrie Main_	Object to the revised Brief as it affords inadequate protection to the landscape	The Council considers that the development brief	Add to Notes section at end of brief:

	NK11: Castlemains, Dirleton	setting of Dirleton and its historic castle from intrusive and unsightly development.	<p>provides adequate safeguards to protect the setting of Dirleton and its castle.</p> <p>However, the brief should be amended to require a landscape and visual analysis of any development proposals for the site to ensure that views across the site towards Dirleton Castle can be appropriately retained.</p> <p>The brief, as amended following this consultation, will be a material consideration in the determination of any future planning application for the site.</p>	Landscape and Visual Analysis (LVA) required
027/2	Lawrie Main_ NK11: Castlemains, Dirleton	The terms of the original Brief prepared in conjunction with SNH and HES should be reinstated in full and changes should only be permitted where they are approved and supported or initiated by those bodies. SNH and HES should not be relegated to mere consultees to far reaching changes proposed by the current Brief.	The Council revised the first development brief on matters related to the point of access, the height of buildings across the site and reference to a culverted burn in response to comments received. The process by which the briefs were prepared continues to involve the key agencies,	No change

			including SNH and HES, who are consulted, along with everyone else, on revised versions and on subsequent planning applications to ensure that they continue to have a say on how the site is developed. The brief is designed to address the sensitivities of the site and the Council considers that the site can be developed in an appropriate way in line with the development brief.	
027/3	Lawrie Main_ NK11: Castlemains, Dirleton	The public are entitled to feel wholly misled by the Council during the lengthy LDP process as to the form of development which would be permitted on the site. The publication of this revised Brief represents a manipulation of the planning process for the benefit of the developer rather than the community which the Council is supposed to represent.	A development brief sets out the principles of development and is a guide to encourage developers to design high quality developments. It does not go into the level of detail that a subsequent planning application is required to. It is a material consideration in the determination of any future planning application for the site. The development briefs were prepared in draft to allow the public, key agencies, stakeholders and others to	No change

			have a say on their content and the Council has subsequently undertaken this second round of consultation as the briefs have developed before the final development brief is prepared. The Council therefore considersthat this has been a transparent process.	
027/4	Lawrie Main_ NK11: Castlemains, Dirleton	If a developer is unwilling or unable to develop a sensitive site in compliance with the previous Brief then the site should not be developed.	The previous brief was a first draft development brief published for consultation and has been informed by consultation responses received. Developers should comply with the final version of the development brief which will be a material consideration in the determination of a planning application.	No change
028/1	TMS Planning & Development Services Ltd. on behalf of Muir Homes	Development Principle (point 1) Object to the current wording of the Brief which allows the possibility of removal of the hawthorn hedge along Station Road. This is a significant change from the previous 2016	Following advice from Road Services the development brief was first consulted on when it showed two potential vehicular access points. After consultation vehicular access was to be taken from Station	Main diagram to be altered to add an additional access point to the east. At point 1, amend sentence 3 to read, 'The <i>existing hawthorn hedge along</i>

	NK11: Castlemains, Dirleton	version of the Brief which stated that the hedge must be retained. This objection also seeks to have access reference to Station Road removed from the Brief.	Road or Castlemains Place east only to be shown on the amended main diagram. The hedge on Station Road is not protected in any way therefore there is no requirement for its full retention other than for aesthetic reasons. It remains desirable for the hedge to be retained in so far as it can but it is recognised that part of it may need to be repositioned to provide the vehicular access and the brief amended accordingly.	<i>Station Road should be retained where possible and/or repositioned.'</i>
028/2	TMS Planning & Development Services Ltd. on behalf of Muir Homes NK11: Castlemains, Dirleton	This objection seeks to have all references to “should” in point 2 be revised to “must” to reflect the importance of the site and the need for high quality development to be delivered through future proposals.	The Council noted in Schedule 4 – Design, in response to a representation on the Development Briefs, that ‘the finalised Development Briefs are to be drafted using words such as ‘may’ or ‘should’ rather than ‘will’ or ‘must’ where appropriate. This provides the flexibility in their interpretation and application’. The reporter acknowledged that it is	No change.

			appropriate for briefs to provide a degree of flexibility and that as they are a material consideration it is for the decision maker to take them into account. It is not therefore appropriate for all references to 'should' to be changed to 'must' in the development briefs.	
028/3	TMS Planning & Development Services Ltd. on behalf of Muir Homes NK11: Castlemains, Dirleton	This objection seeks to have the wording of Development Principle 3 replaced with the wording contained in the 2016 draft Brief.	The Council noted in Schedule 4 – Design, in response to a representation on the Development Briefs, that 'the finalised Development Briefs are to be drafted using words such as 'may' or 'should' rather than 'will' or 'must' where appropriate. This provides the flexibility in their interpretation and application'. The reporter acknowledged that it is appropriate for briefs to provide a degree of flexibility and that as they are a material consideration it is for the decision maker to take them into account. It is not	No change

			therefore appropriate for all references to 'should' to be changed to 'must' in the development briefs.	
028/4	TMS Planning & Development Services Ltd. on behalf of Muir Homes NK11: Castlemains, Dirleton	This objection is against the removal of any restrictions on building height across the site. This objection seeks to have the wording of Development Principle 4 replaced with the wording contained in the 2016 draft Brief.	<p>The revised development brief does not accept that buildings should be any higher than 1.5 storeys. It does not require all houses to be of that height and would allow lower houses.</p> <p>The brief should be amended to require a landscape and visual analysis of any development proposals for the site to ensure that views across the site towards Dirleton Castle can be appropriately retained.</p> <p>The Council noted in Schedule 4 – Design, in response to a representation on the Development Briefs, that 'the finalised Development Briefs are to be drafted using words such as 'may' or 'should' rather than</p>	<p>Add to Notes section at end of brief:</p> <p>Landscape and Visual Analysis (LVA) required</p>

			<p>'will' or 'must' where appropriate. This provides the flexibility in their interpretation and application'. The reporter acknowledged that it is appropriate for briefs to provide a degree of flexibility and that as they are a material consideration it is for the decision maker to take them into account. It is not therefore appropriate for all references to 'should' to be changed to 'must' in the development briefs.</p>	
028/5	<p>TMS Planning & Development Services Ltd. on behalf of Muir Homes NK11: Castlemains, Dirleton</p>	<p>Objection to the lack of specificity of the wording of Development Principle 5 (Open Space) with regard to open space provision. The objection seeks amendments to the current wording of the Brief to remove any ambiguity about the need to provide formal open space within the site. Also, the current wording does not require overlooking of such open space and allows housing to turn its back on such space which is directly contrary to Scottish Government advice on designing safer places, inclusive design and master</p>	<p>The purpose of the development brief is to guide the developer as to how the Council wishes to see the site developed. In this case the Council requires the provision of open space and SUDS within the site. The Development Briefs may indicate where SUDS provision could be located on a site this is only guidance. It is for the developer to identify the</p>	<p>No change</p>

		<p>planning. Objection against a SUDS feature to be incorporated into the area of open space. If a SUDS facility is adopted by Scottish Water then it will have to be fenced off rendering unusable open space.</p> <p>The objection seeks the wording of point 5 revised to state: “An open space area of at least 60m by 40m is to be located in the western part of the site, adjoining and enhancing the existing area of open space immediately to the north of the site at the western end of Castlemains Place to create a village green. Buildings must front onto and overlook this area of enlarged open space in line with Scottish Government design principles for designing safer places. Separate SUDs arrangements, appropriate to meet site requirements must be incorporated into overall design proposals but must not impinge upon the open space provision above. Footpath connection from the area of open space through the site and beyond to link with the existing path network must be provided. The electricity line that runs across the site must be undergrounded”</p>	<p>most appropriate location for SUDs.</p> <p>The revised development brief states that ‘An area of open space could be located in the western part of the site, adjoining and enhancing the existing area of open space immediately to the north of the site’. The Council maintains that a SUDS feature can be complimentary in landscape terms to an area of open space albeit that it does not count towards open space requirements. If suitable, buildings should front onto and overlook this area of enlarged open space.’ Appropriate open space provision will be required to integrate development on this site with the surroundings and to provide a setting for the settlement, including the retention of views to Dirleton Castle. Policy OS3 sets out the minimum open space standards for new housing</p>	
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			<p>developments. Open spaces across the site are a matter that will require detailed assessment when a design for the site requires to be determined and it is not considered that the development brief needs to specify exactly where open space should be located.</p> <p>The Council noted in Schedule 4 – Design, in response to a representation on the Development Briefs, that ‘the finalised Development Briefs are to be drafted using words such as ‘may’ or ‘should’ rather than ‘will’ or ‘must’ where appropriate. This provides the flexibility in their interpretation and application’. The reporter acknowledged that it is appropriate for briefs to provide a degree of flexibility and that as they are a material consideration it is for the decision maker to take them into account. It is not</p>	
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			therefore appropriate for all references to 'should' to be changed to 'must' in the development briefs.	
028/6	TMS Planning & Development Services Ltd. on behalf of Muir Homes NK11: Castlemains, Dirleton	The objection seeks the wording of Development Principle 6 revised to state "All development proposals must comply with the guidelines contained in the Dirleton Conservation Area Character Statement and the Council's Cultural Heritage Supplementary Planning Guidance	The Council noted in Schedule 4 – Design, in response to a representation on the Development Briefs, that 'the finalised Development Briefs are to be drafted using words such as 'may' or 'should' rather than 'will' or 'must' where appropriate. This provides the flexibility in their interpretation and application'. The reporter acknowledged that it is appropriate for briefs to provide a degree of flexibility and that as they are a material consideration it is for the decision maker to take them into account. It is not therefore appropriate for all references to 'should' to be changed to 'must' in the development briefs.	No change

028/7	TMS Planning & Development Services Ltd. on behalf of Muir Homes NK11: Castlemains, Dirleton	It is recommended that point 7 be reworded to require that the culvert be rerouted or that any development complies with relevant environmental legislation on development that affects culverts.	Noted. All developments must comply with legislation. Any building across the site are a matter that will require detailed assessment when a design for the site requires to be determined.	No change
030/1	Derek Carter on behalf the Dirleton Village Association NK11: Castlemains, Dirleton	The wrong view to the castle is shown on the briefing plan. The arrow shown on the Brief's plan which states 'maintain views to the castle', is centred on Castlemains Farmhouse and its farm buildings. This can be interpreted to mean that only views of the extreme southern end of the castle require preservation. It needs to clearly indicate the whole of the castle elevation requiring to be kept in full view, including the lower northern part, which is in full view when leaves are off the trees (Half of the year). An issue as crucial as this should be illustrated clearly and precisely, and not left open to interpretation. The DVA attached a drawing showing the precise view which should be indicated.	The Development Brief has undertaken to maintain views of Dirleton Castle and the Council consider the view angles laid out in the document helpful in specifying requirements for this. The development brief is guidance and highlights areas where developers need to take account of site issues. The viewpoint is indicative, and to ensure views of the castle are protected, the Council will amend the brief to require a landscape and visual analysis of any development proposals for the site.	Amend the main plan diagram to show a narrow arced view at point 2 on the plan to the east of the site. Add to Notes section at end of brief: Landscape and Visual Analysis (LVA) required. Add an arced viewpoint 2 to show the views towards the Dirleton Castle from the A198.

			To make it clearer on the main diagram it will be amended to show a narrow arced view at point 2 on the plan to the east of the site. An additional viewpoint is also to be added from the A198.	
030/2	Derek Carter on behalf the Dirleton Village Association NK11: Castlemains, Dirleton	The views must be kept clear if they are to be ‘maintained’ There is nothing in the brief to protect the middle and foregrounds of the protected views of the castle from the bypass, apart from the indication of some open space. A view of part of the castle above a foreground and middle ground containing houses, garages and lampposts is not a maintained view. This is a major conservation impact issue requiring much tighter control in the development brief. Further reasoning for this follows: i) Visual perspective exaggerates the apparent size of elements which are closer to a viewpoint e.g. 1.5 storey houses close to the viewpoints will be a dominant feature	It is accepted that the presence of some development in the foreground could detract from views of Dirleton Castle but to counter this, the brief at point 4 states that streets and spaces should be positioned and orientated to frame views through the site west to Dirleton Castle and east to North Berwick Law. Such a vista should adequately protect the views of the castle from the east end of the A198.	No change.

		<p>ii) Painted houses in the middle and foreground of the view will appear to be very much brighter than the distant grey castle.</p> <p>iii) The castle currently sits as a single focal point dominating a simple, rural landscape. The insertion of houses will break up this pleasingly simple and open composition. Instead there will be visual complexity and confusion and the eye will be distracted away from the castle.</p> <p>Allowing for part of the castle to be visible from part of the bypass road, over the tops of houses is not 'maintaining' the view but would result in reducing and compromising the view.</p> <p>A proposed qualification is submitted by DVA and should be added to the plan brief to cover these points (see Appendix 2 plan).</p>		
030/3	Derek Carter on behalf the	Specifying '1.5 storeys' instead of 'single storey'	The revised development brief does not accept that buildings should be any	Add to Notes section at end of brief:

	<p>Dirleton Village Association NK11: Castlemains, Dirleton</p>	<p>The actual as-built roof height of houses in relation to the castle ground level is a key material issue which affects the views, and should be tightly controlled.</p> <p>The DVA have produced a drawing which illustrates how the ridge heights of the 1.5 storey buildings in the current application compare to the existing 1.5 storey buildings along Castlemains Place. They are in the order of 2.85 metres higher.</p> <p>'1.5 storeys' in the proposed brief is too vague a term to control ridge heights on this sensitive site. If houses are still proposed for the more sensitive, higher, south and west parts of the site, then building height control in these areas should continue to be limited to 'single storey'. '1.5 storey' houses would not have an adverse impact in the lower, less sensitive section along Castlemains Place, but this should still be qualified in the brief to control maximum ridge height as follows:</p>	<p>higher than 1.5 storeys. It does not require all houses to be of that height and would allow lower houses.</p> <p>The finished floor levels and heights of any houses are a matter to be dealt with at project level stage. To assist in this and ensure that viewpoints are correctly assessed, the brief should be amended to require a landscape and visual analysis of any development proposals for the site to ensure that views across the site towards Dirleton Castle can be appropriately retained.</p> <p>To change the caption wording on the brief's image no. 4 to note that the heights of the existing gable walls of houses on Castlemains Place are 6.5m and that new houses should match this is considered too prescriptive, The present wording of the caption on this image which</p>	<p>Landscape and Visual Analysis (LVA) required.</p>
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		<p>'Maximum height to roof ridges to be 6.5 metres to match the existing 1.5 storey houses in Castlemains Place.'</p> <p>The DVA also attached a graphic which shows how the photographic image in the brief should be amended to control the building height requirement along Castlemains Place (see Appendix 4)</p>	<p>reads that built form and height should be 'in-keeping with...', is preferred.</p>	
030/4	<p>Derek Carter on behalf the Dirleton Village Association</p> <p>NK11: Castlemains, Dirleton</p>	<p>Specifying 'circa 30 homes'</p> <p>The DVA have produced the 'Dirleton Deserves Better' study which indicates that the number of homes which can be fitted onto this site without having any adverse impact on the setting and views of the castle is 13.</p> <p>The 2017 Housing Land Audit demonstrates a 5-year effective housing land supply of 6.17 year supply - a surplus of land for 1284 homes. ELC is in a position to reduce the overall land supply, or alternatively, to re-allocate numbers from this site to less sensitive sites.</p> <p>The DVA call for deleting the reference to a specific number of homes</p>	<p>Noted. The key consideration is fitting development on to this site in a way that maintains the key views across it and integrates it into its surroundings. The LVA that will be produced by the developer will be key to establishing this at project level stage. There is no indication at this stage that circa 30 house is an inappropriate number of homes for the site and this is the number that is contained with the LDP. Proposal NK11 has been accepted by the Reporter in the Examination of the LDP on the basis that it is for circa 30 homes and</p>	<p>Add to Notes section at end of brief:</p> <p>Landscape and Visual Analysis (LVA) required.</p>

		<p>required in this brief, and adding a clause which states:</p> <p>‘Consideration of the protection of the views and the setting of the castle will determine the number of homes which can be accommodated on this site’</p>	<p>provision on site, of an appropriate design and open space and integration of the development with its surroundings including retention of views to and from the castle.</p>	
030/5	<p>Derek Carter on behalf the Dirleton Village Association NK11: Castlemains, Dirleton</p>	<p>The Brief fails to adequately control the preservation of the character and appearance of the conservation area in the following ways:</p> <ol style="list-style-type: none"> 1) The Absence of a Proper Analysis of the Conservation Area Character Historic Environment Scotland have previously advised that a Conservation Area Character Appraisal is required to control the form of any new development on this site. This should be supported by a design guide. Failing the production of an independent Conservation Area Character Appraisal and Design Guide by the planning authority itself, the development brief should include the clause: ‘A proper analysis of the conservation area should be submitted’ 2) The Cultural Heritage SPG mostly deals with the control of changes to the existing fabric of conservation areas. Their only reference to the Dirleton conservation area is the Conservation Statement. 	<p>Comment noted. The development brief should be amended to recognise that Dirleton Castle is a scheduled monument and that it has an associated Inventory garden and designed landscape that requires to be taken into account in the design of the site. The brief is sympathetic to the heritage of the surrounding area including the castle and the Conservation Area and will guide the developer as to how the site should be designed.</p> <p>Point 6 of the Development Brief states that ‘Consideration should be given to the guidelines contained in the Dirleton Conservation Area</p>	<p>Amend the main development brief diagram to add in text under the words Dirleton Castle the words ‘Scheduled monument and Inventory garden and designed landscape.’</p> <p>Add to point 2 of the text sentence 3, ‘Views across the site to Dirleton Castle, <i>scheduled monument and Inventory garden and designed landscape</i>, from the A198 will be retained.</p>

		<p>Whilst the Conservation Statement is clearly a relevant document and we support its inclusion in the brief, it is not detailed enough to be of sufficient use by itself. As the short Conservation Statement is therefore the only document which identifies the characteristics of special conservation value and which seeks to control the environmental impact of developments in this conservation area, the Brief should include more clauses to protect the character and appearance of the conservation area in order to fulfil your responsibility under the 1997 Listed Buildings and Conservation Areas Act. The following clauses should be added:</p> <ul style="list-style-type: none"> i. The architectural and landscape design should reflect the characteristics found in the special, historic parts of the conservation area. The use of elements not in character with the special historic parts should be avoided. ii. The design should reflect and strengthen the East Lothian traditional vernacular village character found in the special historic parts of the conservation area. iii. The design should strengthen and enhance the rural character of the village. It should not be suburban in character. 	<p>Character Statement and the Council's Cultural Heritage SPG'.</p> <p>The SPG on Cultural Heritage and the Built Environment contains Conservation Area Character Statements for most conservation areas including Dirleton. This is a summary of the special character of the conservation area. In time it will be replaced by a more comprehensive Conservation area character appraisal and management plan. In the meantime it remains appropriate for the brief to require the developer to have regard to the CA character statement.</p> <p>The clauses suggested by the DVA for insertion into the Conservation Area Character Statement are all matters that are addressed at project level for any site within a conservation area in the course</p>	
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		<ul style="list-style-type: none"> iv. The western part of the site is located in a stone character zone. Some houses in this area should be clad in stone facing to match the existing stonework. v. Houses should have front and back gardens enclosed with stone walls, fences or hedges to match the special historic parts of the village. 'Open-plan' front gardens and concrete walling would not be in keeping with the special historic parts of the village, and should be avoided. vi. The edge of the development should be designed to reflect the historic part of the northern edge of the village which is identified in the Conservation Statement as worthy of conservation. It should therefore be inward facing, and consist of a mixture of houses, trees and hedges. vii. Open spaces should be simply landscaped with trees and grass to match the open spaces within the special historic parts of the village. Publicly or communally maintained shrub beds would conflict with the historic landscape character of the special parts of the village. 	of determining a planning application.	
030/6	Derek Carter on behalf the	OTHER POINTS	These are all detailed matters that will be dealt with at	No change.

	<p>Dirleton Village Association NK11: Castlemains, Dirleton</p>	<p>Hedge type for the southern boundary and the landscape setting of the village: Hawthorn should be specified in order to connect the development into the adjacent countryside hedge pattern. The beech hedgerow along Castlemains Place will be hidden and will not be part of the same character zone. Hawthorn hedges are also much richer wildlife habitats than beech hedges.</p> <p>Sound attenuation proposals A noise assessment for the site has been carried out which indicates that the guideline levels for traffic noise in housing areas are exceeded across the site. A clause requiring noise mitigation proposals should be added to the brief.</p> <p>Road Safety at Station Road Improvements to the Station Road junction should be included. The bypass speed limit is 60 mph, there is no deceleration lane and the bypass is not wide enough for a right turn lane at this point. The DVA propose a one</p>	<p>project level stage as noted under the section entitled, 'What the Development Briefs will cover', (page 3) in the introduction to the SPG on Development Briefs.</p>	
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		way arrangement at the Station Road junction.		
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Identified Errors

Site Ref	Error	Proposed Change to Document
Contents	Misspelling of Levenhall	Correct spelling of Levenhall (Site PROP MH8)
DR2 Hallhill North, Dunbar	The diagram highlights proposal DR3 (Hallhill Healthy Living Centre Expansion Land) but the proposal is slightly smaller than indicated.	Redraw Proposal DR3 on the Brief diagram to match the LDP allocation site.
NK7 Saltcoats, Gullane	The diagram wrongly depicts the John Muir Way as running to the south of PROP NK7. Instead Core Path 98 runs along the southern boundary of PROP NK7.	Remove the John Muir Way annotation from the southern boundary of the site and replace with Core Path 98. Amend references in Point 2 and 4 which refer to the John Muir Way. Replace with reference to Core Path 98. Amend reference in photographs to the John Muir Way. Replace with reference to Core Path 98.
MH1 Craighall, Musselburgh	MH1 key reads as Town Centre instead of village.	Amend the MH1 key to read village centre rather than town centre.
MH1 Craighall, Musselburgh	Point 5 refers to culvert in Area 1.	Amend Point 5 to refer to culver in Areas 1 and 3.
MH1 Craighall, Musselburgh	The red dotted line and purple line are not annotated on the key	Add proposed bus route and proposed strategic walking and cycling route to the MH1 key.
MH10 Dolphinstone	Sentence relating to points off access is attached to the wrong photograph.	Add to photograph 3 ' <i>At least two points of access should be provided from the development</i> ' Remove from photograph 4.
MH13 Whitecraig South	Green network (point 3) should link potential SUDS and open space (point 8)	Amend diagram to show linkage between SUDS and open space.
MH14 Whitecraig North	In line with the Reporter's recommendations on the LDP – all points should read ' <i>should</i> ' instead of ' <i>must</i> '	Update photos 1 and 2 to read 'should' instead of 'must'

NK8 Fentoun Gait East	Point 3 on the diagram is located in the wrong place.	Amend diagram to move Point 3 to the eastern boundary.
NK8 Fentoun Gait East	Duplication of photos	Delete photo 5 and add text to photo 1.
NK9 Fentoun Gait South	Number 5 on the diagram is missing.	Add 5 to the diagram.
NK10 Aberlady	Arrows 2 and 7 are shown too far south	Amend arrows 2 and 7 on the diagram.
NK11 Castle mains, Dirleton	For consistency with other briefs, point 6 should be classed as a note. This would require point 7 to be changed to point 6.	Place existing point 6 as a note. Renumber accordingly. Remove point 7 from diagram and replace with new number 6.
TT5 Bankpark, Tranent	The arrows with point 7 point to the church, this is not reflected in the text.	Add number 7 to the text in point 4 where it discusses protecting the setting of the adjacent church.
TT7 Macmerry North	Point 6 is missing from the diagram	Add point 6 at the south west corner of the site.
HN2 Letham Mains Expansion	The larger plots (white on the inset map) need consistency. The part at the south western corner extends further on the diagram.	Amend the white areas so they are all consistent on the diagram (Point 1). Point 1 should also refer to the unnamed road at the west of the site as well as the A6093.

SPG Special Landscape Areas
Representations received and proposed changes - None

LDP Action Programme

Representations received and proposed changes

Ref no.	Respondent	Consultation Response	Officer Comment	Summary of Proposed Change to Document
001/1	Cala Homes	The Action Programme must be a key document that feeds in to the Council's corporate/business plan and inform the Council's capital programme.	The Action Programme is a key document that will feed in to the Council's plans and programmes.	Emphasise this role of the Action Programme in its Introductory section.
001/2	Cala Homes	Clarity on funding should be provided in the Action Programme – i.e. if there is a requirement to front-fund infrastructure delivery then this is an action for the Council to lead on and deliver within an identified timescale.	Where requirements to front-fund infrastructure are agreed they should be clearly identified within the Action Programme. However, the Council would not always be responsible for delivering up-front infrastructure and other stakeholders, key agencies or even developers may be responsible to lead on this.	Currently no change to the Action Programme is required
001/3	Cala Homes	Delivery of infrastructure actions needs to reflect the progress in delivering housing and economic development land. It is essential that the Action Programme is regularly refreshed to reflect the most up to date Housing Land Audit. Infrastructure delivery needs to align with the housebuilders' construction programme to ensure necessary	Para 1.9 of the Action Programme confirms that the Programme will be a live working document and that it will be regularly reviewed and updated. The Action Programme reiterates that the implementation of the LDP housing land policies will	No change

		<p>infrastructure is provided at the right time to support delivery of the LDP's development strategy. An up to date and realistic Housing Land Audit is therefore a key priority.</p> <p>It is recommended that the Action Programme is reviewed annually against the up to date HLA.</p>	<p>involve regular monitoring through the Housing Land Audit, the Local Housing Strategy and the Strategic Housing Needs and Demand Assessment.</p>	
001/4	Cala Homes	<p>Timeous delivery of a number of school extensions, as well as new schools, is key to the delivery of the LDP's development strategy.</p> <p>Indicative timescales have been set out in the Planning Obligations SG but these are not included in the Action Programme</p> <p>It is the Action Programme, not the SG that will be used to inform the Council's Capital Programme – therefore to properly inform Council spending priorities, clear triggers and timescales for delivery of new education infrastructure must be identified in the Action Programme.</p>	<p>Agree that indicative timescales (Short, Medium, Long term) should be included within Priority Action 3 – Education Policy and Proposals.</p> <p>In terms of school extensions or new schools the most up-to-date Housing Land Audit would be used to inform the Council's capital programme.</p>	<p>Amend the Action Programme to include indicative timescales for school extensions/new school proposals and sport & leisure facilities.</p>
002/1	The Coal Authority	<p>The Coal Authority has no objections to the Action Programme as proposed.</p>	<p>Comments noted</p>	<p>No change</p>

003/1	Dunbar Community Council	DCC commented that sites known to be at risk of flooding should not be developed e.g. it was noted that in heavy rain the area opposite the Cala site (DR6) had become very flooded, particularly near the Caravan Park. It appears that the installed infrastructure does not cope well with heavy rain and surface water discharge.	These are specific design concerns that relate to the context of a completed site. The planning application process should be used to ensure that measures are put in place to avoid or mitigate any impacts of flooding.	No change
003/2	Dunbar Community Council	There should be consideration of active travel/green travel/public transport at the earliest point. This has not been the case in some recent developments e.g. social housing at the end of Brodie Road (DR1) has no public transport despite this being discussed at the Bus Forum. Robertson/Avant Homes (DR5) and the proposed Gladman site (DR12) have no public transport. A path from Robertson to Asda was blocked off by the farmer and needs to be rerouted. Access on foot from the Cala site to Dunbar Grammar involves crossing the road twice as there is no pavement between Beveridge Row and Brewery Lane.	Active travel/green travel/public transport are considered during the planning application process. Any specific design concerns related to the context of a site or a planning proposal should be brought up and considered through the planning application process.	No change

003/3	Dunbar Community Council	<p>Road infrastructure needs considerable upgrade due to new housing developments coming forward e.g. the Cala site (DR6) will increase traffic on Beveridge Row/Hospital Road. The junction to the A1 is inadequate.</p> <p>The Robertson/Gladman site (DR5 and DR12) will make use of the inadequate Cement Works junction where drivers will be in competition with the increased number of lorries going to the new Viridor ERF. It is essential that this area is improved.</p>	<p>A Draft Local Transport Strategy identifies that a local transport based micro-simulation model would be developed and used to predict traffic demand in the Dunbar area. The impacts of new development in Dunbar on the highways network need to be assessed in association with parking management, public transport connectivity, active travel and accessibility of the town centre. Whilst there are currently no identified requirements for improvements within this area, this may change as a result of monitoring traffic demand in the Dunbar area. If that is the case then appropriate interventions and mitigations will be identified and the review of the Action Programme should consider if any additional actions are required.</p>	No change
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003/4	Dunbar Community Council	Developments must be refused if there is insufficient infrastructure such as the roads, transport, drainage and sewerage. The Cala site (DR6) and Robertson/Avant site (DR5 and DR12) have both had issues of sewage infrastructure. This will be an issue for the Gladman site.	<p>Developments must be refused if they are not in compliance with the Development Plan or other material planning considerations.</p> <p>It should be noted that planning conditions imposed on a grant of planning permission can enable many development proposals to proceed where it would otherwise have been necessary to refuse planning permission. While the power to impose planning conditions is very wide, it needs to be exercised in a manner which is fair, reasonable and practicable. Planning conditions should only be imposed where they are:-</p> <ul style="list-style-type: none"> • necessary • relevant to planning • relevant to the development to be permitted • enforceable • precise 	No change
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			<ul style="list-style-type: none"> reasonable in all other respects. 	
003/5	Dunbar Community Council	Education contributions must be paid for all developments. It is noted that the developers of DR5 tried to have the educational component removed from the affordable element of their site.	Comments noted. These comments are made with regard to a specific planning application. Every application is dealt with on a case by case basis and in principle should be in conformity with the adopted ELLDP 2018 Policy DEL1 and the Developer Contributions Framework SG.	No change
003/6	Dunbar Community Council	<p>Comments on the implementation of the plan in our area.</p> <p>1) concerns about factoring arrangements based on poor local experience - planning agreements for greenspace and play areas in developments must be robust into the long term with quality equipment and lasting arrangements for their maintenance</p> <p>2) concerns about housebuilders site handover procedures when they vacate a site – there have been many issues to name a few such as the lack of name signs at some parts of the</p>	These comments relate to the implementation of approved developments. The comments are not applicable to the Action Programme and can be summarised as 1) concerns about factoring arrangements based on poor local experience; 2) concerns about housebuilders site handover procedures when they vacate a site and; 3) specific design concerns related to the context of a site.	No change

		neighbouring Taylor Wimpey site or the unprotected flooded SUDS pond at the Robertson site 3) specific design concerns related to the context of a site – developments often fail to achieve the objectives of policy DP1 that requires new developments to integrate with the existing landscape and townscape and respect vernacular styles. Some relevant examples include: large houses in an area that has many bungalows (DR5 and DR6).		
004/1	Historic Environment Scotland (HES)	HES recommend that the actions identified for the policies are reviewed, as some appear to refer to irrelevant supplementary planning guidance.	Comments noted and any references to irrelevant supplementary planning guidance will be the Action Programme will be check for accurateness.	Revise the Action Programme to refer to the most up-to-date titles of supplementary planning guidance.
004/2	HES	HES recommend that reference is added to the forthcoming supplementary planning guidance for battlefields, as this is referred to in the Local Development Plan.	It is accepted that the Proposed LDP confirms that in due course the Council will prepare supplementary planning guidance on Battlefields.	Revise the Action Programme to include a reference to supplementary planning guidance on Battlefields.
004/3	HES	HES welcome the undertaking to replace existing Conservation Area Character Statements with more	Comments noted	No change

		detailed appraisals and management plans.		
005/1	Scottish Natural Heritage (SNH)	SNH support the Actions for delivering outcomes from statutory and non-statutory guidance. In particular, the delivery of the Developer Contributions Framework and the Development Briefs are necessary to support the natural heritage aspects of development, including mitigation and enhancements for the benefit of people and nature.	Comments noted	No change
005/2	SNH	SNH welcome the activities needed to deliver the Segregated Active Travel Corridor, which is a key project to help modal shift, lower carbon emissions and allow people better opportunity to connect with the natural environment of East Lothian.	Comments noted	No change
005/3	SNH	Previously SNH highlighted the significance of change at Blindwells and the constraints and opportunities this represents in terms of natural heritage assets on and around the site. SNH consider that the range of issues is broader than those identified in the Action Programme and we would welcome a review of partners identified as working together for the	Comments noted. It is accepted that the key agencies such as SNH would be involved in the preparation of the Blindwells Development Area Design Framework	Amend text in column two for BW3 to indicate that joint working will be required from SNH or other key agencies when appropriate.

		development of the Blindwells Development Area Design Framework.		
005/4	SNH	PROP T12, PROP T13, PROP EGT1 and PROP EGT3 include actions relating to Habitats Regulations Appraisal (HRA). We recommend that we are included as partners in both of these Policies as our early input to the HRA will help to streamline the process.	It is considered that SNH will be required to provide their early input to the HRA on these proposals.	Amend the Action Programme to include SNH as partners on these projects.
005/5	SNH	It's unclear why SNH is included in Policies NH9 and NH11. SNH have an interest in the water environment where it supports delivery of their remit, SEPA are the lead agency for WFD and WEWS and related policy requirements.	Whilst it is accepted that SEPA are the lead agency for WFD and WEWS, it is also noted that the River Basin Management Plan 2015-2027 identifies SNH as the overall lead co-ordinating organisation for preventing the spread of invasive non-native species. Therefore it is considered that SNH should still be included as a partner organisation joint working towards the implementation of policy NH9. However, it is accepted that SHN's remit does not directly overlap with the objectives of Policy NH11.	No change is required with regard to Policy NH9 Remove SNH from the 'lead & joint working' column of the Action Programme in respect of Policy NH11.

005/6	SNH	It is unclear why SNH is included against Policies CH8 and CH9. The summary of policy content does not highlight issues that would be relevant to SNH remit or that would be considered of national importance in terms of their remit.	It is accepted that SHN's remit does not directly overlap with the objectives of Policy CH8. Policy CH9 includes actions relating to Habitats Regulations Appraisal (HRA) and therefore early input from SNH to the HRA will help to streamline the process and implementation of the policy.	Remove SNH from the 'lead & joint working' column of the Action Programme in respect of Policy CH8. No change is required with regard to Policy CH9
005/7	SNH	Aligning the monitoring of the Action Programme to the requirement to monitor the LDP is a pragmatic approach. However, as set out at paragraph 1.11, the Action Programme will also be subject to its own monitoring and review process that will occur more frequently than review of the LDP. SNH recommend that this is made clearer in Section 4.	Comments noted and accepted.	Amend the Action Programme Section 4 by adding text to clarify that the Action Programme will be subject to its own monitoring and review process that will occur more frequently than review of the LDP.
005/8	SNH	It is not clear how Priority Actions are those that "must be implemented in the short term" as they are shown with short, medium and long timescales. On that basis, it is unclear how actions have been assigned to different tables,	SNH are correct that Priority Actions are not only those that "must be implemented in the short term" as they are shown with mostly short and medium timescales.	Amend paragraph 1.13 of the Action Programme to clarify that Priority Actions include mostly actions that must be implemented in the short to medium term.

		<p>particularly as several transport actions are essential to timely delivery of the LDP. There is also overlap between these tables in places, adding further confusion on how these tables should be read alongside each other. The difference in format between the Priority Actions and Guidance Actions is also somewhat confusing and we find the RAG rating used for Priority Actions much clearer than the format used for Guidance Actions.</p>	<p>It is accepted that there is some overlap in parts of the Action Programme e.g. between Guidance Action 2 Local Plan Policies & Proposals and Priority Action 2: Major Infrastructure Projects. This is because the former contains all policies and proposals of the LDP.</p>	
006/1	Scottish Water	<p>The Action Programme has been reviewed and we do not have any comments to offer as the information contained within the document is satisfactory.</p>	<p>Comments noted</p>	<p>No change</p>
007/1	Transport Scotland (SESTRA)	<p>PROP17 A1 Interchange Improvements on page 16 outlines <i>“relevant proposals required to provide, or contribute towards, improvements at Salter’s Road, Bankton Interchange and Dolphinstone Interchange”</i>. However, this does not accurately detail that the Council will be funding and delivering the improvements to Dolphinstone Interchange. This was discussed previously and reinforced through the</p>	<p>It is accepted that the Council will be funding and delivering the improvements to Dolphinstone Interchange and for clarity the Action Programme should distinguish between the Council funding Dolphinstone Interchange and developers funding improvements at Bankton and Salter’s Road.</p>	<p>Amend the text of the Action Programme with regard to PROP17 A1 Interchange Improvements on page 16 to distinguish between the Council funding Dolphinstone Interchange and developers funding improvements at Bankton and Salter’s Road</p>

		<p>draft Developer Contributions Framework Supplementary Guidance which does not include a Contribution Zone for Dolphinstone however there are Zones for Salters’s Road and Bankton.</p> <p>This action should be amended to include wording to this effect, as the Action Programme does not distinguish between the Council funding Dolphinstone and developers funding improvements at Bankton and Salter’s Road. This ambiguity is reinforced with a cost provided for each junction improvement and that proposals “<i>must be in accordance with Policy T32</i>” which is the Transport Infrastructure Fund.</p>		
008/1	Scottish Environment Protection Agency (SEPA)	As with education, the Action Programme needs to consider in detail the need to work in partnership with Scottish Water to ensure there is a Scottish Water connection or a secure potential for upgrades or new connection to serve new sites and new development. SEPA is concerned about the impacts on ground and surface water from a proliferation of private arrangements for foul	Whilst it is accepted that SEPA Guidance Note 8 confirms there is a presumption of connection to public foul sewer where developments are within or adjacent to public sewered areas. However, Guidance Note 8 also confirms that outwith sewered areas, the principle of private foul	No change

		<p>discharge: this is of particular concern in areas where homes and businesses are dependent on water for drinking and other domestic and business uses on private water supplies, i.e. those drawn locally from the same ground water that is at risk of pollution from a proliferation of private arrangements for sewage.</p>	<p>drainage systems are generally acceptable. The Council will work in partnership with Scottish Water on specific planning proposals to determine the most appropriate solutions for foul discharge.</p>	
008/2	SEPA	<p>Non Statutory Guidance – Development Briefs Supplement Planning Guidance: Policies DP9</p> <p>SEPA would be happy to jointly work with ELC to identify specific environment considerations for the development of the sites referenced in the AP. SEPA have encountered difficulties in the planning application process with a number of sites referenced under this section with regards to environmental information submissions and site layouts. SEPA consider that taking a more co-ordinated and informed approach with ELC through the Development Briefs would overcome this issue allowing for the delivery of a clear and consistent development plan.</p>	<p>Comments noted and it is considered that a more co-ordinated and informed approach promoted by the Development Briefs would overcome this issue.</p>	No change

008/3	SEPA	<p>Guidance Action 1: Blindwells Development Area Design Framework: Policy BW3</p> <p>Due to the complexity of the environmental issues on the Blindwells site SEPA would be happy to work jointly with ELC as part of the Development Area Design Framework to assist in the delivery of a consistent design framework for the future development of the site.</p>	<p>Comments noted. It is accepted that the key agencies such as SEPA, would be involved in the preparation of the Blindwells Development Area Design Framework.</p>	<p>Amend text in column two for BW3 to indicate that joint working will be required from SEPA or other key agencies when appropriate.</p>
008/4	SEPA	<p>Guidance Action 1: Green Network Strategy SPG and Policy DC10</p> <p>SEPA would welcome their inclusion in the list of lead and joint working column for Green Network Strategy. This is on the basis that Green Network also includes Blue Network and therefore links to River Basin Management Plan (RBMP).</p>	<p>It is accepted that SEPA should be included in the list of lead and joint working column for Green Network Strategy.</p>	<p>Amend text in column two for DC10 (p37) to indicate that joint working will be required from SEPA.</p>
008/5	SEPA	<p>Guidance Action 2: Energy Generation, Distribution and Transmission, Policy SEH1 Sustainable Energy and Heat</p> <p>SEPA would welcome their inclusion in the list of lead and joint working column for Sustainable Energy and</p>	<p>It is accepted that SEPA should be included in the list of lead and joint working column for Energy Generation, Distribution and Transmission, Policy SEH1 Sustainable Energy and Heat</p>	<p>Amend text in column four for Policy SEH1 (p59) to indicate that joint working will be required from SEPA</p>

		Heat.		
008/6	SEPA	Guidance Action 2: Policy NH9: Water Environment SEPA welcome their inclusion the lead and joint working column to continue working together towards the attainment of the prerogatives of the policy.	Comments noted	No change
008/7	SEPA	Guidance Action 2: Policy NH10: Sustainable Drainage Systems SEPA welcome their inclusion in the lead and joint working column to continue working together towards the attainment of the prerogatives of the policy.	Comments noted	No change
008/8	SEPA	Guidance Action 2: Policy NH11: Flood Risk SEPA welcome their inclusion in the lead and joint working column to continue working together towards the attainment of the prerogatives of the policy.	Comments noted	No change
008/9	SEPA	Guidance Action 2: Policy HN12: Air Quality SEPA note that there is an error the third bullet point in the actions column	It is accepted that the policy should be referred to as NH12 and not HN12. Also, the third bullet point wrongly	Amend text in column one to refer to policy NH12. In column three in the third bullet point delete "flood risk" and replace with "air quality".

		which should reference Air Quality rather than Flood Risk. The Policy also references Policy HN12 rather than Policy NH12.	refers to flood risk instead of air quality.	
	<p>Additional Changes: These changes are not made as a result of representations received but have either been noticed as a minor omission, error, or update a situation that no longer applies as explained below.</p>			
		The last sentence in para 2.4 that refers to Appendix A is not relevant.	Appendix A was not included within the consultative draft Action Programme. Any relevant additional information previously included within Appendix A of the 2016 draft Action Programme was incorporated into the current consultative draft Action Programme.	Delete the last sentence in para 2.4. Also delete any references to Appendix A within the Action Programme.

REPORT TO: East Lothian Council

MEETING DATE: 30 October 2018

BY: Depute Chief Executive (Partnerships and Community Services)

SUBJECT: Adopted East Lothian Local Development Plan 2018 Draft Supplementary Guidance for Consultation (Town Centre Strategies) and Draft Supplementary Planning Guidance (Design Standards for New Housing Areas; Green Networks)

10

1 PURPOSE

1.1 This report seeks Council approval for consultation on draft statutory Supplementary Guidance and draft non-statutory Supplementary Planning Guidance associated with the adopted East Lothian Local Development Plan 2018 (ELLDP 2018), namely:

- A draft of statutory Supplementary Guidance: Town Centre Strategies (Members Library Ref: 156/18, October 2018 Bulletin);
- A draft of non-statutory Supplementary Planning Guidance: Design Standards for New Housing Areas (Members Library Ref: 157/18, October 2018 Bulletin);

A draft of non-statutory Supplementary Planning Guidance: Green Networks (Members Library Ref: 158/18, October 2018 Bulletin).

2 RECOMMENDATIONS

2.1 That the Council approves for consultation the following draft documents:

- draft statutory Supplementary Guidance: Town Centre Strategies;
- draft non-statutory Supplementary Planning Guidance: Design Standards for New Housing Areas
- draft non-statutory Supplementary Planning Guidance: Green Networks

3 BACKGROUND

Purpose and processes for preparing statutory Supplementary Guidance and non-statutory Supplementary Planning Guidance

- 3.1 Now that ELLDP 2018 is adopted, the Council's intention is that it will be supported by statutory Supplementary Guidance as well as non-statutory Supplementary Planning Guidance. Some guidance has already been consulted on and is subsequently recommended for approval and this is a second tranche of guidance in support of the ELLDP 2018.
- 3.2 The statutory process for the preparation of statutory Supplementary Guidance must be followed by the Council. For statutory guidance to be prepared, the ELLDP 2018 contains a policy 'hook' in Policy DEL1 that signposts and enables this. Such guidance must also be limited to providing further information or detail on such policies.
- 3.3 Statutory guidance is not subject to Examination in Public, but the Council must consult on a draft version of it with stakeholders. Appended to this report is the draft Town Centre Strategies guidance that is recommended for consultation. Following this consultation exercise, the final version of the guidance that the Council wishes to adopt, the approach to and outcome of the consultation and any consequential modifications to the draft version of the guidance, must be reviewed by the Scottish Ministers who must give their clearance to the Council such that it may adopt the statutory guidance. If adopted, statutory Supplementary Guidance will become part of the development plan and therefore carry significant weight as a material consideration in planning decisions.
- 3.4 Whilst there is no statutory provisions setting out the scope or process for preparing non-statutory Supplementary Planning Guidance, if it is to carry enhanced weight as a material consideration in planning decisions it must be consulted on and adopted by the Council. For this type of guidance, there is no requirement for the Scottish Ministers to review it before the Council may adopt it.
- 3.5 The intention is that matters to be addressed within non-statutory Supplementary Planning Guidance are those that would be too detailed for inclusion within the main plan, but nonetheless merit more detailed policy guidance to assist with the operation of policies or proposals and the delivery of the plan. There is no pre-requisite for a policy 'hook' in the main plan in order to enable the preparation of non-statutory guidance. The preparation and adoption processes for non-statutory guidance can provide for more rapid policy responses to changes in operational practice than statutory Supplementary Guidance can, albeit non-statutory guidance carries less weight than statutory guidance in planning decisions.
- 3.6 The reason for re-consulting on some of the guidance documents is to ensure statutory compliance and to ensure that stakeholders have the opportunity to comment on the updated versions of the documents.

- 3.7 Once approved for consultation, statutory and non-statutory guidance documents may be taken into account as material considerations in planning decisions as appropriate, but cannot carry as much weight in the determination of planning applications as if they are adopted by the Council. Approval for public consultation of these draft documents at this stage is intended to help ensure that their preparation is progressed without delay with the intention that these draft consultation documents, once finalised following their period of public consultation and any other procedures as relevant, may be adopted by the Council as soon as possible.

Town Centre Strategies Supplementary Guidance

- 3.8 The Council had proposed that town centre strategies should form Supplementary Planning Guidance to the ELLDP 2018. However, in the Report on the Examination the Reporter recommended that these be Supplementary Guidance in line with Scottish Planning Policy that requires that spatial elements of town centre strategies should either be included in the development plan or Supplementary Guidance.
- 3.9 A draft town centre strategy has been prepared for each of East Lothian's six main town centres; Musselburgh, Tranent, Prestonpans, Haddington, North Berwick and Dunbar. The purpose of these draft strategies is to adopt a strategic approach to guide the improvement of town centres in East Lothian. They have been prepared using a range of information gathered through engagement and research including where appropriate, town centre charrettes and relevant parts of Area Partnerships Area Plans and other Supplementary Planning Guidance.
- 3.10 Following analysis from a health check of each town centre a series of actions are made to address the issues in each town centre. Each action is given an indicative short, medium or long timescale with identified lead and joint working parties for its implementation. The health check can be regularly updated and actions can be monitored and if required revised in future. The health check for each town centre is appended to the back of each strategy within this document.
- 3.11 Once adopted, they will provide an agreed strategic approach to the issues faced by the town centre, and will inform future decision making to help achieve sustained long-term improvement.

Design Standards for New Housing Areas Supplementary Planning Guidance

- 3.12 The previous Local Plan had Supplementary Planning Guidance on Design Standards for New Housing Areas approved in 2008. This guidance outlines the urban design principles that the Council wants to see provided in new housing developments and has been applied to new housing areas approved since 2008.
- 3.13 Much of this guidance remains relevant and should be carried forward to the new ELLDP 2018. However, it has been reviewed and updated where

necessary to make it a more effective document for developers and designers to use. It also takes account of the new ELLDP 2018 Design Policies and reflects relevant changes in national guidance.

- 3.14 Once adopted, the Design Standards for New Housing Areas will provide an agreed approach to the design of new residential areas and will be applicable to all allocated sites in the ELLDP 2018.

Green Networks Supplementary Planning Guidance

- 3.15 The Green Networks Supplementary Planning Guidance is new guidance that applies across East Lothian within and between settlements, into the countryside and along the coast and with links to green networks in neighbour authority areas.
- 3.16 The green network is defined as connected areas of green and blue space within and around our towns linking out into wider countryside which underpins the area's quality of life and sense of place and provides the setting within which high quality sustainable growth can occur.
- 3.17 The Green Network Supplementary Planning Guidance provides further guidance in support of ELLDP 2018 Policy DC10 and focuses on a number of priority areas that are important because of urban intensification, safeguarding existing components of the green network and new components which should be created and integrated with the existing network.

Consultation on the Guidance

- 3.18 It is proposed that the consultation period for all of the Supplementary Guidance and Supplementary Planning Guidance be for a six week period commencing 9 November, to allow for documents to be printed and circulated and a questionnaire prepared for the consultation hub. Key agencies, Area Partnerships and Community Councils will be separately notified of the consultation and a press advert published.

4 POLICY IMPLICATIONS

- 4.1 All of the Supplementary Guidance and Supplementary Planning Guidance supports the ELLDP providing further detail in support of its policies.

5 INTEGRATED IMPACT ASSESSMENT

The subjects of this report has been through the Integrated Impact Assessment process through the ELLDP and no negative impacts have been identified.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – none
- 6.2 Personnel – none
- 6.3 Other - none

7 BACKGROUND PAPERS

- 7.1 East Lothian Local Development Plan 2018
- 7.2 East Lothian Local Development Plan 2018 Draft Supplementary Guidance Town Centre Strategies: Musselburgh; Tranent; Prestonpans; Haddington; North Berwick; Dunbar (Members Library Ref: 156/18, October 2018 Bulletin)
- 7.3 East Lothian Local Development Plan 2018 Draft revised Supplementary Planning Guidance Design Standards for New Housing Areas (Members Library Ref: 157/18, October 2018 Bulletin)
- 7.4 East Lothian Local Development Plan 2018 Draft Supplementary Planning Guidance for Green Networks (Members Library Ref: 158/18, October 2018 Bulletin)

AUTHOR'S NAME	Iain McFarlane
DESIGNATION	Service Manager - Planning
CONTACT INFO	imcfarlane@eastlothian.gov.uk
DATE	12 October 2018

REPORT TO: East Lothian Council

MEETING DATE: 30 October 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Appointments to Committees and Boards

11

1 PURPOSE

- 1.1 To request the Council to approve the appointment of Councillor Gilbert to the East Lothian Integration Joint Board (IJB), replacing Councillor Currie; Councillor Williamson to the Planning Committee, replacing Councillor Currie; and Councillor Innes to the East Lothian Licensing Board, replacing Councillor McGinn.

2 RECOMMENDATIONS

- 2.1 That the Council approves the appointments of Councillor Neil Gilbert to the East Lothian Integration Joint Board; Councillor Williamson to the Planning Committee; and Councillor Innes to the East Lothian Licensing Board.

3 BACKGROUND

- 3.1 Councillor Currie has recently intimated that he wishes to relinquish his position on the IJB. The SNP Group have nominated Councillor Gilbert to replace Councillor Currie.
- 3.2 Councillor Currie has also intimated that he wishes to relinquish his position on the Planning Committee. The SNP Group have nominated Councillor Williamson to replace Councillor Currie.
- 3.2 As required by licensing legislation, Council are advised that Councillor McGinn has tendered his resignation from East Lothian Licensing Board. Councillor Innes has been nominated as his replacement. Members are asked to note that Councillor Innes will be required to undertake and pass the compulsory Licensing Board training and assessment prior to participating in any meetings of the Board.

4 POLICY IMPLICATIONS

4.1 None.

5 INTEGRATED IMPACT ASSESSMENT

5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

6.1 Financial – there will be a cost attached to Councillor Innes' Licensing Board training. This cost can be met from the Licensing budget.

6.2 Personnel – none.

6.3 Other – none.

7 BACKGROUND PAPERS

7.1 None.

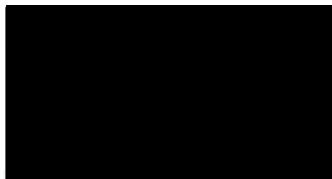
AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk x7225
DATE	7 October 2018

MOTION TO EAST LoTHIAN COUNCIL
30th October 2018

Primary 1 Testing

That the Council believes that although good-quality pupil assessment is an essential component of the drive to raise educational standards in Scotland's schools, it acknowledges the will of the recent Parliamentary vote; notes the level of concern which has been raised by teachers, education professionals, parents and MSPs regarding the introduction and delivery of new testing arrangements for Primary 1 pupils; acknowledges that although formal, standardised testing is essential in Primary 4 and Primary 7, it should not happen in Primary 1 where it cannot deliver the same meaningful results; considers the Scottish Parliamentary vote against this testing in Primary 1 and the subsequent will of MSPs who questioned, based on clear and concise evidence, as to whether the new Primary 1 tests are in line with the play-based learning philosophy of the early years provision in the curriculum for excellence; urges councillors to call on the Scottish Government to heed the will of the majority of MSPs and halt the Primary 1 tests which have been condemned by teachers and parents alike, and to subsequently reconsider the evidence as well as its entire approach to evaluating the progress of Primary 1 pupils.

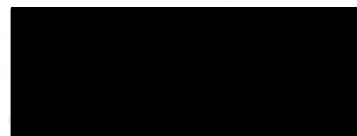
Proposed by:



Date:

05/10/2018

Seconded by:



Date:

10 Oct 2018

Received on 11 October 2018

REPORT TO: East Lothian Council

MEETING DATE: 30 October 2018

BY: Depute Chief Executive (Resources and People Services)

SUBJECT: Submissions to the Members' Library Service
17 August – 19 October 2018

13

1 PURPOSE

- 1.1 To note the reports submitted to the Members' Library Service since the last meeting of Council, as listed in Appendix 1.

2 RECOMMENDATIONS

- 2.1 Council is requested to note the reports submitted to the Members' Library Service between 17 August and 19 October 2018, as listed in Appendix 1.

3 BACKGROUND

- 3.1 In accordance with Standing Order 3.4, the Chief Executive will maintain a Members' Library Service that will contain:
- (a) reports advising of significant items of business which have been delegated to Councillors/officers in accordance with the Scheme of Delegation, or
 - (b) background papers linked to specific committee reports, or
 - (c) items considered to be of general interest to Councillors.
- 3.2 All public reports submitted to the Members' Library are available on the Council website.

4 POLICY IMPLICATIONS

- 4.1 None

5 INTEGRATED IMPACT ASSESSMENT

- 5.1 The subject of this report does not affect the wellbeing of the community or have a significant impact on equality, the environment or economy.

6 RESOURCE IMPLICATIONS

- 6.1 Financial – None
6.2 Personnel – None
6.3 Other - None

7 BACKGROUND PAPERS

- 7.1 East Lothian Council's Standing Orders – 3.4

AUTHOR'S NAME	Lel Gillingwater
DESIGNATION	Team Manager - Democratic & Licensing
CONTACT INFO	lgillingwater@eastlothian.gov.uk
DATE	19 October 2018

**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD
17 August – 19 October 2018**

Reference	Originator	Document Title	Access
123/18	Head of Council Resources	Service Review Report – Property Maintenance	Private
124/18	Head of Council Resources	Service Review Report – Housing Repairs	Private
125/18	Head of Council Resources	Service Review Report – Transformation	Private
126/18	Head of Council Resources	Establishment Changes for August 2018	Private
127/18	Head of Council Resources	Service Review – Vehicle Workshop Manager	Private
128/18	Head of Council Resources	Service Review – Customer Services	Private
129/18	Depute Chief Executive (Partnerships and Community Services)	Insurance/Broker Fee Renewals – 1 July 2018	Private
130/18	Head of Communities and Partnerships	Building Warrants issued under Delegated Powers – August 2018	Public
131/18	Depute Chief Executive (Partnerships and Community Services)	Rural Economy and Connectivity Committee: Transport (Scotland) Bill: Submission from East Lothian Council	Public
132/18	Head of Council Resources	Dr Bruce Fund Annual Accounts 2017/18	Public
133/18	Head of Council Resources	Quarterly Customer Feedback Reporting	Public
134/18	Head of Council Resources	Establishment Changes – September 2018	Private
135/18	Depute Chief Executive (Partnerships and Community Services / Resources and People Services)	Redevelopment of the former Coop Buildings, Winton Place, Tranent	Private

136/18	Depute Chief Executive (Partnerships and Community Services)	Economic Development Priorities 2018/19	Public
137/18	Depute Chief Executive (Partnerships and Community Services)	Service Review – Transport Services	Private
138/18	Depute Chief Executive (Partnerships and Community Services)	Acquisition of Co-operative Buildings, Haddington Road, Tranent	Private
139/18	Depute Chief Executive (Partnerships and Community Services)	Building Warrants Issued Under Delegated Powers Between 1 st September and 30 th September 2018	Public
140/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Strategy	Public
141/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Active Travel Improvement Plan	Public
142/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Parking Strategy	Public
143/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Proposed Local Transport Strategy 2018-24 – Draft Road Assessment Management Plan	Public
144/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Proposed Local Transport Strategy 2018-24 – East Lothian Partnership Road Safety Plan, 2016-2020	Public
145/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Proposed Local Transport Strategy 2018-24 – Environmental Report	Public
146/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Proposed Local Transport Strategy 2018-24 – Public Response to Consultation	Public
147/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Developer Contributions Framework Supplementary Guidance	Public
148/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Developer Contributions Framework Technical Note 14	Public

	Community Services)		
149/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Developer Contributions Framework Technical Note, Outline Methodology	Public
150/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Transport Appraisal	Public
151/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Action Programme	Public
152/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Cultural Heritage and the Built Environment – Supplementary Planning Guidance	Public
153/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Farm Steading Design Guidance – Supplementary Planning Guidance	Public
154/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Development Briefs – Supplementary Planning Guidance	Public
155/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Special Landscape Areas – Supplementary Planning Guidance	Public
156/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Town Centre Strategies – Draft Supplementary Planning Guidance	Public
157/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Design Standards for New Housing Areas – Supplementary Planning Guidance Consultative Draft	Public
158/18	Depute Chief Executive (Partnerships and Community Services)	East Lothian Council Local Development Plan – Green Networks – Draft Supplementary Planning Guidance	Public

19 October 2018