



## MINUTES OF THE MEETING OF EAST LOTHIAN COUNCIL

TUESDAY 12 FEBRUARY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost J McMillan (Convener)

Councillor S Akhtar

Councillor L Bruce

Councillor S Currie

Councillor F Dugdale

Councillor J Findlay

Councillor A Forrest

Councillor N Gilbert

Councillor J Goodfellow

Councillor N Hampshire

Councillor J Henderson

Councillor W Innes

Councillor S Kempson

Councillor G Mackett

Councillor K Mackie

Councillor C McGinn

Councillor P McLennan

Councillor K McLeod

Councillor F O'Donnell

Councillor B Small

Councillor T Trotter

Councillor J Williamson

### Council Officials Present:

Mrs A Leitch, Chief Executive

Ms A MacDonald, Acting Director of East Lothian Health & Social Care Partnership

Mr A McCrorie, Depute Chief Executive (Resources and People Services)

Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)  
and Monitoring Officer

Mr J Lamond, Head of Council Resources

Mr T Reid, Head of Infrastructure

Ms F Robertson, Head of Education

Ms S Saunders, Head of Communities and Partnerships

Ms J Tait, Head of Adult and Children's Services

Ms C Dora, Executive Officer

Ms S Fortune, Service Manager – Business Manager

Ms K MacNeill, Service Manager – People and Governance

Mr P Vestri, Service Manager – Corporate Policy and Improvement

### Visitors Present:

Mr M Duff, Audit Scotland

### Clerk:

Mrs L Gillingwater

### Apologies:

Councillor J Findlay

Councillor B Small

## **1. SETTING OF BUDGET, COUNCIL TAX AND RENT LEVELS 2019-24**

A report was submitted by the Depute Chief Executive (Resources and People Services), providing an update of recent developments in respect of the Local Government Finance Settlement and presenting amended budget proposals for both General Services and the Housing Revenue Account in accordance with the budgetary framework approved previously by the Council.

The Head of Council Resources, Jim Lamond, presented the report, drawing attention to a number of key aspects, including: the establishment of longer-term financial planning, which had been recognised as very important in both Audit Scotland's Local Government Overview and the recent Best Value Assurance Report on the Council; the Council's amended Financial Settlement from the Scottish Government, the net effect of which was an additional £1.719m of grant funding to the Council, together with the ability for the Council to increase Council Tax by up to 4.79%; and that the longer-term view of the Council's financial planning assumed that future grant levels would be maintained at existing levels. Mr Lamond confirmed that amended revenue and capital budget proposals had been submitted by the Administration only, and that both the Administration and SNP Group had submitted amendments to the draft budget housing proposals. He concluded his presentation by pointing out that the Scottish Government budget had not yet been finalised and would go forward to Parliament for approval on 21 February 2019. Should there be any significant changes to that draft budget, then a further report would be brought to Council on 26 February.

As regards the five-year financial and capital strategies, Councillor Goodfellow questioned whether the maximising of capital from current revenue was appropriate in ensuring the longer-term sustainability of the Housing Revenue Account (HRA) programme. Mr Lamond confirmed that this was a viable strategy, provided that the Council was maintaining and working within the debt:income ratio limit.

In response to a number of questions from Councillor Currie in relation to Brexit, and on resources available to the Council, Mr Lamond made reference to a recent briefing to Members on Brexit and advised that officers continued to monitor the situation closely. He acknowledged that there was a great deal of uncertainty, and that there could be an impact on the Council. He noted that the UK and Scottish Governments had earmarked contingency funding, but that the Council has not. He undertook to keep Members updated on the position. On the Council's funding settlement, Mr Lamond pointed out that, although there was more money available to the Council, it carried significant additional obligations.

With reference to the previous question, Councillor Innes asked for confirmation that, taking account of those new and other obligations, the Council's funding had effectively reduced by just under £2.5m. Mr Lamond confirmed this to be the case.

Councillor O'Donnell asked Mr Lamond when he expected to receive news of the funding settlement with respect to free personal care for people under retirement age. Mr Lamond reported that this matter was still to be considered by the Joint Settlement and Distribution Group, before being submitted to the CoSLA Leaders' Group for ratification.

### **Decision**

The Council agreed:

- i. to note the circumstances relating to changes made to the original Local Government Finance Settlement offer of 12 December 2017, as set out within Sections 3.3-3.5 of the report; and

- iii. to consider and make recommendations in relation to the respective budget proposals included within the agenda for the meeting at Items 2 and 3, these items reflecting formal amendments proposed to the Draft Administration Proposal approved by Cabinet on 22 January 2019.

## **2. BUDGET PROPOSALS ON GENERAL SERVICES – AMENDMENT SUBMITTED BY THE ADMINISTRATION**

Councillor Innes presented the Administration's amendment to the budget proposals. He stated that this was the most difficult budget that the Council had ever faced, and that very difficult decisions would have to be made. He made reference to the Council's financial settlement from the Scottish Government, advising that the Council would have a further shortfall of £300,000, in addition to the existing shortfall of £5m and planned reductions of £5.6m.

Councillor Innes declared that, in its budget proposals, the Administration had made every effort to minimise the impact on frontline services, including Education, Adult Services and Children's Services. In order to do that, it was proposed that Council Tax would increase by the maximum 4.79%, that reserves would be used and that a change in the loan fund for Years 2 and 3 would be utilised. He also noted that funds from the General Services Capital Fund and the Cost Reduction Fund would be used in Year 1, to be replenished over the following three years. Councillor Innes reiterated the significant financial challenges facing the Council, but stated that the Administration would take ownership of their decisions. He concluded his presentation for thanking officers for their assistance in preparing the budget proposals; he also thanked Council staff for their hard work over the past year.

The Administration amendment was seconded by Councillor Forrest.

Councillor McLennan asked for further detail on the Administration's figures as regards staffing performance, transformation, senior management and core service reduction. The Chief Executive advised that the CMT had discussed and agreed these figures with Finance officers and that officers would ensure that they were delivered. Councillor McLennan registered his dissatisfaction with this response, commenting that there was no information on how these savings would be achieved. In response to other queries from Councillor McLennan in relation to the budgets for coastal car parking, health and social care, and economic development, the Chief Executive advised that a report on coastal car parking would be presented to the next PPRC meeting. Councillor McLennan reiterated that further information was required on these items.

The Provost then moved to the debate.

Councillor Henderson opened the debate. She thanked Mr Lamond, Ms Fortune and other officers for their assistance. She highlighted the challenges facing the Council in achieving a balanced budget, and expressed concern that the Council was having to use reserves. However, she noted that the Council was used to adapting and reprioritising, and was confident that that it would be able to work within its budget. She advised of the Conservative Group's reluctance at accepting a 4.79% Council Tax rise, noting that they would not be supportive of 5% rises in the following two years. Councillor Henderson welcomed in particular the increased recurring investment in the road network, and stressed the importance of delivering essential services. She declared that the Conservative Group would be supporting the Administration's draft budget, as amended.

On behalf of the SNP Group, Councillor Currie voiced his concern at the level of the proposed Council Tax increase and at reductions in funding for a number of services,

including Children's Wellbeing, Economic Development and Area Partnerships. He noted that he had offered to engage with the Administration in advance of the budget-setting process, which would include discussing coastal car parking charges and instrumental music tuition, two policies that his Group were opposed to, and which, in his view, had not been successful. However, he claimed that the Council Leader had indicated that he was not prepared to discuss these matters. Councillor Currie was also concerned at the impact of the increase in interest charges for the PPP contract on Council finances. He concluded his presentation by referring to the proposed budget as being 'unamendable, unsupportable and indefensible', and declared that the SNP Group would not support it.

Councillor Hampshire thanked Council staff for continuing to deliver quality services in spite of the challenging financial circumstances. He advised that the Administration had accepted two amendments to the budget put forward by the Conservative Group, noting that the SNP Group had declined to participate in discussions. Despite the reduction in the Council's revenue support grant, Councillor Hampshire believed that the proposed budget would continue to improve the quality of life for people in East Lothian. He made reference to the increasing demands on Council services as a result of the increasing population in East Lothian, rises in school rolls and pressure on adult services. He warned of the impact of the funding reduction from the Scottish Government on community, arts and leisure facilities, but stated that the Administration would do everything in its power to protect services. He also stated the requirement for the Council to identify new income streams.

Councillor Bruce argued that had the Scottish Government not reduced the grant to the Council, the increase in Council Tax would have been lower. He also remarked that the budget amendment put forward by the SNP Group in 2018 had included those items raised as a concern by Councillor McLennan earlier in the meeting.

Councillor McGinn spoke of the Council's collective responsibility in setting the budget and protecting services. He drew attention to the impact of funding reductions on services for young people, and called on the Council to ensure that that communities received the required level of services. He highlighted a number of positive aspects of the budget proposals, including the new community centre in Whitecraig, improvements to Tranent town centre, investment in the Recharge programme and the delivery of a new primary school in Wallyford.

On education, Councillor Akhtar pointed out that £154 million would be spent on building new schools and expanding existing ones, and that school IT systems would undergo an upgrade. She also welcomed an increase in funding for Children's Services. However, she warned of the financial challenges facing the Council.

Councillor Dugdale pointed out that funding to local government had been cut by 7% in recent years, and that this had had a significant impact on East Lothian Council, one of the fastest-growing areas in Scotland. She welcomed the delivery of the new community centre in Whitecraig, commenting on the benefits of that facility to the community, and the improvements to Tranent town centre. She also spoke in support of the continuation of lunch clubs and the new community library at Wallyford Primary School. She called on the Scottish Government to provide fairer funding for local government in order to protect services and invest in the future.

As health and social care spokesperson, Councillor O'Donnell questioned the Council's ability to tackle poverty and inequality in the face of reducing funding from the Scottish Government. She highlighted the need for additional funding to meet the needs of an aging population. As regards charges for social care services, she advised that the Administration would not increase fees for the coming years. Drawing attention to proposed funding for health and social care services, she reminded the Council that it would be for the IJB to

decide how to use this funding. Councillor O'Donnell also paid tribute to volunteers within her ward, as well as those working in the third sector who contributed to service provision.

Councillor McLennan reiterated his concerns as to how some savings would be achieved. He also queried the figures relating to coastal car parking income, as well as the reduction in funding for economic development and tourism projects, especially in light of the UK's imminent departure from the EU.

In response to Councillor McLennan's comments on economic development, Councillor McMillan pointed out that jobs would be created with the development of Blindwells and the former Cockenzie Power Station site, and through the City Region Deal. He also made reference to proposed town centre improvements. He emphasised the Administration's support for local businesses, and noted that Council staff would work with local event organisers to help them operate independently. He remarked on the importance of the Scottish Government working in partnership with local government.

Councillor Mackie welcomed the proposals for the new secondary school in Musselburgh and the progression of plans to improve facilities at the Brunton Hall.

Councillor Goodfellow criticised Councillor Currie for mentioning rent proposals when discussing the general services budget. Councillor Currie raised a point of order, disputing a claim by Councillor Goodfellow that he (Councillor Currie) had suggested that rental income could be used for non-housing purposes. The Provost declared that the point of order was valid, and invited Councillor Goodfellow to continue. Councillor Goodfellow noted that concerns had been raised within his constituency in relation to the draft budget proposals for primary schools. However, he was satisfied that the Administration's amendment would address those concerns, and that most primary schools would be receiving funding similar to that of the current year. He welcomed proposed improvements to schools, which would be partly funded through Section 75 Agreements.

The Provost then invited Councillor Innes to sum up for the Administration. Councillor Innes expressed regret that the SNP Group had not put forward proposals. He confirmed that Councillor Currie had indeed contacted him to discuss proposals, but only on the proviso that the Administration abolished coastal car parking and instrumental tuition charges. Councillor Currie raised a point of order, on the grounds that Councillor Innes had misled the meeting on this last point. In the absence of evidence in this regard, the Provost advised that the point could not be ruled upon and invited Councillor Innes to continue his summing up. Councillor Innes concluded by arguing that local government would bear the brunt of Scottish Government funding cuts, and that this would have a detrimental impact on communities. He called on the Council to protect services and staff, and to support the draft budget, as amended.

The Provost then asked the Council to move to the vote on the amendment to the budget proposals, as submitted by the Administration.

For: 14  
Against: 6

The amendment as proposed and seconded by the Administration was therefore carried.

### **Decision**

The Council agreed to approve the amendment to the budget proposals as presented by the Administration and to increase Council Tax levels by 4.79% in 2019/20 (Band D level of £1,242.48).

### **3. RENT PROPOSALS 2019/20–2023/24**

#### **(a) Amendment Submitted by the Administration**

Councillor Goodfellow presented the Administration's Housing budget to the Council, asserting that the provision of affordable housing was the most significant lever in reducing inequality. He advised that the Administration's proposals would see £171 million being spent on building new homes and modernising existing stock. He pointed out that since 2007 the Council had delivered over 1,500 new affordable homes, and that over the coming years, a further significant number of affordable homes would be built across East Lothian. At the same time, the modernisation programme would continue, with new bathrooms, kitchens and energy efficiency measures being installed in existing stock. He noted that the budget proposals assumed the present level of Scottish Government subsidy, but that it was important for this level of subsidy to increase in order for the Council to deliver housing in accordance with the Local Development Plan. Councillor Goodfellow thanked tenants for their ongoing support, and Council staff for their work in maintaining Council homes.

The Administration amendment was seconded by Councillor Hampshire, who advised that a shortage of good quality affordable housing posed a significant challenge for the Council. He maintained that, even with a 5% rent increase, the Council would still have one of the lowest rents in Scotland. In addition to the construction of new homes and the continuation of the modernisation programme, he noted that £840,000 would be allocated for mortgage-to-rent applications. He called on the Council to support the Administration's amendment.

#### **(b) Amendment Submitted by the SNP Group**

Councillor Currie presented the SNP amendment to the Housing budget to the Council. He observed that both budgets were very similar, and that there was general agreement within the Council as to the importance of delivering affordable housing. However, he advised that his Group would be proposing a 3.7% rent rise for 2019/20, representing inflation plus 1%, which he felt was fairer, given the levels of salary increases and other rising living costs. He claimed that, although the Council once had the second lowest rents in Scotland, it was now nearing the national average. He also suggested that tenants should be given more options as part of the consultation process.

The SNP amendment was seconded by Councillor McLeod.

In response to a question from Councillor Bruce as regards the SNP's mortgage-to-rent proposals, Councillor Currie advised that, based on figures from Finance on the previous three years' activity for mortgage to rent, he felt that it was appropriate to retain £840,000 for the current year, but reduce this to £250,000 for future years.

#### **(c) Debate and Decision**

Following the presentation, the Provost moved to the debate.

Councillor Henderson highlighted the importance of housing to communities, and considered the Administration's proposals to be consistent, forward-thinking and innovative. Although she felt that the SNP proposals were reasonable, she was minded to support the Administration's HRA budget.

Councillor Innes pointed out that the SNP's proposed rent rise of 3.7% (inflation plus 1%) was only for the current year, and then it would revert to 5% for future years. He was of the view that if the SNP Group were intending on raising rents by inflation plus 1%, then this

would also have to be reflected going forward, which would have an impact on the ability of the Council home building and modernisation programmes.

Summing for the SNP Group, Councillor Currie commented that a number of housing associations had chosen not to increase rents for the coming year. He felt that raising rents by inflation plus 1% was reasonable and proportionate, and would mitigate against tenants getting into arrears.

Summing up for the Administration, Councillor Goodfellow noted that tenants had been consulted on the proposals and that there was overwhelming support for a 5% increase in rents. He made reference to a housing option fund, recognising that the Council would need to be in a position to react should opportunities arise, and noting that £4m would be set aside for that purpose in 2023/4. He questioned the SNP Group's mortgage-to-rent proposals, in that the funding level was too low. He also expressed concern at the SNP proposals regarding managing the capital balances from current revenue. Councillor Currie raised a point of order concerning this statement, arguing that this approach was acceptable as per the Council's Financial Strategy. Mr Lamond confirmed this to be the case, and the Provost moved that the point of order was valid.

The Provost then moved to the vote.

The amendment to the HRA budget proposals submitted by the SNP for 2019/20 to 2023/24 were put to the vote.

For: 6  
Against: 14

The amendment to the HRA budget as proposed and seconded by the SNP therefore fell.

The amendment to the HRA budget proposals submitted by the Administration for 2019/20 to 2023/24 were put to the vote.

For: 14  
Against: 6

The amendment to the HRA budget as proposed and seconded by the Administration was therefore carried.

### **Decision**

The Council agreed to approve the rent proposals as presented by the Administration and to increase Council house rent levels by 5% in 2019/20.

Signed .....

Provost John McMillan  
Convener of the Council







## MINUTES OF THE MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 26 FEBRUARY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost J McMillan (Convener)	Councillor J Henderson
Councillor S Akhtar	Councillor W Innes
Councillor L Bruce	Councillor S Kempson
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 T Trotter
Councillor N Hampshire	Councillor J Williamson

### Council Officials Present:

Mrs A Leitch, Chief Executive  
Mr A McCrorie, Depute Chief Executive (Resources and People Services)  
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Mr T Reid, Head of Infrastructure  
Mrs F Robertson, Head of Education  
Ms S Saunders, Head of Communities and Partnerships  
Ms J Tait, Head of Adult and Children's Services  
Mr R Baty, Team Leader – Business Development  
Mr S Cooper, Team Manager – Communications  
Ms C Dora, Executive Officer  
Ms S Fortune, Service Manager – Business Finance  
Mr C Grilli, Service Manager – Legal & Procurement  
Mr I McFarlane, Service Manager – Planning  
Mr R Montgomery, Project Manager  
Ms W McGuire, Team Leader – Strategy & Development  
Ms J Squires, Planner (Policy & Projects)  
Mr L Taylor, Planning Policy Officer  
Mr P Vestri, Service Manager – Corporate Policy and Improvement  
Ms S Wanless, Planner (Policy & Projects)

### Visitors Present:

None

### Clerk:

Mrs L Gillingwater

**Apologies:**

Councillor G Mackett  
Councillor B Small

**Declarations of Interest:**

Councillors Innes and McMillan declared an interest in Item 5 – Support for East Lothian Businesses: Loan to East Lothian Investments Ltd, as they are Directors of East Lothian Investments Ltd.

Councillor McLennan declared an interest in Items 6, 7 and 8 – Local Development Plan reports, due to his employment status.

**1. MINUTES FOR APPROVAL**

The minutes of the meeting of East Lothian Council of 11 December 2018 were approved.

**2. MINUTES FOR NOTING**

The minutes of the Local Review Body (Planning) meeting of 15 November 2018 were noted.

**3. FINANCIAL REVIEW 2018/19, QUARTER 3**

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

The Head of Council Resources, Jim Lamond, presented the report, informing Members that at the end of Quarter 3 the overall financial position showed an overspend of £1.3 million (0.7%). He anticipated that there would be an overspend at the year-end of between £1m and £2m. He drew attention to the financial position of all Council services. Mr Lamond anticipated that 93% of planned efficiency savings would be achieved, with £350,000 of savings unlikely to be achieved before the end of the financial year. He warned of the pressures within health and social care services, the overspend on which was currently being offset by underspends in other areas.

On the Housing Revenue Account, Mr Lamond reported an underspend of £0.8m. He highlighted the unusual spending pattern (set out in Appendix 3 of the report), noting that it was unlikely that two key projects would be concluded by the end of the financial year. He added that he expected year-end underspends in relation to the modernisation programme and mortgage-to-rent acquisitions.

Mr Lamond referred Members to Appendix 4 of the report, which set out the revised budget for capital expenditure. He anticipated that at the year-end, the Council would have spent £43m on capital projects (a summary of which was outlined in Section 3.23 of the report).

Mr Lamond responded to a series of questions from Councillor Currie. He indicated that the financial position as regards health and social care was a recurring issue, and that it was likely that the current spending patterns would continue into the new financial year. He added that negotiations with the NHS as regards resource transfer were ongoing, and that this could result in the overspend being reduced. On underspends, he advised that this was due to a variety of issues, including planned efficiencies and vacancy management; he emphasised that this position may not continue into the next financial year. As regards

coastal car parking, he confirmed that the income generated was less than anticipated, but that this was partly due to unexpected costs associated with decriminalised parking enforcement, which was charged against coastal car parking activity. He added that there was no direct link between the under-recovery of car parking income and investment at coastal car parks, and that there were a number of other reasons for the delay in improvements to the facilities. Tom Reid, Head of Infrastructure, pointed out that a report on coastal car parking would be presented to the PPRC on 27 February.

Councillor O'Donnell asked if the Council had received guidance on how the overspend in the Health and Social Care Partnership would be addressed. Judith Tait, Head of Adult and Children's Services advised that she wasn't aware of any centralised guidance. Jim Lamond noted that provisions were made within the Scheme of Integration to allow flexibility, and that the East Lothian Scheme differed from other schemes. However, this position had been challenged by Audit Scotland, and that guidance from the Scottish Government would be welcomed.

Responding to a question from Councillor Henderson in relation to the HRA budget, Mr Lamond reported that it had been an unusual year, in that expenditure was heavily weighted to the end of the financial year – the position would become clearer at the year-end. He pointed out that there was scope to transfer activity into the new financial year.

Councillor Williamson highlighted the overspend on void rents. Douglas Proudfoot, Head of Development, signalled that there was work underway to review the voids policy, and that efforts were being made to re-let houses as quickly as possible. A report on this would be presented to Cabinet in May.

Councillor Bruce asked for an explanation as to the underspend in the pre-school budget. Fiona Robertson, Head of Education, reported that the Council had received additional funding of £200k to employ additional staff and assist in the implementation of the 1140 hours of early learning and childcare; some aspects of this work would be carried out on a phased basis.

Councillor Gilbert questioned the expenditure on residential and secure accommodation for children. Ms Tait advised that there had been an unusual increase in demand for such services during 2018/19, with 19 children being subject to external placements and 7 in secure care. She emphasised that the Council had a duty to protect these children, and that the right decisions had been made as regards these placements.

Councillor Hampshire noted that it was very difficult to control the demands on a number of services; however, the resulting overspend was offset to a certain extent by savings made by other services. He paid tribute to the staff for continuing to provide high-quality services, but warned that the year ahead would be challenging.

Councillor Currie remarked that it was unlikely that the position for health and social care services would improve by the end of the financial year. He anticipated that the demand on these services would remain and may even increase, and questioned what effect the efficiency measures in place would have. His view was that the current situation was not sustainable and that an early solution as regards shifting the balance of care was required. On coastal car parking, he sought assurance that the anticipated income would be realised, and suggested that wardens should be patrolling high streets and streets around schools rather than the coastal car parks.

Councillor Akhtar drew attention to the pressures resulting from an increasing population, particularly in the 0-16 age group. She highlighted the challenges facing schools at a time when Council budgets were being reduced, noting that staff were working hard to ensure positive outcomes for children and young people.

As health and social care spokesperson, Councillor O'Donnell advised that the IJB was currently consulting on its Strategic Plan. She made reference to the growing number of older people in East Lothian, stressing the need to provide the right care and security for those service users. She noted that the Strategic Plan would also look at innovative ways of working. She welcomed discussions between the Council and NHS officials on the challenges ahead, and added that the additional money from the Scottish Government would be needed to progress integration and the Carers Act.

Councillor Innes concluded the debate by stating that, despite the challenges, the Council was performing well. He highlighted in particular the improvements made to schools and children's services, and the recent Best Value Assurance report. He expressed concern that the Scottish Government continued to set budgets on a year-by-year basis, arguing that this model was not sustainable. He called on the Council to thank staff for their hard work during such challenging financial times.

### **Decision**

The Council agreed to note the financial performance at the end of the third quarter of 2018/19 against approved budgets.

## **4. TREASURY MANAGEMENT STRATEGY 2019/20 – 2023/24**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the Treasury Management and Investment Strategies for 2019/20 to 2023/24.

The Service Manager – Business Finance, Sarah Fortune, presented the report, advising of the requirement for the Council to have approved Treasury Management and Investment Strategies that demonstrates compliance with the CIPFA Code of Practice. She drew Members' attention to the key aspects of the Strategy, as set out in Sections 3.5-3.22 of the report.

Ms Fortune responded to a number of questions from Members, advising that the review of loans charges would cover both general services and the Housing Revenue Account, and that the outcome would be reported back to Council. On the Council's investment priorities, she noted that minimising exposure to risk was the main focus of the strategy.

### **Decision**

The Council agreed:

- i. to approve the Treasury Management Strategy, referenced within Sections 3.5-3.18 of the report;
- ii. to approve the Investment Strategy, references within Sections 3.19-3.21 of the report;
- iii. to approve the repayment of loans fund advances by the statutory method before 1 April 2016 and by the asset life method after 1 April 2016 (outlined in Section 3.6), and that this may need to be reviewed subject to the outcome of the promised legislative changes at a national level;
- iv. to approve the operational boundaries for external debt, as detailed in Section 3.14 of the report;

- v. to approve the authorised limits for external debt, as detailed in Section 3.15 of the report;
- vi. to approve the delegation of authority to the Head of Council Resources to effect movement between external borrowing and other long-term liabilities, as detailed in Section 3.18 of the report; and
- vii. to note the detailed Treasury Management Strategy Statement, available in the Members' Library (Ref: 19/19, February 2019 Bulletin).

## **5. SUPPORT FOR EAST LOTHIAN BUSINESSES: LOAN TO EAST LOTHIAN INVESTMENTS LTD**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of a loan to East Lothian Investments Ltd (ELI) and authorisation for the Head of Council Resources to finalise and enter into a loan agreement on behalf of the Council.

**Declarations of Interest:** having declared an interest as Directors of the Board of East Lothian Investments Ltd, Councillors Innes and McMillan left the meeting. Councillor Forrest took the chair for this item of business.

The Head of Council Resources, Jim Lamond, presented the report, advising Members that the Council has been providing interest-free loans to East Lothian Investments Ltd over the past ten years. He drew Members' attention to the success of this initiative, namely that 81 jobs had been created and 1,500 had been protected, and that East Lothian Investments had been able to secure an additional £16,459,637 of private-sector funds. He reported that the type of loan proposed was unsecured, thereby carrying a greater degree of risk; however, previous loan arrangements had operated without any difficulties. If approved, he sought authority from the Council to finalise the formal loan agreement in accordance with the requirements set out in Section 3.8 of the report.

Douglas Proudfoot, Head of Development emphasised the positive impact of providing such a loan facility, noting that the initiative had been reviewed at both the Audit & Governance Committee and Policy & Performance Review Committee.

In response to a question from Councillor O'Donnell on the impact of the loan facility on the local supply chain, Richard Baty (Team Leader – Business Development) advised that this would be difficult to quantify; however, he explained that the Economic Development Team did provide advice to companies moving to East Lothian or expanding on other local businesses which could assist them.

Councillor Currie questioned the potential of using common good funds to provide a similar facility to that being offered, and asked if this could be explored. Mr Lamond reminded Councillor Currie about the investment arrangements for common good funds; however, he noted that he would be happy to look into his suggestion.

Mr Baty informed assured Members that the loan facility was open to all businesses in East Lothian and that applications had been received from all areas of the county.

The initiative was welcomed by a number of Members, who viewed it as an effective way to support local businesses and protect jobs.

## Decision

The Council agreed:

- i. to approve a loan of £300,00 to East Lothian Investments Ltd; and
- ii. to authorise the Head of Council Resources to finalise the loan agreement satisfying the requirements set out in Section 3.8 of the report.

**Sederunt:** Councillors Innes and McMillan returned to the meeting. Councillor McMillan resumed the chair.

## 6. EAST LOTHIAN LOCAL DEVELOPMENT PLAN: REPORT ON CONSULTATION RESPONSES ON SUPPLEMENTARY PLANNING GUIDANCE – AFFORDABLE HOUSING

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing Members of the results of the public consultation exercise on Supplementary Planning Guidance for Affordable Housing to the East Lothian Local Development Plan 2018; seeking approval for amendments to the supplementary planning guidance arising from the consultation responses received; and seeking approval to adopt the supplementary planning guidance as amended.

**Declarations of Interest:** having declared an interest in respect of his employment status, Councillor McLennan left the meeting.

The Service Manager – Planning, Iain McFarlane, presented the report, advising Members that the consultation on the Affordable Housing Supplementary Planning Guidance had now been completed and that the amended guidance was now before Council for approval. He added that the guidance would be reviewed every two years.

Wendy McGuire, Team Leader – Strategy and Investment, drew Members' attention to the key aspects of the report, including the consultation process and responses received, the evidence base used to assess need, and securing contributions from developers to deliver affordable housing.

Ms McGuire and Mr McFarlane responded to a series of questions from Councillor Currie, advising: that the Strategic Housing Investment Plan (SHIP) provided a breakdown of affordable housing tenures for the next five years; that there would be approximately 1570 affordable housing units built over the next five years; that housing needs would be kept under review; that the delivery of affordable housing on the larger Local Development Plan sites was largely dependent on the delivery of private sector housing, although the Council did have some sites of its own where it could provide affordable units; that the Council did not have powers to insist on factoring services being included in developments; and that there was the potential for the Council to take on factoring duties in future.

Councillor Hampshire asked about the status of affordable housing as regards statutory supplementary guidance. Mr McFarlane explained that statutory supplementary guidance required the approval of Scottish Ministers, but that this did not apply to supplementary planning guidance as now proposed on affordable housing. He advised that the Council's position on the provision of affordable housing was supported by Scottish Planning Policy, and that the house-building industry did not object to the Council's policy.

On the matter of commuted sums, Ms McGuire noted that this was a last resort, and it applied mainly to small rural developments or steading developments.

Councillor Hampshire welcomed the development of affordable housing across all areas of East Lothian, and also the proposed mixture of tenures and integration of affordable housing in larger housing developments.

Councillor Currie highlighted the importance of delivering the planned number of affordable housing units, especially in view of the uncertainty around the UK's departure from the EU.

As the Cabinet spokesperson for housing, Councillor Goodfellow thanked staff for their work on developing the guidance. He pointed out that the plans for delivering affordable homes was based on the continuation of Scottish Government support.

Douglas Proudfoot, Head of Development, reminded Members that there would be a briefing on growth delivery on 14 March.

## **Decision**

The Council agreed:

- i. to approve the amendments proposed to the supplementary planning guidance arising from the consultation responses received;
- ii. to adopt the Supplementary Planning Guidance: Affordable Housing; and
- iii. that the supplementary guidance would be reviewed and updated every two years, unless there is a material change in the market; any changes would be reported through the Members' Library.

## **7. EAST LOTHIAN LOCAL DEVELOPMENT PLAN 2018 – SUPPLEMENTARY GUIDANCE: TOWN CENTRE STRATEGIES, REPORT ON CONSULTATION; AND SUPPLEMENTARY PLANNING GUIDANCE: GREEN NETWORKS; DESIGN STANDARDS FOR NEW HOUSING AREAS, REPORT ON CONSULTATION**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) informing Members of the results of the public consultation on Draft Town Centre Strategies Supplementary Guidance (SG) to the East Lothian Local Development Plan; advising of proposed changes resulting from the public consultation and seeking approval of the final document for approval for submission to Scottish Ministers.

The report also sought consideration of the responses to the public consultation on the Draft Green Networks Supplementary Planning Guidance (SPG) to the East Lothian Local Development Plan 2018 and agreement of the resulting proposed changes and final document for adoption.

The report further sought approval for further work to be carried out on the preparation of draft non-statutory Supplementary Planning Guidance titled 'Design Standards for New Housing Areas', associated with the adopted East Lothian Local Development Plan 2018. The revised Design Standards for New Housing Areas SPG would, once finalised, be reported to a future meeting of the Council for determination.

The Service Manager – Planning, Iain McFarlane, presented the report, reminding Members that these documents had previously been approved by the Council for consultation. He proposed that the Design Standards document be continued to a future meeting. As regards

the Town Centre Strategies, he advised that if Scottish Ministers approved these strategies, then they would be adopted by the Council at the date of Ministers' approval. He pointed out that an error in the Haddington Town Centre Strategy, relating to parking, would be amended to correctly reflect the Local Transport Strategy. On Green Networks, he sought Council approval of the amendments in order for that document to be adopted.

Councillor McGinn welcomed the report, particularly in relation to the regeneration of town centres. With reference to the work underway at the old post office in Tranent, he paid tribute to young people in the town who had put their views forward on how this building should be used. Councillor Akhtar also commended the work of Area Partnerships on town centre regeneration.

Councillor Currie suggested that other funding streams may be available for town centre regeneration, and highlighted the importance of involving communities in shaping the future of their high streets.

## **Decision**

The Council agreed:

- i. to note the results of the public consultation on the draft Supplementary Guidance: Town Centre Strategies; to approve the officer responses, recommended changes and updated guidance and to forward it, along with a report on its publicity and consultation, to Scottish Ministers for approval; and to adopt the Town Centre Strategies as statutory supplementary guidance if Scottish Ministers give clearance to the Council that it may adopt them. In the event that such clearance is given or that no response is received within 28 days of submission to Scottish Ministers, then the Council may adopt the Town Centre Strategies without any further modification. The Town Centre Strategies would become constituted as adopted supplementary guidance;
- ii. to note the results of the recent public consultation, officer responses and recommended changes, and adopt the final Green Networks Supplementary Planning to the East Lothian Local Development Plan; and
- iii. to defer consideration of draft Design Standards for New Housing Areas SPG to allow additional work to be carried out on the document, and for this guidance to be brought to a future meeting of the Council where approval would be sought to reconsult on the revised version.

## **8. ADOPTED EAST LOTHIAN LOCAL DEVELOPMENT PLAN 2018: DRAFT SUSTAINABLE DRAINAGE SYSTEMS (SUDS) SUPPLEMENTARY PLANNING GUIDANCE**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking approval for the consultation on draft non-statutory Supplementary Planning Guidance (SPG) on Sustainable Drainage Systems (SuDS), associated with the adopted East Lothian Local Development Plan 2018.

Iain McFarlane, Service Manager – Planning, presented the report, informing Members that the provision of SuDS was a SEPA requirement, and that the Council was looking to promote a variety of methods as regards improvements to the design of SuDS.

Councillor Hampshire noted that there was a view that SuDS were an unattractive feature of developments and asked if the Council had the power to take a bond from a developer to



ensure that they met a certain standard. Mr McFarlane advised that the guidance was to promote better design and that the Council could take enforcement action should SuDS not be completed to the required standard. He suggested that the long-term maintenance of the facility was a concern, and that this was subject to further discussion between local authorities and Scottish Water. Should the Council sign up to this, then it would be responsible for the area above ground, and Scottish Water would be responsible for the area below ground. If the Council did take on this responsibility, then it could improve existing bad examples of SuDS. He added that SuDS design was a complex issue and it was important to have a variety of design options.

Councillor Trotter welcomed the consultation, highlighting the important role of SuDS.

### **Decision**

The Council agreed to approve for consultation the draft non-statutory Sustainable Drainage Systems (SuDS) Supplementary Planning Guidance.

**Sederunt:** Councillor McLennan returned to the meeting

## **9. APPOINTMENTS TO COMMITTEES, BOARDS AND OUTSIDE BODIES**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of changes to committee membership, the appointment of the convener of the East Lothian Integration Joint Board, and changes to the Elected Member representation on outside bodies.

Responding to a question from Councillor Currie in relation to the changes to committee membership as proposed by the Conservative Group, the Chief Executive advised that the changes had been proposed in order to ensure the smooth continuation of business, which she considered an appropriate step at the current time.

As regards the proposal to have no Elected Member representation on the Scottish Seabird Centre Trust, the Chief Executive advised that she had discussed this matter with the Chair and Chief Executive of the Seabird Centre and that they were supportive of the proposal to brief Members twice a year on the activities of that organisation. She added that the refurbishment work at the Seabird Centre was now underway.

### **Decision**

The Council agreed:

- i. to approve the following changes to committee membership (with immediate effect):
  - Audit & Governance Committee: Councillor Mackett to replace Councillor Small
  - Policy & Performance Review Committee: Councillor Findlay to replace Councillor Small
  - Education Committee: Councillor Henderson to replace Councillor Small
- ii. to approve the appointment of Councillor Fiona O'Donnell as Convener of the East Lothian Integration Joint Board, with effect from 1 April 2019; and
- iii. to approve the appointment of Councillor Kempson to the East Lothian Local Access Forum, replacing Councillor Henderson, with immediate effect.

## **10. SCHEDULE OF MEETINGS 2019/20**

A report was submitted by the Depute Chief Executive (Resources and People Services) seeking approval of the Schedule of Meetings of the Council, committees and other forums for 2019/20.

### **Discussion**

The Council agreed:

- i. to approve the proposed Schedule of Meetings for 2019/20; and
- ii. to note that the schedule is subject to change, and that any changes will be communicated to Members and officers as soon as practicable.

## **11. SUBMISSIONS TO THE MEMBERS' LIBRARY, 4 DECEMBER 2018 – 11 FEBRUARY 2019**

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.

### **Decision**

The Council agreed to note the reports submitted to the Members' Library Services between 4 December 2018 and 11 February 2019, 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) and Paragraph 6 (information concerning the financial or business affairs of any particular person other than the Authority) of Schedule 7A to the Local Government (Scotland) Act 1973.

### **Amendments to the Council's Chief Officer Structure**

A private report submitted by the Chief Executive concerning changes to the Council's Chief Officer structure was approved.

### **Cockenzie Power Station Site**

A private report by the Depute Chief Executive (Partnerships and Community Services) updating the Council on progress as regards the site of the former Cockenzie Power Station was approved.

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## MINUTES OF THE SPECIAL MEETING OF EAST LoTHIAN COUNCIL

TUESDAY 14 MAY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON

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### Committee Members Present:

Provost J McMillan (Convener)  
Councillor S Akhtar  
Councillor S Currie  
Councillor F Dugdale  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor N Hampshire  
Councillor C Hoy  
Councillor J Henderson

Councillor W Innes  
Councillor S Kempson  
Councillor G Mackett  
Councillor K Mackie  
Councillor C McGinn  
Councillor P McLennan  
Councillor K McLeod  
Councillor F O'Donnell  
Councillor T Trotter  
Councillor J Williamson

### Council Officials Present:

Mrs A Leitch, Chief Executive  
Ms M Patterson, Depute Chief Executive (Partnerships and Community Services)  
Ms A McDonald, Director of Health and Social Care  
Mr J Lamond, Head of Council Resources  
Mr D Proudfoot, Head of Development  
Mr T Reid, Head of Infrastructure  
Mr S Cooper, Team Manager – Communications  
Mr C Grilli, Service Manager – Legal and Procurement  
Mrs K MacNeill, Service Manager – People and Governance

### Visitors Present:

None

### Clerk:

Mrs L Gillingwater

### Apologies:

Councillor J Goodfellow

### Declarations of Interest:

None

**1. OUTCOME OF THE BY-ELECTION IN THE HADDINGTON AND LAMMERMUIR WARD**

The Chief Executive advised that Craig Hoy, Scottish Conservative Party, had been elected to represent the Haddington and Lammermuir Ward at the by-election of 9 May 2019. In her capacity as Returning Officer, she paid tribute to all political parties for a respectfully fought campaign.

On behalf of the Council, the Provost congratulated Councillor Hoy and welcomed him to his first meeting of the Council.

The political group leaders congratulated Councillor Hoy and welcomed him to the Council. They also commended the work of the Returning Officer and the staff involved in administering the by-election.

Councillor Hoy thanked Members for their welcome to the Council, noting that he looked forward to working with them. He thanked Councillor Henderson for her support throughout the campaign.

**2. GRANTING THE FREEDOM OF EAST LoTHIAN TO THE LoTHIANS AND BORDER YEOMANRY**

A report was submitted by the Depute Chief Executive (Partnerships and Community Services) seeking the Council's approval to grant the Freedom of East Lothian to Lothians and Border Yeomanry.

Councillor McMillan welcomed the report, drawing Members' attention to the links between the Lothians and Border Yeomanry and Dunbar. He made reference to the rededication ceremony [which would take place on 6 July 2019], and called on the Council to support the proposal to grant the Freedom of East Lothian to the Lothians and Border Yeomanry.

Councillor Hampshire also spoke of the strong links between the Yeomanry and Dunbar, noting that the Yeomanry was represented at the annual Armistice service in the town. He voiced his support for the proposal. Councillors McLennan, Kempson and Innes echoed the comments made and were supportive of the proposal.

**Decision**

The Council agreed to grant the Freedom of East Lothian to Lothians and Border Yeomanry.

Signed .....

Provost John McMillan  
Convener of the Council





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

**THURSDAY 21 FEBRUARY 2019  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON**

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**2**

**Committee Members Present:**

Councillor L Bruce (Chair)  
Councillor S Kempson  
Councillor F O'Donnell

**Advisers to the Local Review Body:**

Mr P Zochowski, Planning Adviser to the LRB  
Mr C Grilli, Legal Adviser to the LRB

**Others Present**

Mr N Millar, ELC Planner  
Mr M Mackowiack, ELC Planner  
Mr and Mrs Doyle - Applicants, Item 1  
Mr A Dodds – Agent, Item 2

**Committee Clerk:**

Mrs F Stewart

**Declarations of Interest**

None

**Apologies**

None

Councillor Bruce, 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 both planning applications on the agenda prior to the meeting.

**1. PLANNING APPLICATION 17/00313/PP – REVIEW AGAINST REFUSAL  
PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF FOUR  
HOUSES AT BATTLEBENT HOUSE, WEST BARNS, DUNBAR**

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.

Paul Zochowski, Planning Adviser, stated that the role of the LRB was to consider the planning application '*de novo*', reviewing the application afresh. He advised that planning permission in principle was being sought to build four houses to the rear of Battlebent House, a distinctive and substantial property dating from 1860, located to the east of the grounds of West Barns Primary School in the countryside, east of West Barns. The Planning Adviser stated that Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the Development Plan, unless material considerations indicated otherwise. The Case Officer's report that was completed before the East Lothian Local Development Plan (LDP) was adopted, made reference to East Lothian Local Plan 2008 policies which no longer applied and had been superseded by the LDP adopted in September 2018. The current Development Plan against which the reviewed application should be determined comprised the Strategic Development Plan for Edinburgh and South East Scotland (SDP1), and the East Lothian Local Development Plan 2018. Policy 1B of SDP1 was relevant as were the Development in the Countryside policies of the LDP which allow housing development in only very specific circumstances. Policy DC8 (Countryside Around Towns) does not permit development that would harm the objectives of the specific countryside around towns area which in this case are i) protection of the landscape setting of the settlements of West barns and Belhaven ii) prevention of coalescence of the settlements of West barns and Belhaven to retain their distinctive identities and iii) provision of green networks and recreation – potential for better integration and provision of green networks for both wildlife and people.

Relevant material considerations included Scottish Planning Policy 2014 which seeks to direct housing development towards existing settlements and acknowledges that in accessible, pressured rural areas a more restrictive approach to new housing development is appropriate. This is the approach taken through the East Lothian LDP and NH11 Flooding. The Countryside Around Towns policy at West Barns/Dunbar contributed to the objectives of protecting the landscape setting of settlements, the prevention of coalescence of settlements to retain distinctive identities as separate communities and the provision of green networks for wildlife and people.

The Planning Adviser stated that the Case Officer had noted the planning history of the site, dating from 1995, in his report. He also advised that there were no public objections to the application. However, Dunbar Community Council and West Barns Community Council, as consultees to this planning application, did not support the application. Summarising other Consultee responses, the Planning Adviser stated that the Environmental Health Officer had no comment to make on the proposal and

Road Services had stated that there would need to be two car parking spaces within the boundary of each property. The Landscape Officer had considered that the proposals would be detrimental to the setting of the building and had identified that the mature trees were important to the visual amenity of the area and supported their retention. He had also requested an arboricultural report to show tree constraints and allow an assessment of the risk to trees from potential development. Whilst Scottish Water had raised no objection, they pointed out that there was currently insufficient capacity in the Dunbar Waste Water Treatment works to service the proposed development. They would review their decision if planning permission was granted. SEPA (Scottish Environment Protection Agency) had objected to the proposals on the grounds of lack of information on flood risk. A Flood Risk Assessment was commissioned by the applicants and this was reviewed by SEPA. The Agency's letter of 18 May 2018 highlighted their concerns and advised it would maintain an objection unless drawings were amended to show that the proposed property boundaries were set back from the culvert to an appropriate distance. The Council's Structures and Flooding Officer recommended that the house, positioned within the one metre protection zone of the culvert, should be moved, but did not recommend refusal on the grounds of flood risk. He also noted that the SEPA flood risk maps show that the site was within a medium risk area of flooding. The Planning Officer, in his report, had concluded that the proposed development might place buildings and persons at flood risk.

The Planning Adviser advised that, should Members grant planning permission, the Council had to notify Scottish Ministers, as the decision would have been made against advice from a Scottish Government department. The Scottish Government would then make a decision on the application.

The Chair thanked the Planning Adviser for his presentation and invited questions. In response to one question, the Planning Adviser advised that land between West Barns and Belhaven was classed as countryside and not urban. Members advised that other questions had received answers on the site visit.

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

The applicant, Mr Doyle, asked for permission to address the Members and this was granted. He stated that there were details in the Planning Adviser's statement which, in his view, contradicted the facts. Two examples he gave related to the risk of flooding and the positioning of the culvert. He also addressed each of the four reasons for the Case Officer's refusal of the application. The applicant also stressed that his property was within the boundary of West Barns and was not situated between West Barns and Dunbar.

Councillor O'Donnell enquired if there was information on trees which Members had not received and was advised by the Planning Adviser that the Landscape Officer had received the tree report but that it did not contain the information she required to assess whether the trees would be harmed. Councillor O'Donnell asked the applicant if he had evidence which was not included in the papers for the meeting and the applicant stressed that this was an outline planning application, and that more detailed information, such as a tree survey, was in his view not required at this stage.

Members agreed to have an adjournment to consider the applicant's comments.

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

Councillor O'Donnell stated that it had been important to adjourn and consider the information provided by the applicant. However, having given due consideration to the information before her, she was minded to support the original decision of the Case Officer and refuse the application. She added that, while not everyone might agree with the Local Development Plan, it was important, in her view, for separate communities to retain distinctive identities.

Councillor Kempson stated that the site visit had been very important in helping her to assess all aspects of the application. She had also read the submissions and had been concerned that SEPA's independent report had stated that the positioning of the culvert could, in the future, present a flood risk. She also supported planning policy DC8 which states that any new development must not harm the landscape setting or the objectives for the countryside around towns designation. She would therefore not be upholding the appeal.

The Chair agreed with his colleagues. He stated that the Council had an obligation to enforce local boundaries where they are drawn. He had also been concerned that SEPA had objected to the application, assessing the development site as a medium flood risk. He too, therefore, was minded to support the decision of the Case Officer to refuse the application against LDP policies DC8 and NH11 of the East Lothian Development Plan 2018.

## **Decision**

The ELLRB unanimously agreed to uphold the original decision of the Planning Officer to refuse the application for the reasons set out in the Decision Notice dated 11 September 2018.

## **2. PLANNING APPLICATION 18/01028/P – NON-DETERMINATION ERECTION OF ONE HOUSE AND ASSOCIATED WORKS ON LAND AT WHIM LODGE, 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.

Paul Zochowski, Planning Adviser, stated that the role of the LRB was to consider the planning application '*de novo*', reviewing the application afresh. He advised that the application was for the erection of one house and associated works in the garden ground of a C-listed building dating from c1900, located in the Gullane Conservation Area. The Planning Adviser stated that Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise. The Development Plan was the approved Southeast Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018. The following policies were relevant to the determination of the application: SESplan Policy 1B (Spatial Strategy: Development Principles); ELLDP policies CH1 (Listed Buildings) and CH2 (Development Affecting Conservation Areas). Policy CH1 states that new

development must not harm the architectural or historic character of a Listed Building and policy CH2 states that all development proposals within a Conservation Area must be located and designed to preserve or enhance the special character or appearance of the Conservation Area. It also states that proposals for new development should accord with the size, proportion, density, materials and boundary treatment of nearby buildings. In addition, the Council's parking standards require that new developments do not compromise road safety. Also material to the determination of the application was Scottish Government guidance given in Scottish Planning Policy: June 2014.

The Planning Adviser stated that the character statement for the Gullane Conservation Area states that: few opportunities remain for infill development within the Gullane Hill area; the low-density character of this area will be protected; any new development must integrate into the existing pattern of built development and the removal of trees to facilitate development will not normally be acceptable.

The Planning Adviser advised that the applicants had submitted a number of previous applications for this address dating from 2009 and this was the third application for a house at this site. He also summarised the representations received, four of which were in favour of the proposals and six had objected. The Gullane Community Council had indicated that it was not in favour of the proposals.

The Planning Adviser reminded those present that this application had not been refused; it was an appeal against non-determination by the Council. He stated that a similar planning application from the applicant had been refused by the Council in 2017 due to the effect the development would have on the Conservation Area and for being contrary to planning policies. Those were the same grounds upon which a refusal would have been submitted by the Case Officer for this application and in this regard he referred to the Officer's Assessment Report on Handling contained within the papers.

The Chair thanked the Planning Adviser for his presentation. He also invited questions and 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 O'Donnell stated that she was familiar with the Gullane area and, in her view, the proposed development would be harmful to the Gullane Hill area and would not contribute in a positive way to the Gullane Conservation Area. The proposals were also contrary to the Council's planning policy. She was therefore minded to refuse the application.

Councillor Kempson was also minded to refuse the application. She considered that the proposals would be harmful in the low density area of Gullane Hill. She also considered that it was important to preserve the number of homes with large gardens which she described as the heart and lungs of the community.

The Chair concurred with his colleagues. He stated that the application was contrary to SESplan policy 1B, LDP policies DP2 (Design) DP7 (Infill, Backland and Garden Ground Development) CH1 Listed Buildings, CH2: Development in Conservation

Areas as well as NH8 (Trees and Development). The application was also contrary to Scottish Planning Policy: 2014.

**Decision**

The ELLRB unanimously agreed to refuse the application as the proposals were contrary to the Council's planning policies.

Signed .....

Councillor L Bruce  
Convener of Local Review Body (Planning)

**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 June 2019

**BY:** Depute Chief Executive (Resources and People Services) **4**

**SUBJECT:** Review of the Governance of Common Good

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## **1 PURPOSE**

- 1.1 To report on progress of the Review of the Governance of Common Good to Council and to seek approval to undertake further work.

## **2 RECOMMENDATIONS**

- 2.1 That Council delegates authority to officers to employ a surveyor to carry out a repairing survey on all currently listed Common Good Assets and to prepare a schedule of repairs and maintenance required that can then be included in the Common Good budget setting process to ensure that all such assets are kept in a good state of repair.
- 2.2 That Council agrees that the fees and associated costs of said surveyor be met from the Common Good Funds proportionately based on the value of the Common Good funds for each of the four Common Good areas, namely Musselburgh, Haddington, North Berwick and Dunbar.
- 2.3 That Council agrees that Legal and Procurement undertakes an exercise to determine by examination of title deeds etc. whether those properties that currently appear on the list of Common Good assets are correctly so listed and whether any other properties or other assets owned by the Council should be added to the list.
- 2.4 That the Council agrees that the cost of either outsourcing this work to a legal firm or employing a solicitor on a temporary basis at Grade 9 for a period of six months to carry out this work is proportionately met by the Common Good Funds as at 2.2.
- 2.5 That a Register of Common Good Assets is established, maintained and published to fulfil the legal requirements of s102 of the Community Empowerment (Scotland) Act 2015 (CESA) including a full public consultation.

### **3 BACKGROUND**

3.1 In the 2016/17 East Lothian Annual Audit Report it was recommended that the Council ensured that the Trusts it administers were promoted more widely amongst the public and that consideration be given to whether any Trusts could be consolidated. This recommendation was repeated in the 2017/18 Audit Report at which time a completion date for this piece of work was set for June 2019.

3.2 An undertaking was given to Councillors that a review of the Governance of the Common Good Funds would be undertaken in parallel with the review of Trusts.

3.3 A project brief was developed in June 2018 and was given approval on 25 July. Kirstie MacNeill, the then Service Manager – Licensing Administration and Democratic Services, was appointed as project manager and an original project team was established consisting of :

Liz Denovan, Service Manager – Corporate Finance

Carlo Grilli, Service Manager – Legal and Procurement

Caitlin McCorry, Service Manager – Community and Area Partnerships

Sarah Fortune, Service Manager – Business Finance

Tracey Brown, Finance Business Partner

Kim Brand, Corporate Development Accountant

Janet Placido, Team Manager – Estates

The Project Team was supported by Caroline Rodgers, Transformation Programme Manager.

There were 6 Project objectives in the brief:

- Compile a definitive list of Common Good assets and Trusts
- Create a mechanism so that such a list is regularly reviewed
- Review the governance arrangements in place for Trusts and Common Good and make recommendations for improvement
- Propose changes to the management of the Common Good Funds and Trusts
- Ensure that Elected members and relevant staff are aware of the restrictions that apply to the management and use of Common Good Funds and Trusts
- Propose any refresh of Standing Orders that might be required by any project recommendations

3.4 The Project Team first met on 17 July 2018. At the outset it became apparent to the Team that in reality it was dealing with two separate work streams.



Although Trusts and Common Good Funds had become conflated in general discussion, in fact they each presented quite different challenges and were subject to separate legislative regimes. It was clear that they had little in common and the Team decided that they should be dealt with separately. This report is restricted to matters related to Common Good Funds and Assets.

- 3.5 Common Good Assets and the Common Good Funds are owned by the Council and require to be administered by the Council subject to specific rules in relation to the interests of the inhabitants of the Burghs that formerly owned the assets and other rules in relation to the disposal by sale or lease of the assets.
- 3.6 The Common Good Act of 1491 determined that the revenues from Burgh property and income from various taxes and levies was to be used for the Common Good of the town – it was effectively the town’s general fund. The funds therefore comprise not only buildings and land but also some other items such as paintings, artefacts and historical items. There has been and continues to be across Scotland considerable debate over what is and what is not part of the Common Good.
- 3.7 In East Lothian, while Estates holds a list of properties and some items that it considers are Common Good Assets, this does not appear to be comprehensive and it has not been possible to establish when this list was prepared and by whom. The list contains at least one property that Legal Services considers doubtful as being a Common Good property. Accordingly it is important that an exercise is carried out by Legal and Procurement Services in conjunction with Estates and the Museums Service to identify and list all of the Common Good Assets so that the Register can be consulted upon and published as required by law.
- 3.8 There are a number of misconceptions that surround Common Good Funds and it should be noted that:
  - The four Common Good Funds and all Common Good Assets in East Lothian are owned by East Lothian Council. They are not held in trust on behalf of the four towns but are administered by the Council having regard to the interests of the inhabitants of the particular Common Good areas.
  - Common Good Funds are entirely separate from Trusts and Bequests.
  - The Council can dispose of or lease Common Good property where no question arises as to its right to do so but it may have to obtain a court order where there is such a question.
  - Local Councillors have no specific legal rights in respect of the Common Good Funds for their ward, although their views and opinions are of course valuable. Community Councils and other local bodies such as the Area Partnerships on the other hand now do have a statutory role in relation to the disposal or change of use of Common Good Assets.
- 3.9 The primary use to which any Common Good Fund should be put is to ensure the repair and maintenance of its assets. It appears that no recent survey has

been carried out on the state of repair of the Common Good properties and that repairs have been carried out on an ad hoc basis as and when required rather than through a rolling schedule of repairs. On some occasions the Council's general fund has met these costs and on other occasions applications have been made for grants. Neither of these is an appropriate way of dealing with the cost of repair and maintenance. It is therefore proposed that the Common Good Funds meet the cost of a surveyor who can assess the state of repair of the assets and prepare a repairing/maintenance schedule that can be applied with funding being allocated through the budget setting process from the appropriate funds.

- 3.10 Common Good Funds should also be properly recharged by Legal Services, Estates and Council Resources for all work undertaken in connection with Common Good matters. The Council's general fund should not subsidise the Common Good Funds by not charging for these services. There should be a central support charge applied as well as direct recharge.
- 3.11 The project manager undertook some research into the legal constraints on the use of Common Good Funds. Consideration was also given to the way some other councils have adopted different approaches to the governance and administration of their Common Good Funds. It became clear that several councils were also struggling to produce and verify accurate lists of their Common Good Assets.
- 3.12 The annual refresh of the Common Good budgets is carried out annually and it is appropriate to align that with the identified cost of repairs and maintenance and the verification of the Common Good Asset register to ensure that those costs are appropriately allocated to the correct budget. It is therefore important to have the proposed surveyor and solicitor carry out the work proposed in 2.1 and 2.3 within the current financial year so that the budgets for 2020/21 can take the cost of repair and maintenance into account.
- 3.13 It is estimated that the fees for a surveyor could amount to up to £20,000 given the number of currently listed Common Good Assets. That cost is roughly equivalent to the cost of employing a solicitor for a period of 6 months or outsourcing this legal work. A sum of up to £40,000 is therefore sought to be allocated from the Common Good Funds budget for 2019/20. Officers will of course seek to minimise the costs involved by obtaining competitive quotations and closely monitoring the workload of any employed solicitor.

#### **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 – £40,000 to be allocated from the Common Good Funds to meet the cost of instructing a surveyor and firm of solicitors or employing a temporary solicitor
- 6.2 Personnel - potentially creating a temporary 6-month post at Grade 9 for a specific piece of work with the option of terminating that contract earlier if the work is completed sooner
- 6.3 Other -

## **7 BACKGROUND PAPERS**

- 7.1

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<b>DESIGNATION</b>	Service manager People and Governance
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<b>DATE</b>	4 June 2019



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 June 2019

**BY:** Depute Chief Executive (Resources and People Services)

**5**

**SUBJECT:** Common Good Funds – Budget 2019-20 to 2021-22

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## **1 PURPOSE**

- 1.1 To approve the budgets for the Dunbar, Haddington, Musselburgh and North Berwick Common Good Funds for 2019-20 to 2021-22.

## **2 RECOMMENDATIONS**

- 2.1 The Council is recommended to:
- Note the draft financial results for 2018-19 on each of the Common Good Funds.
  - Approve the 2019-20 to 2021-22 budgets as set out in Appendix 1a to 1d.

## **3 BACKGROUND**

- 3.1 The financial performance of the Common Good Funds to end of March 2019 is included within the Council's annual statutory accounts. As highlighted in the 2018-19 Financial Review paper considered earlier by Council, the accounts are still subject to audit and whilst we do not expect any material changes that would affect the reported position, the figures within this report should still be considered draft pending the outcome of the full audit.
- 3.2 As at 31 March 2019, the accumulated funds for each of the Common Good funds based on the unaudited accounts are set out below:

<b>Common Good Fund</b>	<b>£'000</b>
Dunbar	52
Haddington	575
Musselburgh	6,270
North Berwick	473
<b>TOTAL</b>	<b>7,370</b>

3.3 The fund has increased from £6.167 million at 31 March 2018 to £7.370 million and increase of £1.203 million, achieved through a combination of the following:

- A net surplus generated during 2018-19 of £0.320 million.
- A change in accounting standards which has resulted in a reclassification of reserves of £0.883m from unusable to usable in the year. This reflects a change in revaluation of investments and any unrealised gain or loss as a result of revaluation, should now be reflected as soon as they are known. This must now be reflected within the usable Common Good reserve, however it should be noted that future gains and, importantly, losses on revaluation will also be charged directly to this reserve in the year they arise, and therefore should not be considered as genuine available balances to support on-going budgets until they are realised. The total Common Good Fund reserve related to unrealised gains and losses is £946,000 and set out in the table below:

<b>Common Good Fund</b>	<b>£'000</b>
Dunbar	8
Haddington	22
Musselburgh	866
North Berwick	50
<b>TOTAL</b>	<b>946</b>

3.4 The Scheme of Administration requires the Council to approve an updated budget for each of the four Common Good Funds. The indicative 2019-20 and 2020-21 budgets were approved by Council in June 2018, and have been rolled forward and updated based largely on historical spending patterns and take into account any known commitments for 2019-20 and beyond. In the first instance, income is used to maintain the common good asset base with any surplus funds being used to benefit the inhabitants of

the area covered by the fund. The draft budgets are set out in Appendices 1a to 1d.

3.5 In addition, the common good budgets have been prepared to reflect the following matters:

- The budgets include an assumption of costs which flow from the previous paper on the review of Common Good and are therefore subject to Council approval of the recommendations of that report in respect of temporary resources to support the required wider asset review. The total estimated cost of this work is £50,000 and has been split proportionately across the Common Goods in line with the current number of assets.
- Musselburgh Common Good - In April 2018, Council previously approved an application to fund repairs at Fisherrow Harbour to the value of £170,000. Work is progressing and it is expected that some costs are likely to fall into 2019-20, and combined with spend during 2018-19 will now exceed the previous project approval with works now likely to cost around £204,000. The 2019-20 repairs budget provides for the remaining balance of works.
- Haddington Common Good – Council will be aware that significant repair work is required to the Town House in Haddington and that estimated costs were likely to be in excess of available fund balances. Provision was made within the Council’s approved capital plan to programme these works with the expectation that the Council would secure an appropriate rental holiday commensurate with the actual cost of works undertaken. Although this has yet to be finalised, the rental income stream reflected within the proposed budgets has been adjusted across the budgetary period.

3.6 Each of the Common Good Funds is administered by a committee which has the delegated authority to award grants of up to £10,000. Any decisions regarding award of grants over £10,000, or indeed expenditure outwith approved budgets must be referred to Council.

### **Investments**

3.7 East Lothian Council currently uses an external investment broker Investec Wealth & Investment Ltd to manage the Common Good balances investment portfolio. The fund investment balances as at 31 March 2019 are set out below alongside an indication as to the projected income level. The income generated in 2018-19 is broadly in line with indicative income projections set out for the year. In line with the approved Treasury Management Strategy, the investment policy is to balance growth in income and capital over the longer term alongside a medium level of risk. Given the wider economic conditions our Investment Fund Managers suggest that they expect future income levels to be maintained broadly in line with current income projections.

<b>Common Good Fund</b>	<b>Valuation as at 31 March 2019 £'000</b>	<b>Projected Income 2019-20 £'000</b>
Dunbar	29	1
Haddington	80	2
Musselburgh	3,168	96
North Berwick	182	6
<b>TOTAL</b>	<b>3,459</b>	<b>105</b>

#### **4 POLICY IMPLICATIONS**

4.1 None.

#### **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 26 June 2018 – Item 4 – Common Good Funds – Budgets 2018-19 to 2020-21

<b>AUTHOR'S NAME</b>	Jim Lamond
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<b>DATE</b>	14 June 2019



## Appendix 1a

### Dunbar Common Good Income & expenditure Budget £000

	Budget 2018/19	Actual 2018/19	Budget 2019/20	Budget 2020/21	Budget 2021/22
<b>Expenditure</b>					
Premises Repair & Maintenance					
Supplies & Services	18	22	20	20	20
Asset reviews: surveyor and legal costs (1)	2	3	2	2	2
Grants	0	0	8	0	0
	4	3	4	4	4
<b>Total Expenditure</b>	<b>24</b>	<b>28</b>	<b>34</b>	<b>26</b>	<b>26</b>
<b>Income</b>					
Rents & Other Income					
Interest / Investment Income	-23	-25	-24	-24	-24
Dividend income	-1	-1	-1	-1	-1
Revaluation of investments (IFRS9: shown as income from 18/19)	0	-1	-1	-1	-1
	0	-1	0	0	0
<b>Total Income</b>	<b>-24</b>	<b>-28</b>	<b>-26</b>	<b>-26</b>	<b>-26</b>
<b>Cost of Services</b>	<b>0</b>	<b>-0</b>	<b>8</b>	<b>0</b>	<b>0</b>
<b>Other Accounting Entries*</b>					
<b>Net Surplus for the year</b>	<b>0</b>	<b>-0</b>	<b>8</b>	<b>0</b>	<b>0</b>
IFRS9 adjustment to reclass unrealised gains/losses from unusable to usable reserves	0	-7	0	0	0
Common Good Balance	-45	-45	-52	-44	-44
<b>Accumulated Fund</b>	<b>-45</b>	<b>-52</b>	<b>-44</b>	<b>-44</b>	<b>-44</b>

\* Accounting entries including: assets and profit / loss on investments  
(1) - subject to Council approval on previous paper

## Appendix 1b

### Haddington Common Good Income & expenditure Budget £000

	Budget 2018/19	Actual 2018/19	Budget 2019/20	Budget 2020/21	Budget 2021/22
<b>Expenditure</b>					
Premises Repair & Maintenance					
Supplies & Services	1	1	5	2	2
Asset reviews: surveyor and legal costs (1)	4	3	4	4	4
Grants	0	0	3	0	0
	35	0	10	10	10
<b>Total Expenditure</b>	<b>40</b>	<b>4</b>	<b>22</b>	<b>16</b>	<b>16</b>
<b>Income</b>					
Rents & Other Income					
Interest / Investment Income	-36	-37	0	0	0
Dividend income	-2	-2	-2	-2	-2
Revaluation of investments (IFRS9: shown as income from 18/19)	0	-2	-2	-2	-2
	0	-1	0	0	0
<b>Total Income</b>	<b>-38</b>	<b>-42</b>	<b>-4</b>	<b>-4</b>	<b>-4</b>
<b>Cost of Services</b>					
	2	-38	18	12	12
<b>Other Accounting Entries*</b>					
<b>Net Surplus for the year</b>	<b>2</b>	<b>-38</b>	<b>18</b>	<b>12</b>	<b>12</b>
IFRS9 adjustment to reclass unrealised gains/losses from unusable to usable reserves					
Common Good Balance	0	-21	0	0	0
	-516	-516	-575	-557	-545
<b>Accumulated Fund</b>	<b>-514</b>	<b>-575</b>	<b>-557</b>	<b>-545</b>	<b>-533</b>

\* Accounting entries including: assets and profit / loss on investments

(1) - subject to Council approval on previous paper

## Appendix 1c

### Musselburgh Common Good Income & expenditure Budget £000

	Budget 2018/19	Actual 2018/19	Budget 2019/20	Budget 2020/21	Budget 2021/22
<b>Expenditure</b>					
Premises - Repairs & Maintenance	225	177	92	45	45
Premises - Rates	22	23	24	24	24
Supplies & Services	45	39	45	45	45
Asset reviews: surveyor and legal costs (1)	0	0	31	0	0
Grants	150	105	150	150	150
Grant - Fireworks	18	18	18	18	18
<b>Total Expenditure</b>	<b>460</b>	<b>362</b>	<b>360</b>	<b>282</b>	<b>282</b>
<b>Income</b>					
Rents & Other Income	-365	-389	-380	-380	-380
Interest / Investment Income	-80	-59	-50	-50	-50
Dividend income	0	-97	-90	-90	-90
Revaluation of investments (IFRS9: shown as income from 18/19)	0	-57	0	0	0
<b>Total Income</b>	<b>-445</b>	<b>-602</b>	<b>-520</b>	<b>-520</b>	<b>-520</b>
<b>Cost of Services</b>	<b>15</b>	<b>-240</b>	<b>-160</b>	<b>-238</b>	<b>-238</b>
<b>Other Accounting Entries*</b>					
<b>Net Surplus for the year</b>	<b>15</b>	<b>-240</b>	<b>-160</b>	<b>-238</b>	<b>-238</b>
IFRS9 adjustment to reclass unrealised gains/losses from unusable to usable reserves	0	-809	0	0	0
Common Good Balance	-5,224	-5,222	-6,271	-6,431	-6,669
<b>Accumulated Fund</b>	<b>-5,209</b>	<b>-6,271</b>	<b>-6,431</b>	<b>-6,669</b>	<b>-6,907</b>

\* Accounting entries including: assets and profit / loss on investments  
(1) - subject to Council approval on previous paper

## Appendix 1d

### North Berwick Common Good Income & expenditure Budget £000

	Actual 2017/18	Budget 2018/19	Actual 2018/19	Budget 2019/20	Budget 2020/21	Budget 2021/22
<b>Expenditure</b>						
Premises - Repairs & Maintenance	8	0	0	1	1	1
Premises - Rates		3	5	5	5	5
Supplies & Services	5	3	4	3	3	3
Asset reviews: surveyor and legal costs (1)		0	0	8	0	0
Grants	10	10	4	10	10	10
<b>Total Expenditure</b>	<b>23</b>	<b>16</b>	<b>13</b>	<b>27</b>	<b>19</b>	<b>19</b>
<b>Income</b>						
Rents & Other Income	-42	-42	-42	-42	-42	-42
Interest / Investment Income	-6	-4	-4	-4	-4	-4
Dividend income		0	-6	-5	-5	-5
Revaluation of investments (IFRS9: shown as income from 18/19)		0	-3	0	0	0
<b>Total Income</b>	<b>-48</b>	<b>-46</b>	<b>-55</b>	<b>-51</b>	<b>-51</b>	<b>-51</b>
<b>Cost of Services</b>	<b>-25</b>	<b>-30</b>	<b>-42</b>	<b>-24</b>	<b>-32</b>	<b>-32</b>
<b>Other Accounting Entries*</b>	<b>-5</b>					
<b>Net Surplus for the year</b>	<b>-30</b>	<b>-30</b>	<b>-42</b>	<b>-24</b>	<b>-32</b>	<b>-32</b>
IFRS9 adjustment to reclass unrealised gains/losses from unusable to usable reserves		0	-46	0	0	0
Common Good Balance	-355	-385	-384	-472	-496	-528
<b>Accumulated Fund</b>	<b>-385</b>	<b>-415</b>	<b>-472</b>	<b>-496</b>	<b>-528</b>	<b>-560</b>

\* Accounting entries including: assets and profit / loss on investments

(1) - subject to Council approval on previous paper

**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 June 2019

**BY:** Chief Officer, East Lothian Integration Joint Board (IJB)

**SUBJECT:** Revision of the Integration Scheme for East Lothian Integration Joint Board

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**6**

## **1 PURPOSE**

- 1.1 This report is to inform East Lothian Council of a necessary revision to the Integration Scheme for East Lothian Integration Joint Board.

## **2 RECOMMENDATIONS**

That the Council:

- 2.1 Notes that as a result of the introduction of the Carers (Scotland) Act 2016, East Lothian Integration Joint Board was required to revise its Integration Scheme.
- 2.2 Accepts the revised Integration Scheme for East Lothian Integration Joint Board which has been published in the Members' Library, Ref. 89/19 (June 2019 Bulletin), which was approved by NHS Lothian on 6 April 2019 and supported by the Integration Joint Board on 28 March 2019. Approval by the Health Board and Council is required before the revised Scheme can be submitted to Scottish Government for final approval.
- 2.3 Notes that on approval of the revised Integration Scheme, the date for a comprehensive review of the Scheme will be extended to 2024. In the event of any relevant legislation changing there may need to be further revisions to the Integration Scheme.

### **3 BACKGROUND**

#### **Integration Scheme**

- 3.1 The original Integration Scheme for East Lothian was approved in May 2015. It described the vision for the new East Lothian Integration Joint Board, the integration planning principles the IJB would adhere to and the national health and wellbeing and other outcomes it sought to deliver.
- 3.2 The Scottish Government has more recently required each IJB, as a consequence of the effect of the Carers Act and regulations, to revise its Integration Scheme.
- 3.3 The Scottish Government indicated such a revision was mandatory and that Integration Schemes will need to change on each occasion that relevant law changes. The burden this brings to IJBs is being considered by the relevant government department.
- 3.4 The Scottish Government advised that in view of the change being primarily administrative the revised Integration Scheme did not require a consultation to be carried out, as might ordinarily arise from the Public Bodies Act. Instead, it was sufficient for the revised scheme to be published on the IJB's/local authority's public website for four weeks.
- 3.5 The Scottish Government also advised that the NHS Board and local authority must approve the revised Integration Scheme before submitting it to the Scottish Government for approval.
- 3.6 Lastly, IJBs were advised that on conclusion of this revision to the Integration Scheme the date of review of the complete scheme will reset, so will occur 5 years later. This means a comprehensive review will be required in 2024.

#### **Delegation of Carers Act Duties**

- 3.7 The Carers (Scotland) Act was passed by the Scottish Parliament in February 2016 and came into force on 1 April 2018. The legislation, which has implications for adult services and children's services, required IJBs to:
  - Develop Adult Carer Support Plans and Young Carer Statements.
  - Develop and publicise local Eligibility Criteria by 30 Sep 2017 and to finalise and publish these by 1 April 2018.
  - Involve carers, carer bodies and relevant representatives in the development of the Eligibility Criteria.
  - Prepare a local carers strategy by 1 April 2018.
  - Establish and maintain an information and advice service for carers.
  - Prepare and publish a short breaks statement by 31 Dec 2018.

- 3.8 Work to deliver the requirements of the Act in East Lothian was led by the Carers' Strategic Group involving senior officers from East Lothian Health and Social Care Partnership and East Lothian Council as well as other stakeholders.
- 3.9 Work through 2019/20 and beyond to develop services for all ages of carers will be progressed in partnership with all statutory, third sector and other agencies along with carer representatives to ensure services in East Lothian reflect carers' needs and follow integration principles.
- 3.10 The Carers Act Regulations have certain requirements regarding prescribed health board and local authority functions. Some functions must be delegated to IJBs, some are optional:
- The local authorities must delegate certain functions associated with the Carers Act as they relate to adults, as well as making further prescribed edits to the schemes with regard to other Acts.
  - Under the Act, local authorities are the responsible authority for all carers, except young carers who are pre-school children.
  - The NHS Board is responsible for pre-school young carers and may delegate their responsibilities as set out in two sections of the Carers' Act, namely, Section 12 - Duty to Prepare Young Carers' Statements and Section 31 - Duty to prepare a local Carer strategy.
- 3.11 Section 12 (6) of the Act states: *'Where the responsible authority, in relation to a young carer, is not the responsible local authority, the responsible authority must not provide the young carer statement to the young carer without the approval of the responsible local authority.'*
- 3.12 As a result, a Health Board is not free to act under Section 12 as the local authority has to approve what happens.
- 3.13 For the above reasons, Lothian NHS Board reached the conclusion that there is no practical reason for the Health Board to retain the Section 12 duty.
- 3.14 The NHS Board also took the view that since the local authority must delegate its Section 31 duty for adult carers to the IJB, and as the responsibility for all carers is effectively with the local authority and the IJB, it wished to delegate its Section 31 duty.

#### **4 POLICY IMPLICATIONS**

- 4.1 The inclusion of the Carers Act in the Integration Scheme ensures this important policy is fully reflected within the core functions of East Lothian Integration Joint Board.

## 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 - Scottish Government funding was allocated to support the waiving of charges to carers. There are no other financial implications arising from the change to the Integration Scheme.
- 6.2 Personnel - The revision of the Integration Scheme was carried out by the legal department of East Lothian Council. There are no ongoing personnel implications associated with the revised Scheme.
- 6.3 Other – None.

## 7 BACKGROUND PAPERS

- 7.1 Revised Integration Scheme for East Lothian Integration Joint Board as published in Members Library Service, Ref. 89/19 (June 2019 Bulletin), [https://www.eastlothian.gov.uk/meetings/meeting/16428/members\\_library\\_service](https://www.eastlothian.gov.uk/meetings/meeting/16428/members_library_service)

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<b>DATE</b>	13 June 2019



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 June 2019

**BY:** Depute Chief Executive Partnerships and Communities

**SUBJECT:** East Lothian Local Development Plan 2018 –  
Supplementary Planning Guidance on Sustainable  
Drainage Systems; and Countryside and Coast

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7

## **1 PURPOSE**

- 1.1 This report seeks Council approval of the Supplementary Planning Guidance on Sustainable Drainage Systems, which has recently been subject to public consultation.
- 1.2 It also seeks approval for consultation purposes of draft Supplementary Planning Guidance on the Countryside and Coast.
- 1.3 Both documents have been prepared as supporting information to the East Lothian Local Development Plan 2018 (LDP).

## **2 RECOMMENDATIONS**

That the Council:

- notes the responses from the public consultation on the draft Supplementary Planning Guidance: Sustainable Drainage Systems (Appendix 1);
- approves and adopts the draft Supplementary Planning Guidance: Sustainable Drainage Systems (Appendix 2)
- provides the Service Manager – Planning with delegated authority to revise the wording of the document at a later date to reflect the Council's future decision on the Section 7 process; and
- approves for public consultation the draft Countryside and Coast Supplementary Planning Guidance (lodged in the Members' Library, Ref: 88/19, June 2019 Bulletin).

### **3 BACKGROUND**

- 3.1 The LDP includes several references to the intention to produce additional Supplementary Planning Guidance (SPG) providing further detail on some of the policies in the Plan, where implementation of the policies can be assisted by additional information too detailed for inclusion in the LDP document itself. Once adopted, non-statutory SPG is a material consideration in planning decisions.
- 3.2 The LDP includes various references to the intention of the Council to produce SPG on specific policy areas.
- 3.3 There are no statutory provisions setting out the scope or process for preparing non-statutory SPG; however, if it is to carry enhanced weight as a material consideration in planning decisions it must be consulted on and adopted by the Council.

#### **Sustainable Drainage Systems Supplementary Planning Guidance**

- 3.4 Following approval of the draft Sustainable Drainage Systems SPG, for public consultation at the meeting of East Lothian Council on 26 February 2019, a six-week period of consultation was held from 8 March to 19 April 2019. Prior to the start of the consultation period, letters were sent to each community council in East Lothian alerting them to the consultation.
- 3.5 Written submissions to the consultations were received via the consultation hub or via email. Comments were received from Scottish Environment Protection Agency (SEPA), Scottish Natural Heritage (SNH), Scottish Water, Homes for Scotland, Gullane Area Community Council and some individual housebuilders and members of the public. Appendix 1 includes a summary of the range of issues raised by the consultees.
- 3.6 The hub questionnaire asked for comments on eight questions, which covered the comprehensiveness of the guidance and the extent to which it provided sufficient information to applicants.
- 3.7 Overall, the majority of respondents agreed with the purpose of the document and the value in having additional guidance on a key element in achieving good quality sustainable design. Several points were raised around the issue of land title, responsibility for future maintenance and the gradient of SuDS features, particularly from Scottish Water. Further discussions took place with Scottish Water and these points have now been addressed in the final SPG. A full list of the comments received and the officer responses to each point are included in Appendix 1.
- 3.8 One point raised in the discussions with Scottish Water is the future maintenance of SuDS facilities. This is the subject of ongoing discussions between local authorities across Scotland, including East Lothian. Section 7 of the Sewerage (Scotland) Act 1968 allows roads authorities (including local authorities) and Scottish Water to enter into agreements on providing,

managing, maintaining or using their sewers or drains for conveying water from the surface of a road or surface water from premises.

- 3.9 Future maintenance is a key issue in the success of SuDS and it important that it is reflected in the SuDS guidance. The SPG presented for approval by Council includes a reference to the ongoing discussions around the Section 7 agreements. When these discussions conclude, it is intended that the SPG be updated to reflect the outcome of this process. Delegated authority is sought from Council to make changes to the SPG to reflect what would be factual changes that had already been approved by the Council.

### **Countryside and Coast Supplementary Planning Guidance**

- 3.10 As part of the LDP several countryside policies were added that provide additional protection for the setting of East Lothian settlements, the character of the landscape and protection for the characteristics of the coastal areas.
- 3.11 The LDP states that additional guidance would be provided on countryside policy to highlight the points that any development proposal would have to address and the specific characteristics of different locations that require to be protected.
- 3.12 The draft guidance sets out the policy context in the LDP and then proceeds to identify in more detail what would be required from development proposals to meet the requirements of the LDP.
- 3.13 Key to considering development proposals in the countryside and coast is the initial justification of why a proposal requires a countryside or coastal location. The Guidance provides further information on the types of uses that may be acceptable.
- 3.14 For each of the Countryside Around Towns designations a reason for the initial designation is provided alongside the particular characteristics of each area that development proposals must complement.
- 3.15 In a similar manner, the coastal areas are divided into several different zones based on their landscape characteristics and information is provided on the points in each that development proposals will be required to address.
- 3.16 If approved by Council the draft Countryside and Coast SPG will be subject to public consultation over the summer. The results of this consultation will be reported back to Council in early autumn 2019 alongside the finalised guidance for approval.

## **4 POLICY IMPLICATIONS**

- 4.1 Both SPG documents will provide valuable additional direction to both the applicant and the planning department when considering development

proposals in the countryside. By producing these documents the Council is delivering on actions set out in the LDP. Neither document creates new policy but provide further guidance on policies already approved through the 2018 LDP.

## **5 INTEGRATED IMPACT ASSESSMENT**

- 5.1 The subjects of this report have been through the Integrated Impact Assessment process through the LDP 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 Appendix 1 – Responses to consultation on Supplementary Planning Guidance: Sustainable Drainage Systems  
 7.2 Appendix 2 – Final Supplementary Planning Guidance: Sustainable Drainage Systems  
 7.3 Draft Countryside and Coast Supplementary Planning Guidance (available in the Members’ Library, Ref: 88/19, June 2019 Bulletin)  
[https://www.eastlothian.gov.uk/meetings/meeting/16428/members\\_library\\_service](https://www.eastlothian.gov.uk/meetings/meeting/16428/members_library_service)  
 7.4 Integrated Impact Assessment - Supplementary Planning Guidance: Sustainable Drainage Systems  
 7.5 East Lothian Local Development Plan 2018

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<b>DATE</b>	4 June 2019

**Q1. Does the SuDS SPG provide sufficient detail on the benefits of using each particular SuDS type for reducing flood risk, managing surface water, habitat creation/biodiversity, and improving human health?**

**Online Consultation Hub Responses**

<b>Respondent</b>	<b>Response</b>	<b>Officer comment and recommendation</b>
001 (CALA Homes)	Yes	Comment noted
002 (Colin Roberts)	Yes - Guidelines should be informed by some disastrous previous schemes such as Andrew Meikle Grove in East Linton. Is this not a case of the horse having left the stable. Retrospective enforcement should be considered.	Comment noted. Whilst the SuDS SPG aims to promote high quality design, placemaking, biodiversity and other benefits of SuDS features, it is recognised there is a need for strong and clear management and maintenance schemes to be in place and that they are complied with or (where required) enforced. It is not however for this SuDS SPG to comment on individual schemes and their ongoing maintenance responsibilities.
003 (Gullane Area Community Council)	Yes	Comment noted
004 (Jacqueline Bell)	No	Comment noted
005 (James Proudfoot)	No – More information on who is responsible for maintenance is required.	Comment noted. The SuDS SPG already provides details of what information is required at the submission stage of planning applications on long term maintenance arrangements for SuDS. The SuDS SPG is not intended to be a guide for specific maintenance requirements and responsibilities for each type of SuDS feature as this will be managed through the MOU and Section 7.
006 (Scottish Natural Heritage)	<p>Yes - Biodiversity is listed as one of several subsequent benefits of well-designed SuDS. Many of the photographs used in the document include diverse planting schemes which are the basis of bringing benefits to biodiversity. The schemes are presented as attractive and so demonstrate amenity value as well.</p> <p>However, the focus is mainly on presenting information and to a lesser extent options and it could benefit from being more directive in many sections. It would be</p>	<p>Comments noted. The SuDS SPG aims to ensure that the requirements of developers and designers are clear with regards to considering and designing for improved biodiversity.</p> <p>It is accepted that the SuDS SPG could be more directive in places, and therefore additional wording will be added to ensure that the Council's position is clear.</p>

	<p>useful for the guidance to be clearer on what East Lothian Council want to achieve, e.g. at page 11 which states what the Council’s preference is in relation to filter trenches in residential areas.</p> <p>In relation to biodiversity, we suggest the following amendments:</p> <p>Page 5 – replace “meaningful habitat value” with “benefits to biodiversity”. Meaningful habitat value is a potentially subjective term that is unclear whereas ‘benefits to biodiversity’ is clearly understood.</p> <p>Page 6 – we suggest much stronger direction is provided in place of “Although detention basins are typically grassed, other vegetation is supported...” This should be replaced with “detention basins should be planted with a mix of suitable native plant species, including flowering plants, to benefit amenity and biodiversity.” This change would also help the guidance to contribute to delivery the Pollinator Strategy for Scotland 2017 – 2027).</p> <p>Page 7 – we suggest deleting “stagnant and unattractive” as this is a generally unhelpful term.</p> <p>Page 9 – replace 2 references to “indigenous” with “native”.</p> <p>Page 13 – includes a requirement that applications including biodiversity measures should be in line with the Local Biodiversity Action Plan (LBAP). At time of</p>	<p>The suggested replacement wording would be helpful to clarify the Council’s position here. This will be amended in the final SuDS SPG.</p> <p>The Council notes that not all detention basins can be planted. Lined basins can only be grassed. However the suggestion to improve the wording of this section is accepted. This has been amended to state: “where basins are not lined they should be planted with a mix of suitable native plant species, including flowering plants, to benefit amenity and biodiversity” An additional reference to the ELC Green Network Strategy SPG has also been added.</p> <p>Suggestion noted and accepted.</p> <p>Suggestion noted and accepted.</p> <p>The reference to the Local Biodiversity Action Plan will be removed in the final SuDS SPG.</p>
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	<p>writing, we are unable to find the LBAP on the East Lothian Council website and suggest that this reference is reviewed if the document is not publicly available.</p> <p>Appendix B – this appendix includes biodiversity pond design alongside a reference to CIRIA materials. We suggest that the detail of pond design is removed and that readers are directed to the more detailed CIRIA guidance. Detail could be retained if this was used to set out pond design specific to East Lothian although we are unaware of species present in East Lothian that would require special consideration.</p> <p>Appendix C – this appendix includes a useful list of plants although we note the use of terms such as “controlled” and “banned”. We are unclear where these terms originate from as species such as meadowsweet (<i>Filipendula ulmaria</i>), which is listed as controlled, is a native species that is widespread throughout the UK and would not generally be considered a ‘controlled’ species. We understand that the intent is to reduce the selection of species that could become dominant if planted in a SuDS scheme. We suggest instead that they are therefore described as species that developers should “plant sparsely” or “use occasionally”. In the case of <i>Typha</i> sp. the Royal Horticultural Society describes them as invasive but it is important to note that this is not in the sense of a ‘banned’ species. In that case we suggest the table describe them as “use in specific circumstances” or similar as there may be occasions when reedmace would be an acceptable/appropriate choice.</p>	<p>Comments and suggestions noted regarding pond design. This has been removed from the SuDS SPG which will now highlight the CIRIA (The SuDS Manual C753) guidance instead.</p> <p>Comments noted and accepted. The additional information contained within the appendix on plant species has been amended.</p>
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007 (Homes for Scotland)	The SPG does well to contain a complex subject area within a twenty-page document. However, we believe that it would be helpful to contain more specific and detailed information on the importance such systems have in protecting communities against flooding risk as well as the type of ecological, biodiversity and health benefits associated. This should be offset by the removal of references to proposed standards that fall outwith national guidance contained within Sewers for Scotland 4.	<p>The Council notes comments in relation to highlighting the overall principles of well-designed SuDS features. Additional references to flood prevention, ecology and human health will be added to strengthen the document, as well as more references to the closely related ELC Green Network Strategy SPG.</p> <p>In relation to the removal of proposed standards, the SuDS SPG does not contradict Sewers for Scotland, rather it seeks to encourage going beyond these minimum standards and requirements. Any scheme would still require consent from relevant statutory bodies. Scottish Water have been involved with the production of this SPG. No further changes proposed.</p>
008 (Persimmon Homes)	This explains this well however the standards do not align with Scottish Water	Comments noted. Scottish Water have been involved with the preparation of this SuDS SPG and agreement has now been reached. The final version of the SuDS SPG has been amended to reflect these discussions.



**Q2. Does the SuDS SPG make it clear how SuDS are expected to contribute towards placemaking requirements as set out in national and local policy and guidance?**

<b>Respondent</b>	<b>Response</b>	<b>Officer comment and recommendation</b>
001 (CALA Homes)	No – Seems to note that they “should” contribute to placemaking etc, but not “how they should...”	Comment noted. Additional references and guidelines as to how SuDS features can contribute to placemaking will be added to the SPG to provide clarity on the link between Designing Streets, the Local Development Plan 2018 policies, and the Council’s requirements for SuDS contributing to these objectives. Visual examples have also been added at the end of the document for further reference.
002 (Colin Roberts)	No	Comment noted
003 (Gullane Area Community Council)	Yes	Comment noted
004 (Jacqueline Bell)	No	Comment noted
005 (James Proudfoot)	No – No clear and additional information is required on who is responsible for maintenance is required.	Comment noted. The SuDS SPG already provides details of what information is required at the submission stage of planning applications on long term maintenance arrangements for SuDS. The SuDS SPG is focussing on design requirements for SuDS rather than maintenance which will be detailed in a separate document following the MOU being agreed between East Lothian Council and Scottish Water.
006 (Scottish Natural Heritage)	<p>Unsure - Our reading of the SPG is that it includes one reference to placemaking, in Appendix A within a quote of LDP ‘Policy NH10: Sustainable Drainage Systems’. It is not clear from this how SuDS are expected to contribute towards placemaking in East Lothian.</p> <p>A useful cue to including statements on how SuDS are expected to contribute to placemaking could be taken from the photos used in the document as these show attractive places that have biodiversity and amenity value and are likely to contribute towards</p>	Comments noted. The SuDS SPG aims to highlight the valuable contribution of SuDS towards placemaking throughout the document using references to best practice and visual examples. However, it is accepted that more references to the images used and how they specifically highlight what the Council aims to achieve in terms of placemaking would be useful. This will be addressed in the final SuDS SPG.

	<p>delivery of Scottish Planning Policy's 6 qualities of successful place in development in East Lothian.</p>	
<p>007 (Homes for Scotland)</p>	<p>The SPG should set out the relevant national and local placemaking objectives this guidance seeks to address within the main body of the policy content, helping provide clearer connection between the policy context and what is being asked of industry. Importantly, we believe the SPG introduces some significant barriers that would limit the potential to achieve placemaking objectives in reality.</p> <p>The industry is concerned with the position proposed within the SPG relating to the adoption of SUDS features that deal with surface water run-off from roads and footpaths only. It is clear from this that ELC will not sign the Memorandum of Understanding regarding the provision of surface water drainage from housing developments (MOU) as supported by Scottish Water, the Scottish Government and SCOTS, or agree to maintenance responsibilities set out by Section 7 of the Sewerage (Scotland) Act 1968. In practice this will mean that ELC will have a duty to ensure the provision, and meet the full costs of maintaining, a separate drainage system. This approach completely undermines the principles of collaboration, undoes the positive work around SUDS adoption Scottish Water has undertaken with public and private stakeholders and, importantly, creates a more convoluted framework for the delivery of infrastructure that aims to protect communities against flooding risk.</p> <p>The SPG also proposes a number of variations from the national standards contained within Sewers for Scotland 4. In the context of ELC's position on SUDS relating to non-road surface water, we question the purpose and rationale for ELC to impose additional requirements where there is no intention to take on any of the responsibilities associated with such infrastructure. Furthermore, Sewers for Scotland 4 provides an agreed standard by which SUDS infrastructure should be designed and constructed. Deviation from these</p>	<p>The Council accepts that the SuDS SPG did not previously refer to existing national guidance on placemaking. In response, the SuDS SPG has been amended to include more detail in the Overview section on National Policy and Guidance, in particular Designing Streets, and the contribution that SuDS features can make towards achieving the six key qualities of successful places. Examples of what the Council expects developers to achieve have been provided using photos that represent the high quality places that SuDS can be used to create.</p> <p>The Council fully intends to sign the Memorandum of Understanding. A specific reference to this has been added to the SuDS SPG.</p> <p>The SuDS SPG does not propose to change any standards that are already set out within Sewers for Scotland, rather it seeks to encourage developers to go beyond the minimum standards that such technical guidance provides. This is in the interests of achieving the highest quality of SuDS design to create more multi-functional spaces.</p>

	<p>standards will create inconsistency across Scotland and will create a new barrier to getting SUDS infrastructure vested/adopted.</p> <p>In the context of the above points, we would question whether further aspects of the guidance would align with placemaking objectives, such as soft boundaries and an implied requirement to prevent run-off from plot curtilage to road drainage (and subsequently roads to wider SUDS infrastructure); a 1 in 8 gradient standard which would double the land take required for a flow channel affecting density and the effectiveness of the five-year land supply; or proposals to replace traditional systems of road gullies with SUDS which is itself inconsistent with the remainder of the proposed guidance.</p> <p>It is clear that little consideration has been given to the practicalities of the approach outlined by ELC, how this might affect key agency collaboration and what impact this might have on land requirement and housing density going forward. In that context, we would advise ELC to reconsider its approach.</p>	
008 (Persimmon Homes)	<p>Yes – This however will sterilise land for housing given larger SuDS basins and slopes required. This may also not be agreed with Scottish Water and therefore no approval granted. There needs to be agreement with Scottish Water/SEPA prior to any document being released.</p>	<p>The Council does not agree that there will be sterilisation of land as there are no changes proposed to the requirements for land-take of SuDS features in the SPG. There are proposed changes to the slope however in order for SuDS features to be more useable and multi-functional space. ELC have engaged with Scottish Water and SEPA on this guidance and SuDS in general, and there is support for this guidance, subject to some minor amendments.</p>

**Q3. Does the SuDS SPG provide sufficient detail and clarity on the relationship between SuDS and Local Development Plan 2018 open space policy and requirements?**

<b>Respondent</b>	<b>Response</b>	<b>Officer comment and recommendation</b>
001 (CALA Homes)	Yes	Comment noted
002 (Colin Roberts)	No	Comment noted
003 (Gullane Area Community Council)	Yes	Comment noted
004 (Jacqueline Bell)	No	Comment noted
005 (James Proudfoot)	Yes	Comment noted
006 (Scottish Natural Heritage)	No - Open space is referred to regularly throughout the document, including in Appendix A on planning policy. However, there is no clear link between the content of the SPG and LDP Advice Box 2 and Policies OS3 and OS4. We suggest that the clearest way to make this link would be to expand on Appendix A.	<p>It is accepted that the LDP 2018 Policies OS3 and OS4 do not make specific reference to SuDS. However, at paragraph 3.127, it is stated that SuDS “...<i>may form part of informal open spaces subject to their design and provided they contribute to and do not harm the amenity value of the wider open space.</i>”</p> <p>The Council therefore wishes to clarify in the SuDS SPG (and further encourage) opportunities to be taken for SuDS to be designed effectively so that they can form part of open space requirements on development sites. It is recognised that this is not always achieved currently, possibly due to technical constraints, however there needs to be greater consideration from developers to designing more successful SuDS schemes that have multiple benefits for the natural environment and communities. This is the key message that the SuDS SPG wish to make. In order to clarify this, the appendices to the SuDS SPG will be amended to show a clearer link to the LDP 2018.</p>
007 (Homes for Scotland)	HFS welcomes the position that SUDS may be considered as part of open space requirements on new housing development. This approach could help enable the delivery of quality, usable and multi-benefit open spaces on new housing developments.	The Council has engaged with Scottish Water in the development of this SuDS SPG and at the time of writing, discussions regarding Section 7 agreements are currently ongoing. SEPA have also engaged in the consultation process and subject to some minor changes, are supportive of this SPG.

	<p>However, the position ELC's holds on Section 7 as well as the proposed variations to standards will be a barrier to achieving this outcome. There are already challenges around vesting of SUDS in 'active' open spaces as well as around the vesting of assets not constructed to the Sewers for Scotland 4 standard. It is vital in that context, that local authorities and Scottish Water agree to a more collaborative framework of engagement with regard to their respective responsibilities on maintenance and align to a common set of standards that provide consistency in this area.</p> <p>More specifically, we are keen to understand the impact of proposed variations, such as the 1 in 8 gradient standard, will have on programmed sites and the maintenance of a five-year land supply. Measured against Sewers for Scotland 4, the proposal has the potential to double the land take for a flow channel from 12m to 24m either side of a swale (e.g. 3m deep, 1m wide low flow channel would increase from 13m to 25m). In addition, the approach does not compliment the wider policy remits, for example SEPA, that seek to reduce the impact new development has on the environment including land-take.</p>	<p>The Council would question the figures provided here regarding the depth and potential increases in area of land for SuDS. The SuDS SPG is encouraging the combining of SuDS within open space.</p> <p>References to slope for particular SuDS have been removed pending the MOU between ELC and Scottish Water which will include details of all maintenance requirements.</p>
008 (Persimmon Homes)	Unsure – This needs to be included in PPPs and solutions identified at early and not detailed stage.	Comments noted. Additional references including the open space policies have been added to the SuDS SPG to provide clarity on the link to new developments and SuDS as open space.

**Q4. Are the Council's requirements for SuDS to be designed with long term management and maintenance strategies clearly explained in the SuDS SPG?**

<b>Respondent</b>	<b>Response</b>	<b>Officer comment and recommendation</b>
001 (CALA Homes)	Yes	Comment noted
002 (Colin Roberts)	No - Management and maintenance if transferred to a resident association of a new development should only be required once the implementation meets the highest standards. Developers don't care about SUDS once the development is complete, residents do.	Comment noted. The SuDS SPG aims to make it clear that upfront information will be required at the planning application stage on all SuDS features in order to make a judgement on whether the proposed arrangements for design and ongoing maintenance are acceptable. It also aims to ensure that appropriate consideration is given to the operational lifetime of the SuDS feature so that once it is functional, the responsibilities for ongoing maintenance are understood and complied with so that the SuDS feature can continue to provide a valuable contribution to developments. Additional detail on management and maintenance will be added to the final SuDS SPG.
003 (Gullane Area Community Council)	Yes	Comment noted
004 (Jacqueline Bell)	No - There are issues locally about management and maintenance. A SUDS at Andrew Meikle Grove in East Linton was not adopted by Scottish Water. There is a reference to maintenance by Factors. However, there are many issues with unsatisfactory Factoring services across East Lothian. There needs to be clarity about who is responsible if SUDS are not appropriately maintained. In Dunbar there have been issues of Greenbelt the Factor selling on green spaces and play parks to people unknown to residents who pay maintenance fees. Play parks have been left in a dangerous state and Building Control have no powers to insist on repairs. There must therefore be robust guidelines in place for maintenance responsibilities	Comments noted. Whilst the SuDS SPG cannot rectify specific issues with existing SuDS schemes, it does aim to improve their design, safety and management going forward. It also aims for designs to be improved to achieve wider benefits for communities. Through providing more detail on what the submission requirements are for SuDS features forming part of planning applications, the SPG seeks to provide clarification on the standard of design being sought, the process of obtaining relevant statutory consents, and the need to have a clear and strong ongoing maintenance responsibility. At the time of writing, the Council are in discussions with Scottish Water on Section 7 agreements and the Memorandum of Understanding. Once this is agreed and in place, the Council will have greater opportunity to be directly involved with the management of some SuDS features. This has been noted in the SuDS SPG.
005 (James Proudfoot)	No – A Lot more detail on maintenance responsibilities is required.	Comment noted. The SuDS SPG already provides details of what information is required at the submission stage of planning applications on long term maintenance arrangements for SuDS. East

		Lothian Council are in discussions with Scottish Water regarding future arrangements for maintenance. These will be detailed in the MOU once agreed.
006 (Scottish Natural Heritage)	<p>Unsure - There are references to management and maintenance throughout the SPG but requirements are less clear. We suggest that if effective SuDS are to be delivered and their functioning secured in the long-term the SPG should clearly set out what requirements East Lothian Council has for management and maintenance. This should include those which Scottish Water may vest if compliant with Sewers for Scotland.</p>	<p>Comments noted. The SuDS SPG aims to highlight what the Council expects developers to provide regarding information on how SuDS will be maintained once built, and the ways in which additional detail provided at the application stage can clarify such matters. It is not considered necessary in this SPG to repeat guidance given in Sewers for Scotland, rather the SPG where necessary, highlights certain standards set out in SfS and the need to seek formal approval from Scottish Water. The Executive Summary and other references within the SPG to management and maintenance responsibilities will be clarified in the final SuDS SPG.</p>
007 (Homes for Scotland)	<p>ELC's requirements around maintenance responsibilities is not clear, given the implied position on the MOU and Section 7 Agreements. It would be helpful in the first instance for ELC to articulate within the guidance a position on the above aspects and highlight which aspects of SUDS and the wider surface water drainage network each party (the authority and Scottish Water) will be responsible for.</p> <p>It can be assumed from the SPG that ELC intend to transfer responsibility for the maintenance of SUDS assets onto the homeowner/occupier. We believe that this negates the authority's responsibilities under the Sewerage (Scotland) Act, risks the future integrity of community flood defence systems, and accentuates the systemic issues experienced over the last two decades in relation to the adoption/vesting of SUDS systems.</p> <p>The SPG position indicates that maintenance should be undertaken via a factoring agreement with residents of a new development. In effect this would require land title for relevant assets to be transferred to individual plots in order that a legal obligation can be constructed to enforce a</p>	<p>Comments noted. ELC are currently in discussions with Scottish Water regarding the Memorandum of Understanding and Section 7 agreements which will allow clarity on the matter of maintenance, including any land ownership. These will be detailed in the final version of the SuDS SPG once agreement is reached. The SuDS SPG also provides details of the interaction between SuDS and Roads Construction Consent and this has been agreed across multiple services within the Council. The Council does not accept the comment relating to the transfer of financial burdens. The SuDS SPG does not make any changes to the existing processes, rather it seeks to provide greater clarity on matters and to encourage designers and developers to explore more options, including SuDS contributing towards open space requirements. Furthermore, once the MOU between ELC and Scottish Water is signed, this will clearly set out the responsibilities for each party in terms of maintenance, and will in fact allow the Council to take on additional responsibility for maintenance of SuDS where this was not possible through private factoring arrangements.</p>

	<p>factoring arrangement. Scottish Water policy implies that full land title is required to undertake their duties under the Act and ultimately to vest SUDS assets. This policy is at odds with the efforts of the industry in addressing legacy SUDS and will likely exacerbate the issue further; a backward step for all parties involved.</p> <p>In principle, ELC’s position transfers the financial burden for maintaining open space and flood mitigation measures to the general public. In light of concerns raised in recent articles such as “the hidden costs of new homes” and Graham Simpson MSP’s private members’ bill on new home buyer protection, this policy is unacceptable.</p> <p>Furthermore, there is no indication that this policy aligns with internal requirements for obtaining road construction consents. On that basis, the SPG should be clear in highlighting the requirements of the guidance will be supported elsewhere in the authority. More generally, we question the rationale behind the authority’s approach to incorporating variations to standards to assist with the maintenance of such systems when the authority seeks to transfer the risk and responsibility elsewhere.</p>	
008 (Persimmon Homes)	No – Section 7 with Scottish Water needs to be signed and explained to the developer at planning stage.	Comments noted. At the time of writing, the Council are currently in discussions with Scottish Water regarding a Memorandum of Understanding and arrangements for Section 7 agreements. Once agreed, this will provide clarity on the matter and allow developers a greater understanding of what is required from an early stage.



**Q5. Are the Council's requirements for SuDS to be designed to be safe and accessible for all users clearly explained in the SuDS SPG?**

<b>Respondent</b>	<b>Response</b>	<b>Officer comment and recommendation</b>
001 (CALA Homes)	Yes	Comment noted
002 (Colin Roberts)	Yes - How is this enforced. Developers will skirt round regulations and do the minimum possible. The plan is aspirational and without proper enforcement is a paper exercise.	Comment noted. The SuDS SPG aims to provide clarity on the agreements and responsibilities of each party involved with SuDS design, approval and management. Whilst the Council can exercise powers under enforcement, the aim of the SuDS SPG is to ensure that there are upfront clear responsibilities for management and maintenance of SuDS features agreed through the planning process. Where appropriate, the Council can (and does where possible) require remedial solutions where SuDS are not being maintained correctly.
003 (Gullane Area Community Council)	Yes	Comment noted
004 (Jacqueline Bell)	No - There are local issues of safety. A SUDS area at Robertson/Avant in Dunbar became a lake that needed urgent fencing. The SUDS at Cala in Belhaven has a water level that rises rapidly in wet weather with 2 swim rings for safety - although it is not clear who would use them. It does not seem the best design to have the Cala SUDS next to a play park. More information is needed as to how safety should be ensured. Also more information on responsibilities - the developer, the factor, the residents?	Comments noted. The SuDS SPG does not intend to discuss specific SuDS features that have already been construction. However, the SuDS SPG provides details of how safety must be a primary consideration in the design process including undertaking risk assessments. It is also stated that these will be required at the planning application submission stage. Furthermore, information is included in the SuDS SPG on how to design appropriately for safety and the circumstances in which fencing may or may not be required. Arrangements for maintenance including factoring will be detailed in the upcoming Memorandum of Understanding and Section 7 agreements between ELC and Scottish Water.
005 (James Proudfoot)	Yes	Comment noted
006 (Scottish Natural Heritage)	N/A	N/A
007 (Homes for Scotland)	Health and safety as well as accessibility requirements are already set-out within wider standards. We would advocate that ELC ensure their requirements are aligned to such	Comments noted. The Council are aware of such standards. However, the SuDS SPG aims to provide a local context and to go beyond

	standards and highlight an appropriate standardised approach to the format of any required signage.	minimum standards where appropriate in order to create higher quality design and safe environments.
008 (Persimmon Homes)	Unsure – Encouraging people to play in SuDS we feel would not be advisable for safety or maintenance.	Comments noted. The SuDS SPG does not specifically indicate that SuDS should function as play space, rather it seeks to provide clarity on the circumstances in which SuDS can be considered and part of open space requirements, and the potential uses of this space for the surrounding community in terms of recreation.

**Q6. Are there any other types of SuDS features that you think the SuDS SPG could make reference to that would function and improve the quality of development in East Lothian?**

<b>Respondent</b>	<b>Response</b>	<b>Officer comment and recommendation</b>
001 (CALA Homes)	Yes – Bio-retention tree pits used to good effect elsewhere, may be a good alternative?	Comments noted. The Council is aware of bio-retention pits and their function. However, there are concerns over the use of these where they take road run-off. As they can become full of salt, this damages tree roots leading to damage/death of the tree. The SuDS SPG would not therefore encourage the use of these in general.
002 (Colin Roberts)	Yes - Not best practice. SUDS should enhance rather than replicate existing environments. Lack of aspiration in consultation documents.	Comments noted. The SuDS SPG aims to improve the standard of SuDS design in East Lothian by providing examples of best practice. In addition, the SuDS SPG seeks to go beyond the industry standards set out in Sewers for Scotland and achieve greater benefits from SuDS features. No changes recommended.
003 (Gullane Area Community Council)	Unsure	Comment noted
004 (Jacqueline Bell)	Unsure	Comment noted
005 (James Proudfoot)	Unsure	Comment noted
006 (Scottish Natural Heritage)	<p>Yes - Green roofs are a means of source control of run-off which have additional benefits in habitat networks and in contributing to placemaking. Further information on their benefits is available here:</p> <p><a href="https://www.netregs.org.uk/environmental-topics/water/sustainable-drainage-systems-suds/green-roofs-in-sustainable-drainage-systems-suds/">https://www.netregs.org.uk/environmental-topics/water/sustainable-drainage-systems-suds/green-roofs-in-sustainable-drainage-systems-suds/</a></p> <p>The role of green roofs in SuDS is noted at paragraph 6.28 (page 137) of the LDP and we recommend that the SPG makes reference to them as a feature that will improve the quality of development in East Lothian</p>	Comments noted. In principle, the Council would be supportive of green roofs and other SuDS features. This will be added to a section at the end which explains how all opportunities for use of SuDS features should be explored and considered for use in new developments.

<p>007 (Homes for Scotland)</p>	<p>In light of a suggested transition away from a traditional gully system, it would be helpful for ELC to outline what it expects to manage and maintain as part of road surface water drainage. Further consideration should be given to whether this aligns with policy around roads adoption ensuring that such an approach is agreed to internally by the council and practical for those delivering the infrastructure.</p> <p>In addition, ELC should consider whether its policy on permeable paving and roads is contradictory to the aims of the SPG. We ask ELC to consider why use of permeable paving, given the aim of treating surface water at source, slowing down the rate of discharge, treating water naturally and releasing it in a controlled way, preferably to watercourses or groundwater rather than into sewers; is not acceptable for adoptable roads but would suffice for private roads? This, alongside other policies, suggests that the main aim of the SPG is to transfer all risks and responsibilities away from ELC rather than maximise the benefits of placemaking, green space, biodiversity and health outcomes.</p>	<p>Comments noted. The SuDS SPG has been prepared by a cross-service Working Group to ensure that there is agreement on such matters. Furthermore, the upcoming Memorandum of Understanding between ELC and Scottish Water which will provide clarity for all parties involved including public/private land. The SuDS SPG also seeks to raise the standard of design through applying placemaking principles to SuDS, maximising the benefits for biodiversity, health and recreation, and to ensure there is a suitable long-term maintenance agreements in place.</p> <p>In relation to permeable paving, it is the Council's position that this is not a preferred method. However, the SuDS SPG makes it clear that this could potentially be an option but would depend on the design.</p>
<p>008 (Persimmon Homes)</p>	<p>No – Sewers for Scotland 4 states basins to be designed minimum 1:4 slope with end of line swale acceptable. This therefore meets requirements and approval guidance. Introducing more features will only add cost, maintenance and reduce developable space.</p>	<p>Comments noted. The SuDS SPG has been amended to provide clarity on acceptable design including slopes for SuDS, aligning with Sfs and CIRIA. The Council would be required to approve such designs to ensure they can be satisfactorily maintained.</p>

**Q7. Are the Council's requirements for information on SuDS to be submitted with planning applications clearly set out in the SuDS SPG?**

<b>Respondent</b>	<b>Response</b>	<b>Officer comment and recommendation</b>
001 (CALA Homes)	Yes	Comment noted
002 (Colin Roberts)	No	Comment noted
003 (Gullane Area Community Council)	Yes	Comment noted
004 (Jacqueline Bell)	Yes	Comment noted
005 (James Proudfoot)	A planning application should not be granted before a RCC is approved and granted and SUDS is fully considered. While two separate processes both need to be granted before progressing.	Comment noted. The planning application process and the roads construction consent process are separate due to different legislation that controls them. In addition, it is the general practice of ELC that planning permission is granted prior to roads construction consent being given. However, the Council is working towards better alignment of these processes going forward in terms of the level of information required/provided and to avoid potential changes/delays.
006 (Scottish Natural Heritage)	N/A	N/A
007 (Homes for Scotland)	The requirements set out by the SPG will have a significant impact on the sector, requiring greater amounts of detailed information to be produced at a conceptual stage and revised as the design is amended by an authority throughout the process, for example while obtaining road construction consents (RCC). Subsequently, the requirement to confirm Scottish Water approvals prior to obtaining road construction consent has potential to cause significant delay to development timescales, especially where there is no approach to aligned consents and amendments are being made by local authority personnel in relation to road geometry and development layout. Any changes made following planning approval will have a consequential impact on the technical approvals obtained by Scottish Water. Given obtaining RCC already takes on average 62 weeks (data extracted from 45 sites over 9 authority areas between 2013	<p>Comments noted. The Council does not agree that there will be a significant impact upon the development sector as a result of this SuDS SPG. Rather it is the intention of the document that there is clarity on the information that is required at the planning application stage in order to ensure the process is streamlined, and that there are improvements to the quality of SuDS features and their contribution to placemaking.</p> <p>The interrelated planning and RCC processes are ultimately controlled by different legislation and the Council are limited as a result to making changes. However, there is a strong commitment to ensuring processes align as closely as possible and that all parties involved are aware of their duties and timescales. This SuDS SPG aims to assist with this and to provide each party with a clear understanding of how SuDS can benefit multiple sectors. The SuDS SPG has been prepared by a</p>

	<p>and 2018, affecting to 4,113 homes) any further delay to development processes would not be welcomed by the sector.</p> <p>It is clear that the proposed process does not align with both internal and wider consents and approval processes. Creating additional complexity and bureaucracy to the process, in addition to the existing resource constraints experienced across the public and private sectors, will only go to further exacerbate issues surrounding housing delivery.</p>	<p>cross-service Working Group involving Planning, Roads, Flooding, Landscape and Biodiversity Officers, and there is agreement on the approach set out in the document.</p>
008 (Persimmon Homes)	<p>No – There are too many sets of standards Council and Scottish Water not aligned.</p>	<p>Comments noted. The SuDS SPG seeks to provide a simple and easy to use guide to SuDS design that is specific to East Lothian without being too detailed and using images to illustrate best practice examples that are hoped to be achieved. Where applicable, the document refers to other guidance (Sewers for Scotland and CIRIA).</p>

**Q8. Should you wish to provide any additional or general comments on the SuDS SPG, please provide these in the box below. You may also upload any supporting information via the file upload below.**

<b>Respondent</b>	<b>Response</b>	<b>Officer comment and recommendation</b>
001 (CALA Homes)	N/A	N/A
002 (Colin Roberts)	N/A	N/A
003 (Gullane Area Community Council)	Ferrygate is a very good example of what not to do.	Comment noted. The SuDS SPG aims to achieve high quality design of SuDS features in developments going forward. The document therefore uses examples of successful SuDS schemes to promote best practice. It is not for this SuDS SPG to comment on the management or maintenance of existing SuDS features.
004 (Jacqueline Bell)	Main concerns are about ongoing guidelines for maintenance and legal responsibilities given ongoing local issues with play parks maintenance and factors selling on areas of open space. There have been issues nearby of SUDS areas that have not been accepted for responsibility by Scottish Water. Thus everything has to be very clear so that developer, factor (if any) and residents are all very clear as to who is responsible for areas like ongoing care and safety.	<p>The SuDS SPG focusses on improving the design of SuDS. The Council are currently in discussions with Scottish Water regarding Section 7 agreements for approval of SuDS and for maintenance. These requirements will be detailed in a separate document once agreement is reached. Maintenance requirements will be specific to each site/application/permission. However, The SuDS SPG provides details of the information provided at the planning application submission stage, with the intention that this will allow for clarity at the consent stage on responsibilities for management and safety. Therefore the SUDS SPG seeks to highlight that design standards set out in Sewers for Scotland and the impact upon maintenance requirements must be considered at an early stage of development design.</p> <p>With regards to selling on areas of open space, this is a matter that is beyond the scope of the SuDS SPG.</p>
005 (James Proudfoot)	N/A	N/A
006 (Scottish Natural Heritage)	N/A	N/A

007 (Homes for Scotland)	In conclusion, we do not believe that the ELC approach to SUDS is conducive to meeting the aspired aims around placemaking, diversity and climate change adaptation or a proportionate way to transfer its duties under the Sewerage (Scotland) Act upon both the home building sector or home buying public. In that context, we do not support the proposed guidance. HFS would be keen for ELC to meet with industry and Scottish Water to discuss these challenges in more detail with a view to agreeing a suitable framework for delivering, managing and maintaining these critical flood mitigation assets on new sites.	Comments noted. The Council has put together this SuDS SPG as there is a need for such guidance to both improve the quality of SuDS designs being put forward and to provide clarity on the The SuDS SPG is aspirational and it is hoped that over time, there will be improvements to the standard of SuDS design and a greater recognition in the industry of their contribution towards placemaking.
008 (Persimmon Homes)	N/A	N/A



## Other Responses

Respondent	Response	Officer comment and recommendation
009 (Historic Environment Scotland)	We have no specific advice to offer on the contents of the guidance, which does not relate to our interests.	Comments noted.
010 (Scottish Environment Protection Agency)	<p><b>Summary comments</b></p> <p>It is very helpful to see the East Lothian Council specific requirements for SuDs within this guidance. We have made a number of comments, including the provision of further information on water quantity and flood risk requirements</p> <p>We would suggest that general requirements for SuDS such as amenity, biodiversity etc are clearly outlined as part of the design guidance, and further references are made to the CIRIA manual alongside the East Lothian Council specific requirements for SuDS.</p> <p>We are happy to meet to discuss and provide further support in developing this guidance if required.</p> <p><b>Executive Summary</b></p> <p>We consider that there is an opportunity in the Executive Summary to further describe the multifunctional benefits of SuDs, particularly in regard to placemaking. As indicated throughout the document, SuDs have multi-benefits for place-making and should form an important component of blue-green networks. Well-designed SuD features can enhance biodiversity, reduce siltation thereby enhancing water quality, alleviate flash flooding and be incorporated within and alongside active travel routes and provide an</p>	<p>Comments noted and support welcomed.</p> <p>These comments and suggestions are noted and the SuDS SPG will be amended to add further references.</p> <p>The Council would accept this recommendation to amend the Executive Summary and to make additional references in the SuDS SPG to placemaking and wider benefits of SuDS features.</p>

	<p>interesting educational resource. The communication of this message in the Executive Summary will assist in building wider understanding of the value of well-maintained SuDS.</p> <p><b>Overview</b>  We consider that SuDs should be considered as a component of blue-green networks. The opportunity should be taken to enhance and connect existing blue-green networks while creating new ones. This context should underlie the design of any SuDs scheme onsite. We consider that this could be further described within the text of the overview to ensure that readers understand what is meant by this.</p> <p>We would also add in this section, that careful landscaping can usually avoid the need for fencing, avoiding unnecessary loss of connectivity between the SuD feature and wider blue-green network. Maintaining access to SuD ponds, enhances their value within public open space, making it more likely that residents will understand their role and take an interest in their long-term maintenance.</p> <p><b>Design Guidance</b>  We would suggest that further information to clarify responsibilities for SuDS is included in the guidance and options for SUDS ownership and adoption in East Lothian are set out. This will assist in the clarification of when Scottish Water standards need to be met and when East Lothian Council standards need to be met (or where full CIRIA manual standards can be followed). For example, in-curtilage SUDS should be considered part of</p>	<p>The Council accepts that the SPG could make additional references to blue and green infrastructure and the manner in which landscaping is undertaken to avoid the need for fencing. These will be added to the SuDS SPG.</p> <p>Comments are noted regarding boundaries and the SuDS SPG has been amended to clarify the reasons for avoiding the need for fencing and for risk assessments to be undertaken.</p> <p>The Council would accept these comments and that the SPG could be amended by providing more detail about the information required at planning application submission, specific maintenance requirements for operational SuDS, and a specific section on the current position with regards to ELC and Scottish Water for the Memorandum of Understanding and Section 7 agreements and the options for ownership of SuDS features following the agreement in place.</p>
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	<p>the SuDS design with responsibility for ownership and maintenance being with the home owner / landowner. However maintenance responsibilities and requirements should be made clear to any new owner in order to ensure that SuDS remain effective. We have noted this under the Executive Summary and Design Guidance section, however it may be beneficial to have a separate chapter on this.</p> <p>There is also the opportunity for shared ownership of SuDS between Scottish Water and East Lothian Council under Section 7 of the Sewerage (Scotland) Act 1968. We are not clear if this has been agreed in East Lothian Council yet, however it may be helpful to include this if agreements have been established.</p> <p>Overall it is helpful to see the East Lothian Council specific requirements set out clearly under the different types of SuDS. To further support the information provided we have provided further advice under several topic headings below which could be incorporated as part of overall general requirements of SuDS design.</p> <p><b>Amenity</b> It would be useful if East Lothian Council LDP policies in regard to open space and green networks were identified within the Design Guidance section to promote the contributions which SuDS make to these aspects of development. The CIRIA Manual provides information on design objectives and criteria for amenity and also gives detail on how different SuDS features (e.g. basins, swales and ponds) should be</p>	<p>The Council noted comments on shared ownership and maintenance agreements. ELC are currently in discussions with Scottish Water on this matter. Once agreement is reached, there will be a separate document outlining in detail these responsibilities.</p> <p>The Council notes the importance of highlighting the interaction between SuDS and open space. The SuDS SPG will be amended to include references to relevant open space policies within the Design Guidance section where SuDS could be designed to form part of open space requirements. The policies (in full) and any advice boxes or preamble text from the LDP 2018 will be included as an appendix to the final SuDS SPG.</p>
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	<p>designed to provide amenity value and gives supporting guidance on landscape and health and safety.</p> <p><b>Biodiversity</b>  We also consider whether it is possible for the East Lothian LDP policies with regard to biodiversity to be referenced to promote the contributions which SuDS can have in delivering biodiversity. The CIRIA Manual provides information on design objectives and criteria for biodiversity and also gives detail on how different SUDS features (e.g. basins, swales and ponds) should be designed to provide biodiversity value. We note there is discussion of this in the Information required for Planning Applications sections, however this may be better placed within the Design Guidance section.</p> <p><b>Water quality</b>  With regard to water quality, we note that reference is made to SEPA requirement for the CIRIA SUDS manual standards for water quality to be met (SEPA Regulatory Method WAT-RM-08 Sustainable Urban Drainage Systems) at the beginning of the document. It would be beneficial if this was reiterated in the Design Guidance section.</p> <p><b>Water quantity and flood risk</b>  We consider that there is an opportunity to provide further information with regards to water quantity and flood risk requirements in relation to SuDS. SuDS can be designed to include areas that are designated to flood on an infrequent basis, for example car park, roads, recreation areas and these areas should be designed and managed with this multifunctional purpose in mind.</p>	<p>Comments on biodiversity are noted and it is accepted that the design guidance section could make more references to specific opportunities for improving biodiversity for each SuDS type. This will be amended in the final version of the SuDS SPG.</p> <p>Comments noted and additional reference to requirement will be added to the final version of the SuDS SPG.</p> <p>The Council notes comments on adding more detail on water quantity. Reference is made to CIRIA’s four pillars and the SPG directs the reader to the full CIRIA SuDS Manual for further information. It is not intended to repeat such guidance in this SPG.</p>
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	<p>The CIRIA Manual provides further information including design objectives, criteria and standards for water quantity and also gives detail on the hydraulic design requirements for different SuDS features (e.g. basins, swales and ponds). The CIRIA manual also provides supporting guidance on hydrology and hydraulics.</p> <p><b>Construction and Maintenance</b> The CIRIA manual provides information on how design should take into account maintenance requirements. We recommend that this is identified within the guidance. An operation and maintenance manual should be made available to those responsible for the SUDS and directions to information on best practice with regard to construction.</p> <p>Further information on East Lothian Council Flood risk management requirements should be provided including requirements for exceedance design E.g. all of the development including roads and access areas should have no surface water up to the 1 in 30 year rain (except in the designated drainage features). For management of more extreme rain events between 1 in 30 and 1 in 200 year areas may be specifically designated for temporary flood storage or conveyance as part of the design of the surface water management system.</p>	<p>The SuDS SPG sets out what will be required from developers at the planning application submission stage. As discussions with Scottish Water are ongoing on maintenance agreements, the SuDS SPG does not propose to set out these requirements in detail as these will be within a separate document once agreement is reached.</p> <p>Comments noted on flood risk. The SUDS SPG has been amended to add additional references to flood risk management including the LDP 2028 policies within Appendix 1.</p>
011 (Scottish Water)	<p><b>Page 3 – Executive Summary</b> This doesn't appear to be reflected throughout the document as filter trenches via gullies and dismisses permeable surfaces on roads</p>	<p>Comments noted. These references have been amended in the final version of the SuDS SPG.</p>

	<p>Outwith site boundaries should also be considered when it may form part of a more strategic solution or opportunity to do so arises</p> <p>Assume they will adopt SUDS features that are not next to carriageway but deal with road run-off only?</p> <p>Is this possible if SW vests? SW needs land title and developers have placed doubt on the legality of including land not owned by residents within their factoring agreement. Also this conflicts with later statements stating it is the council's responsibility?</p> <p><b>Page 6 – Overview</b> There is a need for in curtilage SUDS to be required via Building Control (green roofs, permeable surfaces, rain gardens, soakaways, etc)</p> <p>SW's Surface water policy states that no combined sewer connection will be given. All alternative options must be investigated and evidence provided of viability.</p> <p><b>Design Guidance</b> <b>Page 6-7 - Detention Basins</b> What justification for this? Other public bodies (Transport Scotland to name one) and factors currently use sit on mowers for maintenance. This deviates from both SfS and Ciria SUDS manual referenced. Has this been agreed with factors who Council are making responsible? Also 1:3 and 1:4 slopes are detailed in the construction drawings later in the document</p>	<p>Reference removed from SuDS SPG.</p> <p>SuDS SPG has been amended to provide clarity on road run-off.</p> <p>Comments noted. The SuDS SPG has been amended to provide more information on vesting and future maintenance arrangements once the MOU between ELC and SW is signed.</p> <p>Comments noted however it is not felt that a reference to Building Standards is required here.</p> <p>Comments noted. The SuDS SPG has been amended to reflect SW's position regarding surface water, combined sewers and preference for separate systems.</p> <p>Comments noted. References to these gradients have been removed from the SuDS SPG in order to avoid confusion and to allow the Council to consider the proposal in terms of the upcoming MOU and Section 7 agreements.</p>
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	<p>There is no reference to SUDS for Roads document developed by SCOTS on behalf of LA's</p> <p>Planting again will need to be low maintenance</p> <p>Is there any if factoring agreement?</p> <p><b>Page 8 – Swales</b>  What justification for this? Other public bodies (Transport Scotland to name one) and factors currently use sit on mowers for maintenance. This deviates from both Sfs and Ciria SUDS manual referenced. Has this been agreed with factors who Council are making responsible? Also 1:3 and 1:4 slopes are detailed in the construction drawings later in the document</p> <p>What about the factor?</p> <p><b>Page 11-12 – Filter Trenches</b>  This conflicts with Executive Summary that "SUDS should replace the traditional system of road gullies" Kerbs should be avoided to promote sheet flow to the filter trench and avoid bypassing of filter media by direct piped connection</p> <p>Is there evidence of this? Can designated utility strips not be made visible by different blocks?</p> <p>This does not comply with statement in Executive Summary and also this option is within SUDS for Roads developed by SCOTS on behalf of LA's. This surface is widely considered for adoption throughout the UK.</p>	<p>Comments noted. This document is a useful resource and has now been included within the SuDS SPG.</p> <p>Comments noted and changes reflected in SuDS SPG.</p> <p>These will be set out in the upcoming MOU and as part of Section 7 agreements.</p> <p>Comments noted. Following discussions with Scottish Water, specific references to slopes have been removed. Additionally, greater clarity on future maintenance has been added to the SuDS SPG, including references to the future Memorandum of Understanding and Section 7 agreements.</p> <p>Comments noted and amendments made to final SuDS SPG.</p>
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	<p><b>Page 13 – Information Required for Planning Applications</b></p> <p>...in accordance with "Water Assessment and Drainage Assessment guide" published by SUDSWP in 2015</p> <p>A sentence should be added confirming ELC's agreement with SW to enter into a shared maintenance plan for shared surface water drainage systems serving roofs and roads.</p>	<p>Comments noted and amendment made to final SuDS SPG.</p> <p>Comments noted and amendment made to final SuDS SPG.</p>
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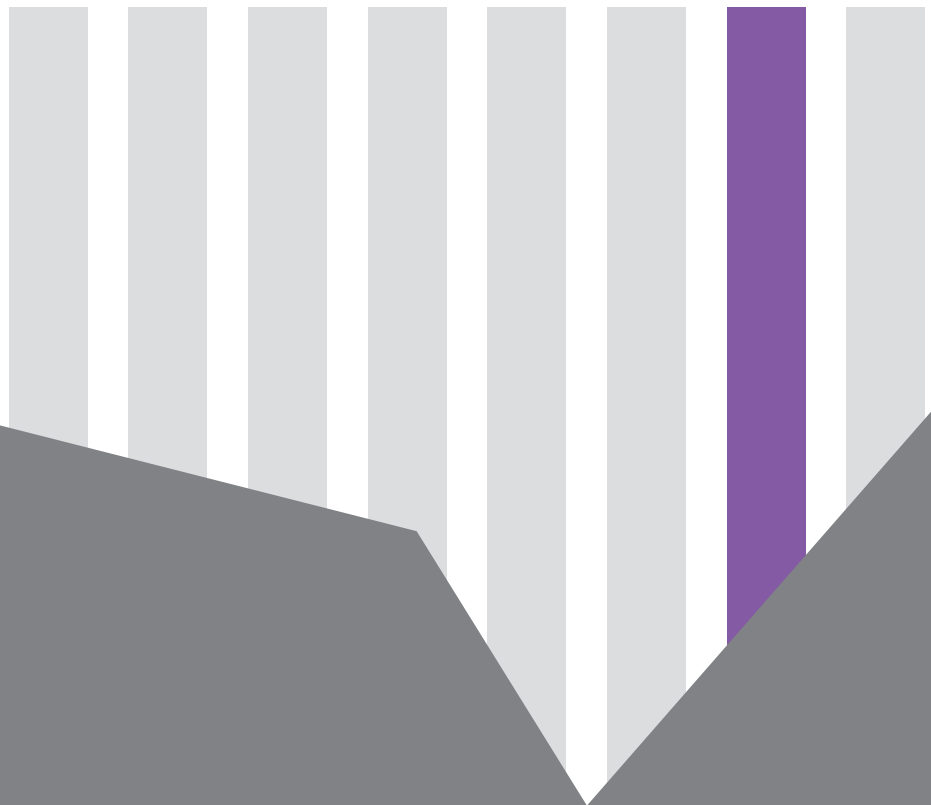




## local development plan 2018

# Sustainable Drainage Systems (SuDS)

supplementary planning guidance





## Executive Summary

Sustainable Drainage Systems (SuDS) deal with excess water from a site, and return it to the water system in a controlled manner to alleviate flood risk and reduce discharge of diffuse pollutants. SuDS should replace the traditional system of surface water entering directly into combined surface water and foul water sewers.

CIRIA's latest edition of *The SuDS Manual* provides advice on designing SuDS, some of which Scottish Water will vest if the SuDS also complies with their *Sewers for Scotland* technical guidance. *Sewers for Scotland* provides the minimum requirements for compliance, and has often been interpreted in a way that has resulted in SuDS features functioning as a water attenuation and treatment solution, but not maximising the full capability of the SuDS feature for biodiversity, recreational and amenity value.

This SuDS Supplementary Planning Guidance has been prepared by East Lothian Council's cross-service SuDS Working Group. It supplements the Local Development Plan 2018 policies regarding SuDS and flood risk management and links with wider Council policies, strategies and priorities. The SPG sets out the Council's preferred approach to the design, functionality and management of new SuDS features for all types of development to ensure that they are visually attractive, add value in terms of recreation, amenity and biodiversity, and can be maintained effectively.



*Figure 1: Detention basin providing water detention as well as usable attractive amenity space with a wide base and relatively shallow slopes. Source: The SuDS Manual C753*

### Credits

All images (unless stated otherwise) courtesy of Woods Ballard, B, Wilson, D, Udale-Clarke, H, Illman, S, Scott, T, Ashley, R, Kellagher, R (2015) *The SuDS Manual C753*, CIRIA, London (ISBN: 978-0-86017-759-3) [www.ciria.org](http://www.ciria.org)

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# 1. Overview

Sustainable Drainage Systems (SuDS) are an effective flood risk management and water treatment strategy within the built environment, helping to protect existing and new communities from the harmful effects of surface water flooding. SuDS function by managing surface water run-off by treating it as near to source as possible, slowing down the rate of discharge, treating water sustainably, and releasing it in a controlled way to watercourses or groundwater. Since 2006 SuDS have been a legal requirement<sup>1</sup> for most new developments<sup>2</sup>.

## 1.1 National Policy and Guidance

*Scottish Planning Policy (SPP) 2014* (paragraphs 254-268) requires Planning Authorities to promote flood avoidance, flood reduction, and avoidance of increased surface water flooding through the use of SuDS. Within Development Planning, this should be achieved through assessing flood risk at Strategic Flood Risk Assessment level, and the use of the flood probability risk framework to guide development. At the Development Management stage, regard must be had for the site characteristics, and the design and use of the proposed development. Depending on site location and characteristics, an assessment of flood risk through Flood Risk Assessments and Drainage Assessments should be undertaken in order to inform decision-making.

*Designing Streets: A Policy Statement for Scotland* uses six key qualities to define the characteristics and qualities of design and place. These are: Distinctive, Welcoming, Safe and Pleasant, Easy to Move Around, Adaptable and Resource Efficient. SuDS have a significant contribution to make in relation to the quality of the built environment and towards achieving these placemaking principles.

Further national guidance is also given in [Planning Advice Note 61 Planning and Sustainable Urban Drainage Systems](#) and [Planning Advice Note 79 Water and Drainage](#).

## 1.2 Local Policy

The Local Development Plan 2018 recognises the contribution SuDS can make towards high quality design and placemaking. It sets out in Chapter 6 (Advice Box 6: Water Environment and Policy NH9: Water Environment) the strategies and principles to be applied when designing new developments to protect and enhance the water environment. Policy NH10: Sustainable Drainage Systems explains how developers must incorporate SuDS features into new developments and the relevant standards to be applied depending on the type and location of SuDS feature. The LDP 2018 encourages the effective design and management of SuDS from the outset of development design. This is reflected through the requirement in Policy DP4: Major Development Sites criteria 16, where masterplans must describe and illustrate “*the type, location and incorporation of Sustainable Drainage Systems*”. Different types of SuDS require more areas of land than others, and consideration must be given at the start as to how buildings and SuDS can best be integrated into site layouts. This is particularly important to ensure that the benefits of SuDS for green networks, flood risk management, water quality, amenity, biodiversity, climate change adaptation and economic gain are maximised. Policy NH11: Flood Risk sets out how the Council will consider flood risk in relation to new development. This SuDS SPG also links closely to Policy DC10: The Green Network and the approved Green Network Strategy SPG.

<sup>1</sup> Water Environment (Controlled Activities) (Scotland) Regulations 2011 (as amended):

<sup>2</sup> Exceptions are single dwellings and low-risk direct discharges to coastal waters

The level of SuDS required is dependent on the nature and size of the proposed development and the environmental risk posed by it. SEPA’s “Simple Index Approach” (SIA) should be used to identify what level of treatment is appropriate for the development. Guidance on use of the SIA can be found in SEPA’s Regulatory Method 08 (WAT-RM-08) or Section 26.7.1 of the CIRIA SuDS Manual C753.

### 1.3 The Aim of this SuDS SPG

This SuDS Supplementary Planning Guidance seeks to provide developers with a clear understanding of how and why SuDS design and management must be carefully considered and form part of the overall design strategy for any development in East Lothian. SuDS design must be as a response to the specific location and context of the site, and developers/designers must demonstrate how the SuDS feature will provide additional benefits beyond just the engineering requirements of surface water management. CIRIA describe the four main categories of benefits that can be achieved by SuDS, referring to them as the four pillars of SuDS design, as shown in the diagram below.

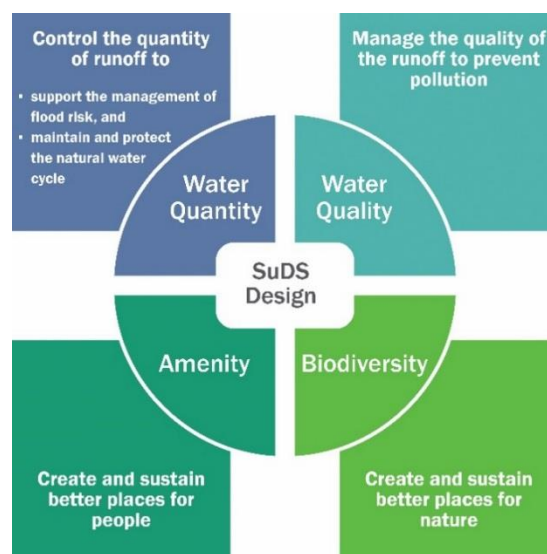


Figure 2: Four pillars of SuDS design as defined by CIRIA  
Source: The SuDS Manual C753

East Lothian Council require SuDS features to be well-designed to integrate with and enhance the built environment and surrounding landscape and contribute to high quality green space in line with LDP 2018 policies and CIRIA The SuDS Manual. SuDS can offer a wealth of opportunities within developments for both passive and active recreation for the local community. How these benefits will be achieved must be demonstrated in new development layouts, utilising one or more in the wide variety of SuDS features including (but not limited to) green roofs, rain gardens, soakaways, bio-retention, swales, filter trenches, permeable paving, detention basins and ponds. Multiple SuDS features can be used within a single site to provide the necessary treatment, and they must each contribute towards high quality design and placemaking.

To be considered as part of the Council’s on site open space requirements for new housing, SuDS need to provide both suitable surface water treatment (including flood attenuation and water quality) **and** enhanced landscape setting, benefits to biodiversity or useable recreational space. East Lothian Council supports well-designed SuDS solutions within amenity areas. In terms of public safety for ponds and similar features, the Council promotes the use of soft boundaries (i.e. planting) around SuDS and the avoidance of steep drops or sudden changes in level. This may avoid the need to fence them off. However, this would always require to be considered via an appropriate risk assessment.

## 1.4 Maintenance of SuDS – Memorandum of Understanding & Section 7 Agreements

At the time of writing this SuDS SPG, East Lothian Council are in discussions regarding a Memorandum of Understanding (MOU) between East Lothian Council and Scottish Water for the vesting and management/maintenance of SuDS that deals with surface water from both private curtilages and roads. It is the intention that the agreement will set out clear responsibilities for both above ground and below ground maintenance of SuDS features that are vested by Scottish Water and also deal with road run-off.



*Figure 3: Pond at Toll House Neuk in Windygoul, Tranent providing a distinctive area of wildlife and biodiversity interest well overlooked by surrounding housing adding to their visual amenity and contributing to placemaking principles. Source: author's photo*

## 2. Planning Applications – Submission Requirements for SuDS

SuDS must form an integral part of the design process from the start, be considered fully through the planning application process in terms of contribution to placemaking and environmental improvement, and into the construction, operation and maintenance phases.

East Lothian Council requires sufficient information to be submitted with any planning application that includes a SuDS to allow a full assessment to be made. This information must include how the SuDS features will contribute towards water management and flood risk reduction, placemaking, biodiversity, amenity and other benefits. A Drainage Assessment should be submitted with relevant planning applications, the content and detail of which will vary depending on the size of the development (see Part 3 of the [SUDSWP Water Assessment and Drainage Assessment Guide](#) for further guidance). Planning Advice Note 79: Water and Drainage should also be referred to. The assessment and accompanying drawings must demonstrate that the SuDS features have been sized to the required Treatment Volume (as per Simple Index Approach (SIA)), and confirm that the proposals comply with Sewers for Scotland standards (where applicable) or CIRIA The SuDS Manual where they are not to be vested.

Scottish Water should be contacted at an early stage to discuss the principle of development, network capacity and proposed SuDS. Although every site and proposal will vary, the following information should be provided, in addition to the engineering and technical details, to allow the full assessment of proposed SuDS features:

### 2.1 Applications for Planning Permission in Principle

- **An overall drainage strategy** - including a flood risk assessment and drainage assessment
- **SuDS Plan** - An appropriately scaled annotated site plan to show the approximate locations and land-take of the proposed SUDS features

### 2.2 Applications for Detailed Planning Permission

- **SuDS Plan** - An appropriately scaled annotated site plan to show the locations and land-take of the proposed SuDS features
- **SuDS sections** –sections through SuDS features showing its form and relationship with surrounding land
- **SuDS Features Maintenance Schedule** - Details of the annual and long-term maintenance which will be required for the system.
- **SuDS Maintenance Plan** – a plan showing who will have maintenance responsibilities for each area of land (for instance, the Local Authority, a communal factor, Scottish Water or individual home owners).
- **SuDS Features Risk Assessment** – Demonstrating that risks have been appropriately considered and mitigated
- **Details of compliance with *Sewers for Scotland* or *CIRIA The SuDS Manual* (as applicable)**
- **Outputs from Simple Index Approach (SIA) tool**

### 2.3 Ownership and Maintenance

The ownership and post-construction maintenance responsibilities of SuDS must be clearly set out from the start, whether this will be for homeowners, through communal factoring, Scottish Water or East Lothian Council. Refer to section 1.4 above on Maintenance of SuDS. For submission of planning applications, the maintenance schedule should accord with CIRIA C753 guidance. Additional



information is available in the SCOTS National Roads Development Guide: <http://www.scotsnet.org.uk/phone/national-roads-development-guide.html>. Should planning permission be granted, as part of the approval and the conditions of a planning permission, the Council will ensure compliance with the management and maintenance strategy.

#### 2.4 Roads Construction Consent (RCC)

Scottish Water approval will be required for SuDS they intend to vest in order to obtain Road Construction Consent (RCC). Scottish Water should be consulted as early as possible in the design process in order to confirm the features which are intended for them to vest are compliant with the current edition of Sewers for Scotland.

#### 2.5 Assessing SuDS design at the Planning Application stage

When assessing a proposal at project level, the key determining factor will be the policies in the Local Development Plan 2018. In addition to technical compliance, the Council will have regard to the following considerations on the suitability of a SuDS feature:

- Does the SuDS positively contribute to the visual amenity of the development?
- Does it contribute positively to the biodiversity value of the site?
- Is the developer proposing a SuDS feature to form part of their open space requirements, and if so, is it accessible and useable for the majority of the year?
- Why has this particular location and design been chosen?
- What alternatives locations and design have been considered? Why have they been dismissed?
- Has the Drainage Strategy demonstrated that the development has maximised opportunities to deal with surface water using SuDS features, thereby minimising the need for or use of underground pipes?

### 3. Design Guidance on SuDS

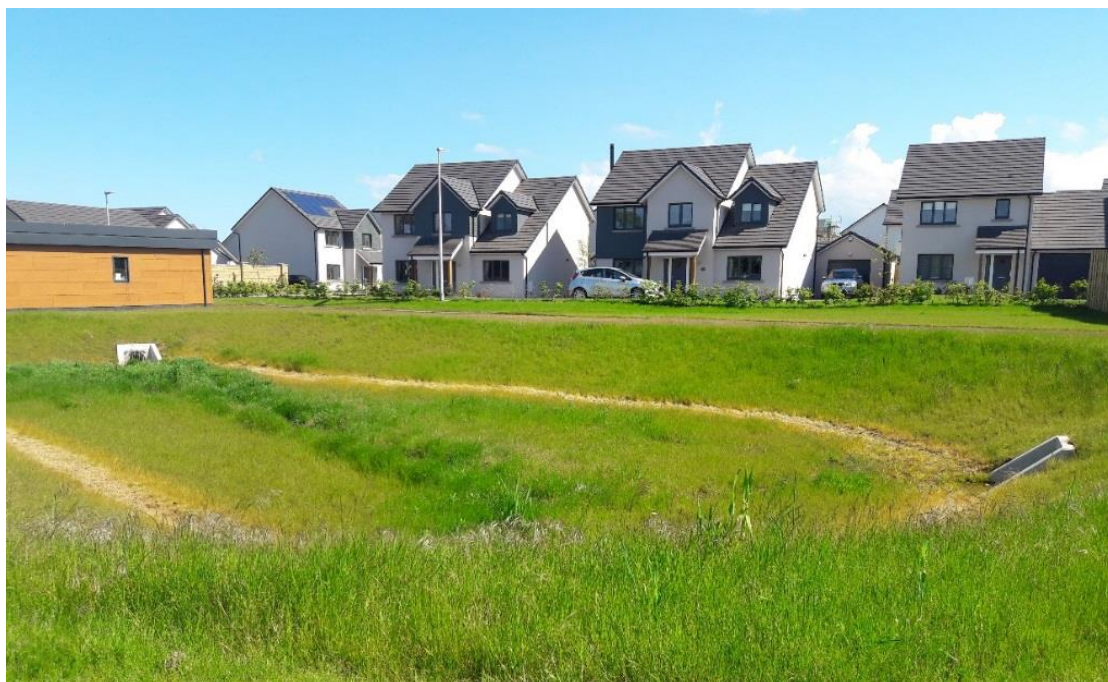
SuDS features, when designed and managed effectively, have a valuable contribution to make towards placemaking within new developments. They can significantly enhance the character of a development by providing attractive environments that buildings can be positioned around, create a focal point for a site or neighbourhood, link with other (existing or new) blue and green infrastructure, encourage social interaction, recreation and play, provide educational benefits on environment and wildlife, and help plant and animal species to thrive.

The following section describes the range of SuDS features that should be used within East Lothian to maximise the above benefits. In all cases SuDS must contribute positively to placemaking. For each type, the SPG provides any specific design requirements or considerations and how maintenance must be carried out. Photos of existing SuDS have been used to illustrate positive design features. For all SuDS types, the use of appropriate signage should be considered.

Proposals that involve enhancement of biodiversity in and around SuDS features should help to implement the Council's Green Network Strategy SPG. The location of SuDS and their amenity value should also be considered in relation to providing points of interest along sustainable travel corridors.

Proposals must also demonstrate that changes to the existing topography will not have a detrimental effect on existing wetlands, habitat, groundwater or watercourses.

In order to improve awareness of maintenance responsibilities and to promote educational benefits of SuDS features, the use of interpretation boards close to the SuDS feature is strongly encouraged. This should include details of the function of the SuDS, such as whether it is a generally wet or dry feature, safety information such as the maximum water depth (where applicable), how the SuDS may change during heavy rainfall, types of planting used and the insect and animal species it may attract, and contact details in the event that there is a need to report a maintenance or safety issue.



*Figure 4: A detention basin in North Berwick with shallow depth and side slopes providing water detention as well as attractive amenity space. A space that contributes to placemaking values by being welcoming, safe and pleasant, as well as resource efficient. Source: author's photo*

### 3.1 Detention Basins

Detention Basins are indentations which capture surface water run-off in times of flood, and release it slowly into the downstream system. They are expected to be dry for much of the year. Detention basins can be designed for either infiltration or attenuation, depending on site conditions.

If detention basins are to be included as recreational open space, consideration should be given to the following:

- The area must be accessible to all. This means side slopes of a suitable gradient for at least part of the basin or accessible paths across steeper slopes.
- It must be easy for people to escape the basin in times of a flood.
- *Sewers for Scotland* notes that the dual use of detention basins as passive public open space for recreation activities can be considered where the area is subject to flooding from events less frequent than the 1-year return period and where it can be clearly distinguished from the area providing flood storage for more frequent events.
- Where a dual use is proposed, the installation of educational and warning signage i.e. explaining the purpose/operation of the basin and any other measures identified within an appropriate risk assessment by the developer.
- Detention basins with a flat base size of a minimum of 60m x 40m can form an informal sports pitch.

In all cases the following will apply:

- The slope gradient, depth and profile of a detention basin must be considered together and must be informed by site specific characteristics and landscape, design, amenity and biodiversity objectives.
- Although *Sewers for Scotland* specifies that the side slopes of basins must not be steeper than 1 in 4, East Lothian Council strongly encourages shallower slopes and a variety of slope gradients to create visual interest.
- In accordance with *Sewers for Scotland* and CIRIA, the shape profile of basins should not be geometric and angular but curved, giving a more natural and interesting appearance.
- Where the side slopes are designed to be grass covered and cut the gradient must be agreed with East Lothian Council to enable reasonable maintenance.
- Planting should be low maintenance.



Figure 5: Detention basin with amenity planting and easy access for maintenance. A space that contributes to placemaking values by being welcoming, safe and pleasant. Source: *The SuDS Manual C753*

If other adequate informal recreational space is delivered elsewhere within the development and within an adequate radius of the housing units then a detention basin can be considered to form part of the landscape setting and potentially biodiversity enhancement. Although detention basins are typically grassed, where basins are not lined, they should be planted with a mix of suitable low-maintenance native plant species, including flowering plants, to benefit amenity and biodiversity by providing wildlife habitats (see [ELC Green Network Strategy SPG](#)). Planting can also help prevent erosion and slow flows across the basin thereby increasing sediment settling.



*Figure 6: Detention basin providing water detention as well as usable attractive amenity space with raised areas for planting and a variety of side slope gradients, being adaptable and resource efficient. Source: The SuDS Manual C753*

Topsoil depths should be appropriate for the type of planting.

- 100mm subsoil for wildflower meadow planting
- 150mm topsoil for amenity grass
- 450mm for shrub planting
- Trees will require individual pits up to 1m in depth

Planting within SuDS basins must comprise of robust plants that are tolerant of a wide range of conditions, both wet and dry. When determining planting species, consideration must also be given to the effects of varying water levels, extreme winds, and seasonal changes (e.g. autumn) on the increased risk of blockage to flow control features. Small pools planted with wetland and marginal plants may be included as a feature of a detention basin. However, consideration must be given to the possibility of these drying out completely in summer months and the consequences for the planting.

To ensure that the SuDS feature remains attractive and well-maintained, a maintenance schedule must be provided at the planning application stage to allow assessment of the long-term maintenance

responsibility. An example of a maintenance schedule is given in table 22.1 on page 483 of the CIRIA C753 The SuDS Manual.



Figure 7: A SuDS basin within a larger area of landscaping creating an attractive landscaped area that is distinctive, welcoming, safe and pleasant, adaptable and resource efficient. Pinkie Park, Battlefield Drive, Musselburgh. Source: author's photo

## 3.2 Swales

Swales are shallow, flat bottomed, vegetated, open channels that can have multiple functions including:

- Water conveyance – the swale collects surface water run-off and moves it to another part of the treatment system.
- Water treatment – if the swale includes a filter trench in the base this provides water collection and treatment through a filter medium.
- Water retention - swales can also be designed to be wet with a permanent shallow level of water in the base supporting wetland planting.

Swales provide the opportunity to introduce green vegetated areas into road corridors where there would be limited open space value of grass as play space. Vehicles must be prevented from parking or over-running the edges. Short sections of swale between driveways need to be carefully designed to discourage vehicle encroachment. This may be achieved by use of planting with shrubs or trees rather than grassed.



*Figure 8: Shallow formal grassed swale wide and shallow enough to be cut by a ride-on mower. Note low fence to prevent vehicle over-run. Source: The SuDS Manual C753*

The depth, width and slope gradient of swales must be considered together, informed by site characteristics, the design objectives for the site and a risk assessment.

As it can be difficult for grass-cutting equipment to navigate the swales, alternative planting material should be considered as appropriate for the function of the swale and whether it is expected to be predominantly wet or dry. Where the side slope is designed to be grass covered and cut as part of the maintenance schedule, the gradient must be agreed with East Lothian Council.

Planting in a swale in natural soil must be robust and tolerant of a wide range of conditions, both wet and dry. Planting schemes in an under-drained swale must be drought tolerant. Trees should be kept to the natural soil banks.



Figure 9 (above and right): Examples of wet and dry planted swales, contributing to placemaking principles by being distinctive, welcoming, safe and pleasant, adaptable and resource efficient. Source: *The SuDS Manual C753*

As swales are generally shallow surface features they must be designed in order not to present significant risk or danger to the health and safety of the public. This needs to be considered as part of an appropriate risk assessment by the developer.



Figure 10: Natural play within a shallow swale providing distinctive adaptable and resource efficient space that is well overlooked and has high amenity value. Source: *The SuDS Manual C753*

### 3.3 Ponds or Wetlands

Well-designed and maintained permanent water bodies such as ponds and wetlands can offer important aesthetic, amenity and wildlife benefits to development sites. While in dense urban environments, a hard landscaped pond may be appropriate, in the semi-rural setting of East Lothian ponds or wetlands are likely to be naturalistic features with shallow planted and grassed side slopes.

Ponds which are to function as SuDS features should be designed by appropriately skilled landscape professionals in conjunction with engineers in order to ensure aesthetic quality, effective integration within the landscape and performance as a community resource.

Depending on their location, the balance of visual amenity and habitat provision can be adjusted accordingly:

- At the core of the development – a pond or wetland should provide an aesthetically pleasing feature with a range of habitats to suit native and desirable species.
- As part of the wider landscape setting or on the periphery of the site, the focus should be on biodiversity and habitat provision within a landscape that reflects native species. In such cases the design should demonstrate connectivity with adjacent green corridors to enable species migration.

In terms of public safety, the Council promotes soft boundaries and the avoidance of steep drops and sudden changes in level. This may eliminate a requirement for fencing and retains a more naturalistic appearance to the SuDS pond. However, this would also require to be considered via an appropriate risk assessment by the developer. This approach also enables efficient maintenance by allowing the use of ride on grass cutting equipment. Soft boundaries can be achieved by incorporation of low to medium height marginal planting, varying grass cutting heights and gentle shelves to ponds.

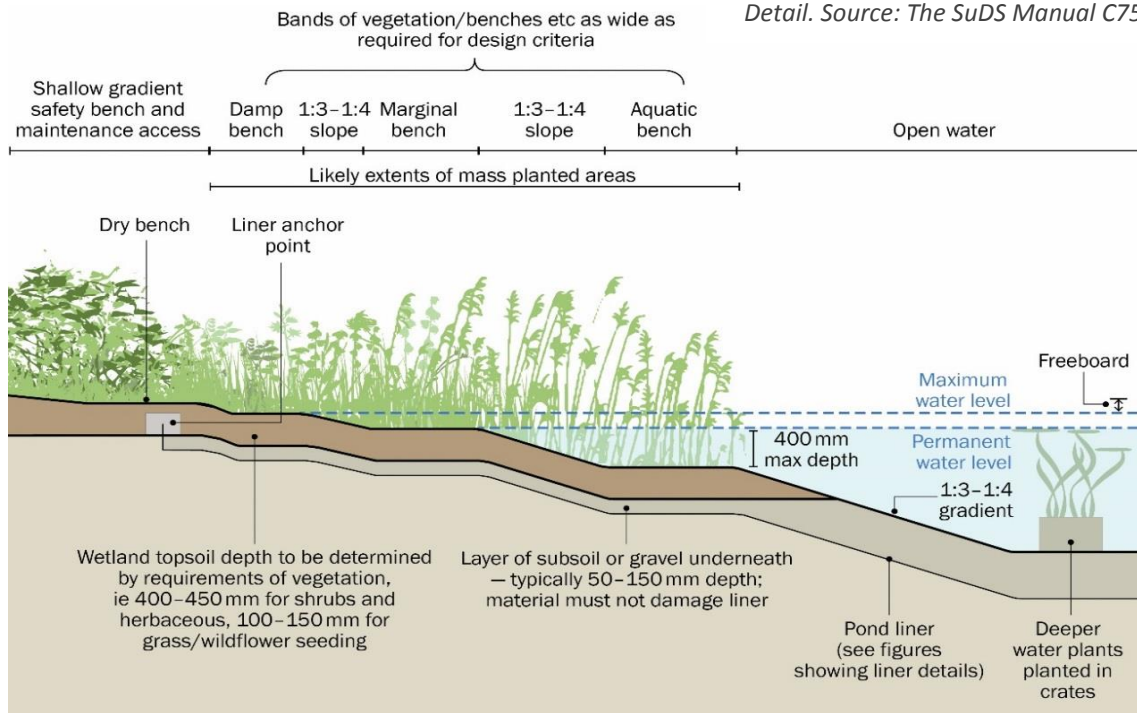


*Figure 11: SuDS basin / pond in North Berwick for C400 houses within a larger area of landscaping creating an attractive more formal landscaped area that is both distinctive and welcoming, contributing to placemaking.  
Source: author's photo*



In order to provide effective water treatment functions the 'effective' area of a pond needs to be 1 metre deep. However, there should be a mix of water depths (as indicated in Figure 11 below) and a minimum of 150mm water depth to provide adequate capacity to sustain desirable species. Gentle changes in slope around the pond perimeter as indicated in Figure 11 below allow the development of different types of wetland vegetation. Locating new ponds close to existing water bodies can benefit biodiversity.

Figure 12: Typical Planted Pond Edge Detail. Source: The SuDS Manual C753



Notes: Width, surfacing and extent etc of safety bench and maintenance access all dependent on site, size of pond, maintenance requirements etc

Further information on the design of ponds can be found in the current edition of Sewers for Scotland and/or CIRIA guidance. Information on appropriate planting for ponds can be found in Appendix B.



Figure 13: Roads and playing pitches drainage at Law Primary, Haddington Road, North Berwick, naturally regenerating with local species, and providing access for education via a boardwalk. Source: author's photo

### 3.4 Filter Trenches

Filter drains or filter trenches are linear features filled with a filter material such as gravel. They may have perforated pipes along the bottom to convey the water that percolates down through the filter material. They can be positioned at the bottom of dry swales or be on their own. They must be protected from silting up through upstream protection. Roadside filter trenches can be of the 'French style' that are open, usually stone filled up to the ground surface, or enclosed under a hard or soft surface. With reference to the following section on permeable paving, it is the Council's preference (in residential areas) to have filter trenches located underground with access chambers at significant changes in direction, or at a maximum spacing of 20 metres to facilitate ease of maintenance.

### 3.5 Permeable Paving

Permeable paving can be accepted in private parking areas and driveways. East Lothian Council will not generally accept permeable paving on roads and parking areas that will be adopted by the Council.

Utility services should be minimised under permeable paving to avoid disruption to the water attenuation and treatment elements of the permeable paving, should access to the underground services be required.

Permeable paving must be clearly identified on the maintenance and factoring plan and details on the maintenance of these features included within the maintenance schedule. Information on the requirement to retain and maintain these must be provided to householders where provided within private curtilages.

### 3.6 Other SuDS Features

There are a variety of other types of SuDS features that may be supported where they follow the recommendations of the SPG, and subject to detailed design and statutory consents.

### 3.7 Further Guidance and Best Practice Examples

A number of examples of best practice exist and applicants are recommended to refer to these. In particular, The CIRIA SuDS Manual Version 6 and subsequent updates published by CIRIA, offers detailed guidance on the technical requirements of SuDS design, as well as demonstrating how the ethos of combining technical requirements with amenity, aesthetic and biodiversity considerations can be best achieved.



*Figure 14: Swale planted for biodiversity and amenity, adding to placemaking principles by being distinctive and welcoming. Source: The SuDS Manual C753*



*Figure 15: Wet swale example contributing to placemaking by creating attractive and distinctive space that is overlooked to be safe and pleasant, shallow slopes to be easy to move around, and being adaptable and resource efficient. Source: The SuDS Manual C753*



*Figure 16: Pond example with barrier planting preventing access to standing water and interpretation board with information on the requirements for and biodiversity value of the pond. Source: The SuDS Manual C753*



*Figure 17: Pond example with dipping platform over shallow water. Source: The SuDS Manual C753*

## Appendix A: Local Development Plan 2018 policies and advice

### **POLICY NH10: Sustainable Drainage Systems**

*All development proposals must demonstrate that appropriate provision for Sustainable Drainage Systems (SuDS) has been made at the time of submitting a planning application, except for single dwellings or developments in coastal locations that discharge directly to coastal waters where there is no or a low risk to designated bathing sites and identified Shellfish Waters. Sufficient space for proposed SuDS provision, including the level and type of treatment appropriate to the scheme of proposed development, must be safeguarded in site layouts. Provision must also be made for appropriate long-term maintenance arrangements to the satisfaction of the Council.*

*A drainage assessment may also be required to show the impact of a 1 in 200-year rainstorm event. SuDS schemes should be designed with an allowance for climate change.*

*Proposals must also demonstrate how SuDS will be used to promote wider benefits such as placemaking, green networks and biodiversity enhancement.*

See also preamble text from paragraph 6.25 to paragraph 6.30 and Advice Box 8.

### **POLICY NH11: Flood Risk**

*Development that would be at unacceptable risk of flooding will not be permitted. New development within areas of medium to high risk of coastal or watercourse flooding (with greater than 0.5% annual probability of flooding) should generally be avoided in accordance with the provisions set out in Advice Box 8.*

*All relevant development proposals will be assessed based on the probability of a flood affecting the site and the nature and vulnerability of the proposed use, taking into account the following:*

- a) the characteristics of the site and any existing or previous development on it;*
- b) the design and use of the proposed development, including use of water resistant materials and construction;*
- c) the size of the area likely to flood;*
- d) depth of flood water, likely flow rate and path, and rate of rise and duration;*
- e) the vulnerability and risk of wave action for coastal sites;*
- f) committed and existing flood protection methods: extent, standard and maintenance regime;*
- g) the effects of climate change, including an appropriate allowance for freeboard;*
- h) surface water run-off from adjoining land;*
- i) culverted watercourses, drains and field drainage;*
- j) cumulative effects, especially the loss of storage capacity;*
- k) cross-boundary effects and the need for consultation with adjacent authorities;*
- l) effects of flood on access including by emergency services; and*
- m) effects of flood on proposed open spaces including gardens.*

*Flood Risk Assessments will normally be required for proposals within the medium to high risk category of flood risk. They may also be required in the low to medium category in certain circumstances, for example at the upper end of the probability range or for essential infrastructure and the most vulnerable uses.*

*Development proposals will not be supported if they would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain will be resisted given the cumulative effects of reducing storage capacity.*

*Areas of land that contribute to sustainable flood management, or have the potential to do so, will also be safeguarded from inappropriate development by this policy. These areas will include locations where the Council will promote flood defences in Musselburgh and Haddington once solutions are identified through the outputs of its Local Flood Risk Management Plan.*

#### **POLICY DC10: The Green Network**

*All relevant development must make provision for the Green Network in accordance with the relevant Development Brief and the Council's Green Network Strategy supplementary planning guidance once adopted. This will include the provision of off-site Green Network measures where identified in the Green Network Strategy, and where relevant as set out in a Development Brief. Where loss or reduction in quality to any element of the Green Network is required to facilitate development, alternative provision to the satisfaction of the Council must be provided.*

See also preamble text from paragraph 5.24 to 5.26.

#### **Policy OS3: Minimum Open Space Standard for New General Needs Housing Development**

See paragraph 3.127 and Advice Box 2.

*Developments of 20 and more dwellings must provide open space in line with Section 1. On-site provision of open space is encouraged for developments of less than 20 dwellings but is not required. The Council will require developer contributions in lieu of on-site provision of open space in line with Section 2. Developers must make provision for the future management and maintenance of open space to the satisfaction of the Council.*

##### Section 1: On-site provision

*For developments of 20 and more dwellings the minimum requirement for on-site provision of open space is 60m<sup>2</sup> per dwelling. This will consist of provision of formal and informal open space as well as space for equipped play areas in accordance with Policy OS4. Proposal shall also make provision for natural green space, which will provide suitable recreational opportunities close to home, and where possible will link these areas to wider networks including core paths and recreational routes. Arrangements must be in place for management and maintenance of all types of open space to the satisfaction of the Council.*

*Where a development forms part of an area for which there is a masterplan approved by the Council, open space must be provided in accordance with the approved masterplan; this may require greater provision than that described above.*

*Where developers justify an exceptional circumstance that is acceptable to the Council it may reduce the minimum standard.*

##### Section 2: Off-site enhancement

*The Council will require developer contributions toward off-site enhancement of existing open space in circumstances where:*

- i. The open space to be enhanced is easily accessible from the development and is of a size that can accommodate increased use generated by the development; and*
- ii. The fabric of the open space requires enhancement as a direct consequence of the development.*

*Arrangements must be in place for management and maintenance to the satisfaction of the Council.*

## Appendix B: Guidance on Plant Species for SuDS

The following lists native species that should grow well in marshy or aquatic conditions in East Lothian, and is provided for guidance only. Species should be selected based on site conditions and adjacent habitats and planting locations should be determined in consultation with a specialist, such as a landscape architect. Each species is available from commercial stockists, either as part of a seed mix or as plug plants. *Typha* species should be used with caution as they have the potential to dominate a wetland area. These species should therefore only be used in specific circumstances, where conditions will limit the spread.

### Low Growing Pond and Marsh Species

These species are preferred as they commonly grow as a mix of species to create diverse wetland vegetation communities.

- *Achillea ptarmica* (Sneezewort)
- *Alisma plantago-aquaticum* (Water Plantain)
- *Angelica sylvestris* (Wild Angelica)
- *Caltha palustris* (Marsh Marigold)
- *Carex ovalis* (Oval Sedge)
- *Dipsacus fullonum* (Teasel)
- *Eriophorum vaginatum* (Hare's-tail Cotton Grass)
- *Geum rivale* (Water Avens)
- *Galium palustre* (Marsh Bedstraw)
- *Hypericum tetrapterum* (Square-Stalked St John's Wort)
- *Lychnis flos-cuculi* (Ragged Robin)
- *Lythrum salicaria* (Purple Loosestrife)
- *Mentha aquatic* (Water Mint)
- *Myosotis scorpioides* (Water Forget-me-not)
- *Polygonum amphibium* (Amphibious Bistort)
- *Potentilla palustris* (Marsh Cinquefoil)
- *Primula veris* (Cowslip)
- *Primula vulgaris* (Primrose)
- *Prunella vulgaris* (Selfheal)
- *Ranunculus flamula* (Spearwort)
- *Stachys palustris* (Marsh Woundwort)
- *Valeriana dioica* (Marsh Valerian)
- *Veronica beccabunga* (Brooklime)

### Tall Species

These species are taller and more robust, and therefore suitable for planting around water margins as they are tolerant of a range of conditions including shallow water or damp ground. They can become dominant if the conditions are suitable, which will reduce overall plant diversity and can reduce landscape quality. Pond design should take into account planting conditions when using these species to restrict their spread.

- *Filipendula ulmaria* (Meadowsweet)
- *Iris pseudacorus* (Yellow Flag Iris)
- *Juncus spp* (Rushes)
- *Phalaris arundinacea* (Reed Canary Grass)
- *Phragmites communis* (Common Reed)



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**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 June 2019

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Summer Recess Arrangements 2019

---

**8**

## **1 PURPOSE**

- 1.1 To advise Members of the arrangements for dealing with Council business during the summer recess 2019.

## **2 RECOMMENDATIONS**

Council is requested to:

- 2.1 Approve the application of the recess business arrangements, in accordance with Standing Order 15.5, effective from the close of this meeting until the Council meeting of 27 August 2019 (outlined at Section 3.1); and
- 2.2 Note that a summary of business carried out during the recess period will be brought to the Council meeting of 27 August 2019, and that copies of all reports approved during the recess period will be lodged in the Members' Library.

## **3 BACKGROUND**

- 3.1 Rule 15.5 of the Council's Standing Orders states that:

Between the last scheduled Council meeting prior to the summer/election recess and the first meeting following the summer/election recess, a minimum of two of the Provost, Depute Provost, Leader, Depute Leader, together with the Convener/Depute Convener of the appropriate committee, will deal in their discretion with the urgent business of the Council presented to them for consideration by the Chief Executive, or officers authorised by him/her to act on his/her behalf.

For the avoidance of doubt, matters that require approval of two-thirds of Councillors cannot be dealt with under this Standing Order.

- 3.2 It is advised that a report outlining the business that has occurred over the recess period and that have required the application of Rule 15.5 will be brought to the Council meeting of 27 August 2019 for noting.
- 3.3 Business dealt with under delegated powers and submitted to the Members' Library will continue to be processed using the normal procedures.

#### **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

<b>AUTHOR'S NAME</b>	Lel Gillingwater
<b>DESIGNATION</b>	Team Manager – Democratic and Licensing
<b>CONTACT INFO</b>	<a href="mailto:lgillingwater@eastlothian.gov.uk">lgillingwater@eastlothian.gov.uk</a>
<b>DATE</b>	3 June 2019

MOTION TO EAST LoTHIAN COUNCIL

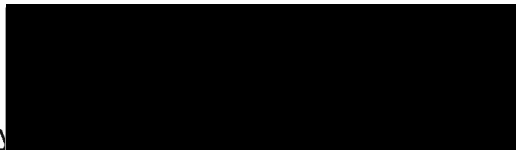
25<sup>th</sup> June 2019

To amend the Scheme of Administration to the Standing Orders of East Lothian Council in relation to the Remit and Powers of the Common Good Committees by adding a new Paragraph 5A:

“The Common Good Committee will consider every application for a grant that has been submitted to East Lothian Council for its own area. It will in the first instance determine the validity of the application and decide whether it meets the established criteria for the use of Common Good Funds namely (a) that the application has been made by a resident who lives within the boundaries shown on the Common Good maps or by an organisation that operates within those areas and (b) that it clearly demonstrates how any grant that might be awarded will bring benefit to the community of those areas as a whole. If it is decided by the Committee that an application is valid and that it meets the criteria, the Committee will then proceed to consider the merits of the application itself and to make a decision on whether or not to grant the application. No application can be granted if it is not valid and does not meet the criteria.”

Proposed by: 

Date: 11 JUNE 2019

Seconded by 

Date: 11 JUNE 2019

EAST LoTHIAN COUNCIL  
RECEIVED  
11 JUN 2019  
LEGAL & PROCUREMENT



MOTION TO EAST LoTHIAN COUNCIL

25<sup>th</sup> June 2019

Amendment to the Schedule of Administration:

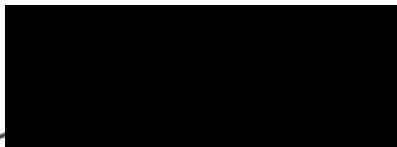
Cabinet

10

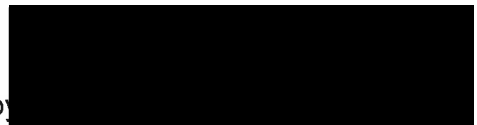
B1. Add new sentence:

In appointing councillors to the Cabinet, the Council shall seek to achieve political balance. In the event that this cannot be achieved, the Council may adjust the membership of the Cabinet by way of reducing the number of places on the Committee, or by appointing members of any political group/independent Councillors to the vacant places."

Proposed by:



Seconded by:



Date:

11 June 2019

Date:

11<sup>th</sup> June 2019

EAST LoTHIAN COUNCIL  
RECEIVED  
11 JUN 2019  
LEGAL & PROCUREMENT



**REPORT TO:** East Lothian Council

**MEETING DATE:** 25 June 2019

**BY:** Depute Chief Executive (Resources and People Services)

**SUBJECT:** Submissions to the Members' Library Service  
12 February – 10 June 2019

---

**11**

## **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 12 February and 10 June 2019, 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

<b>AUTHOR'S NAME</b>	Lel Gillingwater
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<b>DATE</b>	10 June 2019



**MEMBERS' LIBRARY SERVICE RECORD FOR THE PERIOD  
12 February – 10 June 2019**

<b>Reference</b>	<b>Originator</b>	<b>Document Title</b>	<b>Access</b>
18/19	Head of Infrastructure	Grant of Servitude Rights at Campie Lane, Musselburgh	Private
19/19	Head of Council Resources	Treasury Management Strategy 2019/20 – 2023/24	Public
20/19	Head of Development	East Lothian Local Development Plan 2018: Supplementary Guidance – East Lothian Town Centre Strategies	Public
21/19	Head of Development	East Lothian Local Development Plan 2018: Supplementary Guidance – East Lothian Town Centre Strategies Report on Publicity and Drop-in Sessions	Public
22/19	Head of Development	East Lothian Local Development Plan 2018: Combined Responses Received to Consultative Draft Supplementary Guidance – Town Centre Strategies	Public
23/19	Head of Development	East Lothian Local Development Plan 2018: Supplementary Guidance – East Lothian Town Centre Strategies – Tracked Change Version	Public
24/19	Head of Development	East Lothian Local Development Plan 2018: Supplementary Planning Guidance – Green Network Strategy	Public
25/19	Head of Development	East Lothian Local Development Plan 2018: Supplementary Planning Guidance – Green Network Strategy – Consultation Report	Public
26/19	Head of Development	East Lothian Local Development Plan 2018: Supplementary Planning Guidance – Design Standards for New Housing Areas	Public
27/19	Head of Development	East Lothian Local Development Plan 2018: Supplementary Planning Guidance – Design Standards for New Housing Areas – Summaries of Responses to Consultation	Public
28/19	Head of Infrastructure	Assignment of Ground Lease at Belhaven Bay Chalet Park	Private
29/19	Head of Infrastructure	Sale of Land at Dunbar Harbour	Private
30/19	Head of Infrastructure	Sale of Land at Meadowmill, Tranent	Private
31/19	Head of Communities and Partnerships	Building Warrants issued under Delegated Powers – January 2019	Public
32/19	Depute Chief Executive (Resources and People Services)	Service Review Report – Wraparound Care	Private
33/19	Depute Chief Executive (Resources and People Services)	Service Review Report – Review of Council Support	Private
34/19	Head of Communities and	ELC Museum Service – Collections Policies	Public

	Partnerships		
35/19	Head of Development	Award of contract (CON-ELC-19-1914) for the delivery of External Wall Insulation (EWI) to Council Orlit type properties throughout East Lothian as well as facilitating the HEEPS: ABS programme for private dwellings in the same areas.	Public
36/19	Head of Development	Council Housing Allocations Policy 2019 – Consultation Exercise	Public
37/19	Head of Communities and Partnerships	Re-alignment of Communities & Partnerships	Private
38/19	Head of Council Resources	Establishment Changes for February 2019	Private
39/19	Head of Development	Ratification of SESplan Budget 2019-20	Public
40/19	Chief Social Work Officer	Position Statement on Commercial Sexual Exploitation and associated briefing paper	Public
41/19	Depute Chief Executive (Partnerships & Community Services)	Building Warrants Issued under Delegated Powers between 1 and 28 February 2019	Public
42/19	Head of Infrastructure	Community Empowerment (Scotland) Act 2015	Public
43/19	Head of Development	Update on commercial and legal agreements relating to the MH1 allocation in the Adopted Local Development Plan	Private
44/19	Head of Infrastructure	Sale of 12 sqms of land, Musselburgh	Private
45/19	Head of Infrastructure	Proposed House Alterations and Extension at 29 McCall Gardens, East Linton	Public
46/19	Head of Infrastructure	Proposed House Alterations and Extension at 24 Park Road, Gifford	Public
47/19	Depute Chief Executive (Partnerships & Community Services)	Community Housing and Homeless Service Review – Phase 2	Private
48/19	Head of Communities & Partnerships	Council Values, East Lothian Way Behaviours and Staff Charter	Public
49/19	Head of Infrastructure	Contract Award for the Treatment, Recovery and Final Disposal of Waste	Private
50/19	Head of Council Resources	Bad Debt Write Offs (under £50k in value)	Public
51/19	Head of Council Resources	Charging Policy 2019	Public
52/19	Head of Council Resources	Review of Key Front-line Posts within the Arts Business Unit within Community Partnerships	Private
53/19	Head of Council Resources	Establishment Changes for March 2019	Private
54/19	Head of Development	'My Place, My Space' Project	Public
55/19	Head of Communities & Partnerships	Building Warrants Issued under Delegated Powers between 1 <sup>st</sup> and 31 <sup>st</sup> March 2019	Public
56/19	Head of Council Resources	Service Review - Democratic Services, People and Governance	Private

57/19	Head of Communities & Partnerships	One Council Partnership Funding 2019/20	Public
58/19	Depute Chief Executive (Partnerships and Community Services)	Discretionary Discount/Subsidy Charges for Lets	Public
59/19	Head of Council Resources	(SRR) Creation of Sports Coach – Hockey Post	Private
60/19	Head of Council Resources	(SRR) Public Toilet Review – Staffing Report	Private
61/19	Head of Infrastructure	Sale of Land in North Berwick	Private
62/19	Head of Infrastructure	Sale of Land at Meadowmill	Private
63/19	Head of Infrastructure	Foresters Park, Tranent – Car Park Improvements Asbestos Remediation Work	Public
64/19	Head of Infrastructure	Framework Award - Provision of Disabled Access Ramps to Council Properties	Public
65/19	Head of Infrastructure	Framework Award - Provision of Extensions and Alterations to Council Houses	Public
66/19	Head of Infrastructure	Framework Award - Provision of Bathroom and Shower Room Adaptations to Council Houses	Public
67/19	Head of Development	Tenant Participation Support Contract 2019-2022	Public
68/19	Head of Children & Adult Services	Children's Services Section 10 Grant Funding 2019/20	Public
69/19	Head of Council Resources	Establishment Changes for April 2019	Private
70/19	Head of Council Resources	Fees for requests submitted under the Environmental Information (Scotland) Regulations 2004	Public
71/19	Head of Communities & Partnerships	Building Warrants issued under Delegated Powers between 1 <sup>st</sup> and 30 <sup>th</sup> April 2019	Public
72/19	Head of Development	Twinning Association Grant Allocation 2019/2020	Public
73/19	Head of Council Resources	Establishment of Letham Mains Primary School Staffing Structure	Private
74/19	Head of Development	Council Housing Allocations Policy – Homelessness Points Adjustment	Public

		and Small Wording Change	
75/19	Head of Infrastructure	Sale of Property in Ormiston	Private
76/19	Head of Council Resources	Review of Behaviour Support Officer and Enhanced Support Officer Post's within Central Education	Private
77/19	Head of Infrastructure	Roads (Scotland) Act, 1984, Sections 16 (2) & 18 (1) - Additions to the List of Public Roads 2019	Public
78/19	Head of Infrastructure	Sale of Land, Dunbar	Private
79/19	Head of Infrastructure	Acquisition of Land at Old Craighall	Private
80/19	Head of Development	Review of Voids Management Policy	Public
81/19	Head of Council Resources	Creation of Service Manager - Curriculum, Employability & School Estates	Private
82/19	Head of Development	Consultative Draft East Lothian Climate Change Strategy 2019-2024	Public
83/19	Head of Development	Consultative Draft East Lothian Climate Change Strategy 2019-2024: Supporting Papers	Public
84/19	Head of Development	Aberdeen Standard Investments (ASI) Scottish Open and ASI Ladies Scottish Open 2019	Public
85/19	Head of Council Resources	Quarterly Customer Feedback Reporting	Public
86/19	Head of Infrastructure	Sale of land, North Berwick	Private
87/19	Head of Education	School Clothing Grants	Public
88/19	Head of Development	East Lothian Local Development Plan 2018 – Proposed Supplementary Planning Guidance on Countryside and Coast	Public

10 June 2019