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Mr A Stewart  
East Lothian Council  
Sent By E-mail

Our ref: LDP-210-1

12 March 2018

Dear Mr Stewart

**PROPOSED EAST LOTHIAN LOCAL DEVELOPMENT PLAN  
THE TOWN AND COUNTRY PLANNING (DEVELOPMENT PLANNING)  
(SCOTLAND) REGULATIONS 2008**

**SUBMISSION OF THE REPORT OF THE EXAMINATION**

We refer to our appointment by the Scottish Ministers to conduct the examination of the above proposed plan. Having satisfied ourselves that the planning authority's consultation and engagement exercises conformed with their participation statement our examination of the proposed plan commenced on 8 June 2017. We have completed the examination and now submit our report.

In our examination we considered all 41 issues arising from unresolved representations identified by yourselves to the Proposed Local Development Plan. In each case we have taken account of the original representations, as well as your summaries of the representations and your responses to such, and we have set out our conclusions and recommendations in relation to each issue in our report.

The examination process included site inspections and requests for additional information from yourselves and other parties.

We did not require to hold any hearing or inquiry sessions.

Subject to the limited exceptions as set out in Section 19 of the Town and Country Planning (Scotland) Act 1997 (as amended) and in the Town and Country Planning (Grounds for Declining to Follow Recommendations) (Scotland) Regulations 2009, you are now required to make the modifications to the plan as set out in our recommendations.

You should also make any consequential modifications to the text or maps which arise from these modifications. Separately, you will require to make any necessary adjustments to the final environmental report and to the report on the appropriate assessment of the plan.

All those who submitted representations will be informed that the examination has been completed and that the report has been submitted to yourselves. We will advise them that the report is now available to view at the DPEA website at:

<http://www.dpea.scotland.gov.uk/CaseDetails.aspx?id=117989>

and your office at, John Muir House, Brewery Park , Haddington , East Lothian EH41 3HA and that it will also be posted on your website at:

[http://www.eastlothian.gov.uk/info/204/statutory\\_development\\_plans](http://www.eastlothian.gov.uk/info/204/statutory_development_plans)

The documents relating to the examination should be retained on your website for a period of six weeks following the adoption of the plan by yourselves.

**It would also be helpful to know when the plan has been adopted and we would appreciate being sent confirmation of this in due course.**

Yours sincerely

*Claire Milne*

*Jo-Anne Garrick*

*Malcolm Mahony*

**REPORTER**

**REPORTER**

**REPORTER**

*Nick Smith*

**REPORTER**

**REPORT TO EAST LoTHIAN COUNCIL**

**PROPOSED EAST LoTHIAN LOCAL DEVELOPMENT PLAN  
EXAMINATION**

Reporters: Claire Milne BSc(Hons) DipTP MBA MRTPI  
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Date of Report: 12 March 2018

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## Examination of Conformity with the Participation Statement

### Introduction

1. Section 19 (4) of the Town and Country Planning (Scotland) Act 1997 (as amended) requires the person who has been appointed by the Scottish Ministers to examine the plan: “firstly to examine...the extent to which the planning authority’s actions with regard to consultation and the involvement of the public at large as respects the proposed plan have conformed with (or have been beyond the requirements of) the participation statement of the authority which was current when the proposed plan was published under Section 18 (1) (a).”

2. Section 20B of the Act requires each planning authority to prepare a development plan scheme at least annually. The scheme should set out the authority’s programme for preparing and reviewing its development plan, and must include a participation statement. This publication should state when, how and with whom consultation on the plan will take place and the authority’s proposals for public involvement in the plan preparation process

### Participation statement

3. The proposed plan was published in September 2016. The version of East Lothian Council’s participation statement, which was current at the time, was contained in the East Lothian Local Development Plan Scheme (DPS) No.8, March 2016. The council indicates that the DPS is updated on an annual basis and available in public libraries and on the council website.

4. Within the DPS, the council states the following:

“The publication of the East Lothian Local Development Plan is the opportunity for individuals and organisations to submit formal representations to the council on the contents of the Proposed Plan. Having had regard to the representations received on the MIR, the council have reached a view on its form and content. The council will now be looking to provide information and facilitate representations rather than seeking further engagement.”

“The council will allow a period of no less than six weeks during which formal representations can be made to the proposed plan. Public notice will be given about how and by when representations may be made.”

5. The council indicates that the proposed plan’s availability, content and purpose will be extensively advertised:

- In the local press;
- On the council’s website, including its Consultation Hub;
- By contacting key participants and those who have expressed a desire to engage in the plan-making process (including respondents to the Main Issues Report);
- Copies of the report (and / or weblinks as appropriate) will be sent to community councils, partner SDP planning authorities, adjoining planning authorities and key agencies;
- Will be available for inspection in local libraries and at the planning authority’s offices in Haddington.

6. The participation statement sets out the programme for preparing and reviewing the local development plan. The following summarises the key stages up to the point of examination:

- November 2014 – publish main issues report (MIR)
- November 2014 to February 2015 – MIR consultation
- September 2016 – publish proposed plan
- 19 September to 7 November 2016 – proposed plan consultation (7 weeks)
- Early 2017 - submit proposed plan for examination.

### **Statement of conformity with the participation statement**

7. The council's statement of conformity with the participation statement was submitted with the proposed plan in accordance with Section 18 (4) (a) (i) of the Act. The statement provides a table summarising the participation methods undertaken at each consultation stage in the preparation of the plan – commencement, main issues report and proposed plan. The approaches and methods carried out to secure the engagement of interested parties specifically in respect of the proposed plan are highlighted as follows:

- Advertisement published in the East Lothian Courier (15 September and 29 September 2016) with information on where and when the proposed plan could be viewed and how to make a representation and find further information.
- Publication of the proposed plan on the council's local development plan webpage.
- Facility for representations to be made by the following means:
  - via the online Consultation Hub (specific consultation section of council website)
  - through the online local development plan surveys
  - by email to the local development plan email address
  - by hard copy sent to the planning and council offices.
- Update of the front page of the council website and the Consultation Hub to highlight the consultation on the proposed plan.
- Copies of the proposed plan and supporting information placed on display at the council libraries and council offices, and sent to each community council and area partnership.
- Notification and copies of the proposed plan sent to each of the Key Agencies, neighbouring authorities and other SDA authorities.
- Notification of publication of the proposed plan, where to view it and how to make representations sent to the following:
  - all those who had made representations on the MIR
  - all contacts on the council's local development plan database
  - local residents within 30 metres of the plan proposals and included details of the proposal and a location map.

8. Evidences in the form of public notices are contained within the appendices. The council considers that the statement of conformity demonstrates that the different stages in the development plan preparation have met with the participation statement as set out in the DPS.

## **Representations on the participation process**

9. Three representations received in relation to the proposed plan raised issues about the participation process. These are summarised within Issue 34 - LDP Miscellaneous. One representation (0052/2) raises concerns over the council's consultation hub which only seemed to cater for positive support and encouraged respondents to delay in responding. Another representation (0153/1) asked that in future, local residents be notified when the MIR is published. A third representation (0414/1) states that the council chose to consult at the time of the community council elections which undermined the capacity of the community council to make full and informed comments.

## **The reporter's conclusions**

10. The council's responses to the representations are set out within Issue 34. The council explains that the consultation hub was set up to reflect the structure of the proposed plan and the Schedule 4 format, and was not canvassing support. With regard to the main issues report, the council states that there is no statutory requirement to notify residents directly of sites proposed at the main issues report stage, but highlights the general consultation undertaken throughout this process. The council further submits that the timing of the consultation on the proposed plan was not deliberately timed to undermine the ability of the community council to comment.

11. Having considered all the evidence, I consider that the above information submitted by the council in its statement of conformity demonstrates that its actions with regard to consultation and the involvement of the public and planning stakeholders as respects the proposed plan, have been generally in conformity with those set out in the participation statement of the authority, published in March 2016, which was current when the proposed plan was published

12. Based on the above findings, I am satisfied that it is not necessary for me to submit a report to Scottish Ministers under subsection (1) (b) of Section 19A of the Act. I will therefore proceed with the examination of the proposed local development plan.

*Claire Milne*

Reporter, 8 June 2017



<b>Issue 1</b>	<b>Introduction</b>	
<b>Development plan reference:</b>	Pages 1 – 10.	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Sir Peter Burt Viking (0035) Forth Ports Ltd (0180) Royal Society for the Protection of Birds (0185) Inch Cape Offshore Limited (0212) Gladman Developments (0213) Barratt David Wilson Homes (0246) Musselburgh Area Partnership (0291) East Lothian Liberal Democrat Party (0300) Fred Olsen Renewables (0313)	Haddington and District Amenity Society (0327) Community Wind Power (0336) Scottish Power Energy Networks (0338) Fisherrow Waterfront Group (0344) David Campbell (0361) Neart na Gaoithe Off-shore Wind Ltd (0386) The Scottish Government (0389) Scottish Power Generation (0391) Save East Linton from Excessive Expansion (0400)	
<b>Provision of the development plan to which the issue relates:</b>	Landscape, Natural and Cultural Heritage (paragraphs 1.11-1.16) Population & Households (paragraphs 1.17-1.22) Energy & Resources (paragraphs 1.36-1.40) National Planning Framework & Scottish Planning Policy (paragraphs 1.44-1.48)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Introduction</b></p> <p><b>Landscape, Natural and Cultural Heritage, Page 2</b></p> <p><u>Gladman Developments (0213/1)</u></p> <p>The statement at paragraph 1.15 (pg 2) is too broad to be accepted. Many settlements in the east have substantial capacity to absorb future development if managed in such a way as to preserve their character, identity and setting, where relevant.</p> <p><b>Population &amp; Households, Page 3</b></p> <p><u>Royal Society for the Protection of Birds (0185/1)</u></p> <p>(Paragraphs 1.27 and 2.8). Although there are rather few “meaningful” brownfield sites suitable for redevelopment in East Lothian, such areas often support a greater richness and diversity of biodiversity, especially invertebrates and plants, than undeveloped agricultural land (which is generally poor for wildlife). Any development proposed for brownfield should, therefore, take into account existing biodiversity features and mitigate against their potential loss.</p> <p>Stirling Council have produced a biodiversity checklist which allows applicants and planning officers to identify those developments which may have an impact on the natural environment. It allows developers and applicants to identify and address any nature conservation issues before a planning application is submitted. It also enables planning officers to determine what information is required to adequately assess the effects of</p>		

development upon biodiversity and ensure that the proposed development will meet the Council's biodiversity objectives. This is a good practice example which East Lothian Council should consider adopting.

Fisherrow Waterfront Group (0344/5)

Para 1.18 implies Musselburgh should have a faster rate of growth – but as the largest town the proportion of previous growth is lower than other areas and this is a flawed analysis.

**Energy & Resources, Page 6**

Fred Olsen Renewables (0313/9)

Objects to the wording of paragraph 1.37 because it does not reflect the potential to maximise the generating capacities of existing sites through appropriately designed extensions and repowering projects that make best use of site infrastructure such as access tracks and grid connections.

Community Wind Power (0336/1)

With regard to the LDP guidance to the Spatial Framework for Onshore Wind Development, Community Wind Power Limited considers that the Council's presumption for repowering capacity in paragraph 1.37 of the LDP fails to identify opportunities for new development and is not consistent with SPP.

Scottish Power Energy Networks (0338/1)

Development by Scottish Power Energy Generation Networks to upgrade, reinforce and improve the transmission network in East Lothian is likely during the lifetime of the Local Development Plan. Large scale reinforcement works, including the provision of new overhead line routes and new substations, can fall within the scope of National Development 4, as defined by NPF3. LDP Paragraph 1.36 omits the National Development status afforded to this infrastructure.

Neart na Gaoithe Off-shore Wind Ltd (0386/1)

Neart na Gaoithe Off-shore Wind Ltd objects to LDP Paragraph 1.36 as it omits the National Development status afforded to proposed enhancements of the high voltage electricity transmission networks.

Scottish Power Generation (0391/1)

Paragraph 1.36 insert new 4th sentence ' NPF3 also recognises the potential of the former power station site for renewable energy and energy-related ports development, whilst in considering the potential for conflicting uses, seeks to promote development which maximises the site's economic development potential.'

Scottish Power Generation suggests the drafting of paragraph 1.36 be changed as it considers that this does not adequately reflect NPF3s position on the site. The suggested amendment provides a more accurate context to the planning basis afforded to energy infrastructure within East Lothian and is consistent with the approach adopted by the

Council in providing more detail at paragraph 1.46, which is supported by Scottish Power Generation and it reserves the right to make further representations should a third party propose to make changes to this paragraph as it relates to its assets.

**Summary, Page 6**

David Campbell (0361/1)

Supports the Plan as it is required to support orderly development. However whilst the importance of the built heritage is acknowledged references to cultural heritage are more muted and sometimes absent. Representation proposes that additional text should be inserted at paragraph 1.41 page 6, LDP.

**National Planning Framework & Scottish Planning Policy, Page 7**

Forth Ports Ltd (0180/1)

The provisions of National Planning Framework 3 in relation to Cockenzie are recognised. Paragraph 1.46 of the Proposed Plan and broadly this is supported. In particular it notes,

“In relation to Cockenzie, the LDP is to.....(ii) recognise its potential for renewable energy related development as well as (iii) its potential for renewable energy related development as well as (iii) its potential for energy related port development”

However, NPF3’s support for energy related port development relates specifically to the marine renewable energy industry and not simply “port related developments.” The phrase ‘port related developments’ implies support for a broader range of port operations.

Paragraph 3.34 of NPF3 states,

“Major infrastructure investment will provide the marine renewable energy industry with upgraded and new-build port and harbour facilities.....”

Forth Ports Ltd (0180/5)

Forth Ports are firmly of the view that national and local government should fully recognise the port facilities that have already been developed and operate throughout Scotland, and fully consider the options to further expand these facilities rather than consider the development of new. Existing major facilities across Scotland have developed based on their geographical location/advantage close to their customers. In the most part they have capability to expand at a cost substantially lower than the cost of a new development and often with reduced implications in relation to the environmental and planning matters.

The Scottish Government (0389/10)

The current wording in 1.47 that the CSGN ‘is to extend into East Lothian’ implies that it will be extended into the council area at some point in the future, whereas parts of the green network will already be there and linkages and enhancements to the network should already be being considered and acted on. The Scottish Government would expect to see a clearer reflection of the CSGN already being in existence within the Council area.

NPF3 sets out 3 priorities for the CSGN: active travel, tackling vacant and derelict land and disadvantaged communities. The Scottish Government are aware that the CSGN Trust carried out a Review of Vacant and Derelict Sites in the East Lothian Council area

(May 2014), which included 18 site reports, covering 17.68ha. Within the sentence about the purpose of the CSGN, we would therefore suggest the addition of reference to tackling vacant and derelict land.

**Council Plan, Single Outcome Agreement & other Plans, Policies & Strategies, Page 8**

David Campbell (0361/9)

The addition of references to HES and SNH is required and would increase public awareness of the framework within which the Council operates. The representation proposes inserting additional text at paragraph 1.58, page 8, LDP.

**Vision, Aims, Objectives, Opportunities, Pages 9 & 10**

Sir Peter Burt Viking (0035/2)

It is sad to see the plan drawn up with no long-term vision as to how best to integrate the demand for housing with the need to preserve the ambience of the county.

Musselburgh Area Partnership (0291/15)

The AP wants the LDP to have a long term vision for all and ensures the maintaining of local identity, cultural assets and healthy lifestyle options but it fails in this regard and hinders equalities across East Lothian. The plan has too many references to potential indicating a lack of vision, structure, positive community outcomes and not resulting in clear outcomes.

East Lothian Liberal Democrat Party (0300/8)

Concerns expressed about local planning decisions being overruled by Scottish Government. Local communities should be involved in the preparation of the development plan, and central government, local government and developers pay lip service to this. The level of resourcing of public and provide planning departments needs to be addressed.

Haddington and District Amenity Society (0327/1)

The approach to planning for Haddington, and elsewhere in the county, will not meet the strategic aim of the plan. The plan shows little evidence of the pro-activity or foresight needed to deliver its stated vision over the next 15 years.

David Campbell (0361/10)

It is important for conservation to get a mention in the Plans "Vision". The representation proposes rewording the paragraph on page 9 first subparagraph of "Promote sustainable development".

Save East Linton from Excessive Expansion (0400/2)

The cumulative effect of all the proposed allocations to housing plus the recent new developments such as the 500 houses at North Berwick, has increased the need to travel

which exacerbates greenhouse gas emissions.

Concerned that additional housing will not support economic development and tourism.

The 2011 Census states that East Lothian has the highest proportion of younger and older people in Scotland and that the number of older people between 2012 – 2037 is expected to increase by 72%. This should be recognised by planners specifically in relation to stretched health services. Retired people require different facilities and this will impact the current medical services and facilities for older people.

**Introduction Miscellaneous**

Inch Cape Offshore Limited (0212/1)

Planning permission in principle exists for the onshore elements of the offshore Inch Cape wind farm, referred to as onshore transmission works (OnTW). The objector is looking for the proposed LDP to provide an unambiguous and positive supporting policy framework within which the next stages of the OnTW will be considered. To this end the introduction to the plan should be modified to make clear that the planning system ‘must’ support the transition to a low carbon economy, to reflect NPF3 (para 2.7) and SPP (2014) (para 152). Currently the plan is ambiguous in this respect. It appears to favour thermal generation over all other forms of development at Cockszie, a particular issue given that extant planning permission exists there for onshore transmission works.

**Introduction Support**

Royal Society for the Protection of Birds (0185/2)

RSPB support the reinstatement of a railway station at East Linton. This would help reduce road traffic and, thereby, CO2 emissions.

Royal Society for the Protection of Birds (0185/3)

RSPB support the Council's aspiration for active travel and the provision of infrastructure (cycle-ways, footpaths) to support that.

Barratt David Wilson Homes (0246/1)

Paragraph 1.30 - Support the Council's promotion for the reopening / new station at East Linton and their bid to the Scottish Government for funding. It is important that the LDP commits to actively progress East Linton station through partnership with the Scottish Borders Council and other relevant key agencies / stakeholders.

**Modifications sought by those submitting representations:**

**Introduction**

**Landscape, Natural and Cultural Heritage, Page 2**

Gladman Developments (0213/1)

Page 2, paragraph 1.15 - the sentence 'Settlements further east are also near the limit of

what can be achieved in the way of expansion without significantly changing their character, setting and identity' should be changed to *'Some settlements further east need careful planning for future development in order to facilitate expansion without significantly changing their character, setting and identity'*.

**Population & Households, Page 3**

Royal Society for the Protection of Birds (0185/1); Fisherrow Waterfront Group (0344/5)

No Modification sought.

**Energy & Resources, Page 6**

Fred Olsen Renewables (0313/9)

Replace para 1.37 with: 'The Scottish Government is committed to promoting the increased use of renewable energy sources. This commitment recognises renewable' potential to support economic growth. Renewable energy has a central role to play in Scotland's transition to a low carbon economy – representing a safer, more secure and cost effective means of electricity generation than new nuclear plants; reducing our dependence on carbon-intensive fuels; and offering significant economic opportunities'.

Community Wind Power (0336/1)

No Modification sought

Scottish Power Energy Networks (0338/1)

Reword paragraph 1.36 as follows: "A number of major electricity transmission routes cross East Lothian. Such infrastructure, including that relating to large scale reinforcement of the electricity transmission network, is afforded national development status by virtue of national Planning Framework 3. Major gas distribution networks also cross East Lothian."

Neart na Gaoithe Off-shore Wind Ltd (0386/1)

Reword paragraph 1.36 as follows: "A number of major electricity transmission routes cross East Lothian. Such infrastructure, including that relating to large scale reinforcement of the electricity transmission network, is afforded national development status by virtue of national Planning Framework 3. Major gas distribution networks also cross East Lothian."

Scottish Power Generation (0391/1)

Paragraph 1.36 insert new 4th sentence ' NPF3 also recognises the potential of the former power station site for renewable energy and energy-related ports development, whilst in considering the potential for conflicting uses, seeks to promote development which maximises the site's economic development potential.'

**Summary, Page 6**

David Campbell (0361/1)

Insert at 1.41, after line 8 "Nowhere is this more true than of the built heritage".

**National Planning Framework & Scottish Planning Policy, Page 7**

Forth Ports Ltd (0180/1)

Representation seeks amendment to paragraph 1.46 by replacing the phrase "port related development" with "marine renewable energy related port development."

Forth Ports Ltd (0180/5)

Forth Ports are firmly of the view that national and local government should fully recognise the port facilities that have already been developed and operate throughout Scotland, and fully consider the options to further expand these facilities rather than consider the development of new. Existing major facilities across Scotland have developed based on their geographical location/advantage close to their customers. In the most part they have capability to expand at a cost substantially lower than the cost of a new development and often with reduced implications in relation to the environmental and planning matters.

The Scottish Government (0389/10)

1.47 (Central Scotland Green Network) Change:

"The Central Scotland Green Network is also a National Development which is to extend into East Lothian. It is to help maintain the environmental quality of the area and to promote active travel and healthier lifestyles."

To:

"The Central Scotland Green Network is also a National Development which extends into East Lothian. It is to help maintain the environmental quality of the area, tackle vacant and derelict land and promote active travel and healthier lifestyles."

**Council Plan, Single Outcome Agreement & other Plans, Policies & Strategies, Page 8**

David Campbell (0361/9)

Insert at end of para 1.58 "On conservation, the Council is required to treat the advice of HES and SNH as a material consideration in planning decisions. The Council will work with these national bodies to achieve a wider public understanding and appreciation of their important role."

**Vision, Aims, Objectives, Opportunities, Pages 9 & 10**

Sir Peter Burt Viking (0035/2); Musselburgh Area Partnership (0291/15); Haddington and District Amenity Society (0327/1); Save East Linton from Excessive Expansion (0400/2)

No Modification sought.

East Lothian Liberal Democrat Party (0300/8)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

David Campbell (0361/10)

On Pg 9 first subparagraph of "Promote sustainable development" reword the paragraph to:- "To make efficient use of land, buildings and infrastructure and to conserve East Lothian's natural and built cultural heritage. Priority will be given to the development of previously developed land . . . etc"

**Introduction Miscellaneous**

Inch Cape Offshore Limited (0212/1)

The LDP Introduction should be modified to make clear that the planning system 'must' support the transition to a low carbon economy, to reflect NPF3 (para 2.7) and SPP (2014) (para 152). No specific modification suggested. No specific modification suggested.

**Introduction Support**

Royal Society for the Protection of Birds (0185/2); Royal Society for the Protection of Birds (0185/3); Barratt David Wilson Homes (0246/1)

No Modification sought.

**Summary of responses (including reasons) by planning authority:**

**Introduction**

**Landscape, Natural and Cultural Heritage, Page 2**

Gladman Developments (0213/1)

The Council is of the view that the statement made at paragraph 1.15 (CD039) is correct. The Council submits that the paragraph does not suggest there is no scope for the further expansion of settlements in the east of East Lothian, but that the scope for this is limited without significantly changing their character, setting and identity. This statement then leads to the overall spatial strategy and policy approach promoted by the plan. This includes the application of Green Belt and Countryside Around Town Policies to set out where the Council considers that development should and should not occur, taking in to account the need to identify appropriate and sufficient land to accommodate the SDPs development requirements. The Council submits that the LDP should be clear on where the Council would want to stimulate development and where it would want to resist it within the plan period and the reasons why. It should be noted that all the policies that create or constrain the supply of land for development will be reviewed as the LDP is reviewed, in the context of any further need to accommodate planned development. **The Council submits that no modification of the plan is necessary.**

**Population & Households, Page 3**

Royal Society for the Protection of Birds (0185/1)

The Council notes the comments made, and will have regard to the suggested best practice. However, the Council submits that the LDP has a robust policy framework in respect of natural heritage and design issues. In particular, the Council highlights the



provisions of Policies NH1 – 5. Policy NH5 in particular requires the impact of proposed development on biodiversity to be assessed and, where relevant, for appropriate mitigation to be provided. The LDP Design Policies then extend this into how such matters should be addressed by design, including Policy DP1 criteria 2, Policy DP2 criteria 7, Policy DP4 criteria 1 and 2 (CD039). **The Council submits that no modification of the plan is necessary.**

Fisherrow Waterfront Group (0344/5)

Para 1.18 (CD039) explains that Musselburgh grew by 7% in population between 2001 and 2011. Elsewhere in East Lothian population growth was 10.7% in the same period. These are statements of fact. A contributory reason behind the different growth levels is the land allocations made in earlier development plans. However the Council does not accept that it is a flawed approach to allocate a substantial proportion of the growth in East Lothian in the Musselburgh area or to follow a compact growth strategy. Musselburgh has grown more slowly than other settlements such as Tranent over the analysed period and East Lothian is required to identify land for 10,050 homes in the period to 2024, including 6,250 homes in the period to 2019. The Council has proposed that Musselburgh contribute to meeting these requirements in the manner proposed for the reasons outlined at p42 of the MIR Table 5 Compact Growth Strategy, and at paragraph 2.1 – 2.11 and 2.14 (CD068). **The Council submits that no modification of the plan is necessary.**

**Energy & Resources, Page 6**

Fred Olsen Renewables (0313/9)

The Council submits that no change is needed to para 1.37 (CD039) as it adequately reflects the position in East Lothian. The plan is SPP compliant, and proposals will be assessed on their merit in line with the policies of the LDP, SPP and any other relevant material considerations. **The Council submits that no modification of the plan is necessary.**

Scottish Power Energy Networks (0338/1)

The Council submits that this matter is adequately addressed at paragraph 1.46 and 4.99 of the LDP (CD039). **The Council submits that no modification of the plan is necessary.**

Neart na Gaoithe Off-shore Wind Ltd (0386/1)

The Council submits that this matter is adequately addressed at paragraph 1.46 and 4.99 of the LDP (CD039). **The Council submits that no modification of the plan is necessary.**

Scottish Power Generation (0391/1)

The Council submits that the plan already adequately addresses this matter and that no change to paragraph 1.36 is necessary (CD039). The Council's reasons for this are set out in its response on Issue 22. **The Council submits that no modification of the plan is necessary.**

Community Wind Power (0336/1)

Paragraph 1.37 (CD039) is a description of the pattern of wind energy development in East Lothian, and sets out the Council's view (supported by the Landscape Capacity Study for Wind Turbine Development in East Lothian (CD090), as supplemented) on strategic capacity for windfarm development in the area with regard to landscape. It further indicates the Council's view that there may be opportunities for re-powering in the Area of Strategic Capacity. SPP (2014) does not require the plan to identify locations where new wind farm development will occur. SPP in paragraph 161 (CD013) notes that development plans should set out the criteria for deciding all applications for windfarms of different scales, including repowering. It expects (SPP paragraphs 161 – 173) plans to identify a spatial framework for such development as well as criteria based policies that such proposals can be assessed against. The LDP gives such criteria in Policies WD1, WD2, WD3 and WD5. In this regard the plan is in line with SPP (2014). **The Council submits that no modification of the plan is necessary.**

**Summary, Page 6**David Campbell (0361/1)

The Council submits that the LDP makes adequate reference to the cultural / built heritage assets within East Lothian, including at paragraph 1.14 and paragraph 1.41 as well as paragraphs 6.37 – 6.58 (CD039). The suggested modification would also have the effect of placing the prominence of cultural / built heritage assets above all others within the area, and the Council submits that this would be inappropriate – a balanced view on the need for preservation, conservation and enhancement etc must be taken on a case by case basis. **The Council submits that no modification of the plan is necessary.**

**National Planning Framework & Scottish Planning Policy, Page 7**Forth Ports Ltd (0180/1)

The Council submits that NPF3 does not limit the potential for new build port or harbour facilities at Cockenzie to only the marine renewable energy industry. Paragraph 3.34 of NPF3 (CD011) highlights that 'future infrastructure provision, combined with new business and industrial development, will reinforce the importance of key locations including Hunterston, Peterhead and Cockenzie'. Accordingly, NPF3 could be envisaging a situation where new infrastructure provision in the form of a new thermal power generating station at Cockenzie, combined with other business opportunities such as the construction and / or servicing of off-shore wind farms, could justify new build port or harbour at Cockenzie. This is reflected in paragraph 1.46 of the LDP (CD039) since in (i) it is affirmative about the 'status' of the Cockenzie site, whilst in (ii) and (iii) it signposts other 'potential' opportunities. The potential for new build port or harbour facilities at the Cockenzie site should relate to National Development 3 and 'marine renewable energy related development' – i.e. 'energy' related development. Many power stations are developed in locations close to water for cooling purposes and for access to waterways to provide alternatives to overland routes for construction etc. As such the potential for new build port and harbour facilities at Cockenzie should be to facilitate 'energy' related development. The Council's reasons for this are set out in its response to Issue 22. **The Council submits that no modification of the plan is necessary.**

Forth Ports Ltd (0180/5)

The Council submits that it has appropriately reflected the aspirations of Scottish Ministers in respect of this matter. The Council's reasons for this are set out in its response to Issue 22. **The Council submits that no modification of the plan is necessary.**

The Scottish Government (0389/10)

The Council submits that para 1.47 (CD039) has been misinterpreted. The second sentence is to be read in the context that it discusses a national policy initiative that 'extends' to include East Lothian – i.e. it does not discuss the existence or otherwise of green network assets. The existence of a green network within East Lothian is confirmed at paragraph 5.25, and the manner in which it should be extended is described at paragraphs 5.24 – 5.26 (CD039). The requirement to secure this as part of new development is set out in policies DC10, DP1 criteria 2, DP2 criteria 4 and 7 (CD039). **The Council submits that no modification of the plan is necessary.**

**Council Plan, Single Outcome Agreement & other Plans, Policies & Strategies, Page 8**David Campbell (0361/9)

The Council submits that it is not necessary to introduce select key agencies to this part of the plan - paragraph 1.58, page 8, LDP (CD039). Furthermore, the suggested modification would be read out of context and would be inappropriate here, since this paragraph describes the link between the LDP and the SEA Environmental Report. **The Council submits that no modification of the plan is necessary.**

**Vision, Aims, Objectives, Opportunities**Sir Peter Burt Viking (0035/2)

The Council submits that the LDP should be read and, will be applied as, a whole. As such the Council submits that the spatial expression of the LDP vision, aims and objectives is set out in its description of the spatial strategy and in its policies and proposals that set out where development of different types and scales should and should not occur, and how development should be designed and delivered.

The Town and Country Planning (Scotland) Act 1997, Section 11, 5(b) states that an LDP is required to conform to the SDP, (CD002) which means meeting its housing land requirements. Sites were chosen after assessment by ELC Landscape Officers, taking into account their comments. SNH, with its landscape remit, was consulted throughout the preparation of the plan and their comments generally taken into account.

The Council has also worked with Scottish Environmental Protection Agency and Historic Environment Scotland in the preparation of the LDP, and taken their comments into account as appropriate (CD074 and CD071). The LDP states the Council intends to produce Supplementary Planning Guidance containing Conservation Areas Character Statements which will guide development in those areas. The proposed Plan includes Countryside Around Town and Green Belt designations, which are intended to guide development away from locations where the setting of the City of Edinburgh and settlements in East Lothian would be most affected, so helping to integrate housing. Local

landscape designations have been reviewed, leading into the proposed designation of Special Landscape Areas, and the LDP guides development in locally valued landscapes. The policies and proposals of the LDP, read as a whole, are intended to secure the appropriate integration of housing while preserving the ambience of East Lothian. **The Council submits that no modification of the plan is necessary.**

Musselburgh Area Partnership (0291/15)

The LDP must comply with SESplan 1 and its vision is set out on pages 9 and 10 within that of SESPlan 1 (CD030). The Council submits that the LDP should be read and will be applied as a whole. As such, the Council submits that the spatial expression of the LDP vision, aims and objectives is set out in its description of the spatial strategy and in its policies and proposals that set out where development of different types and scales should and should not occur, and how development should be designed and delivered. The resultant sections of the LDP set out the outcomes both for each cluster area and across East Lothian as clearly as it can. **The Council submits that no modification of the plan is necessary.**

East Lothian Liberal Democrat Party (0300/8)

Concerns about local planning decisions being over-ruled are noted. An up-to-date development plan with an appropriate and sufficient amount of land allocations should address this point. In terms of community consultation, the Council submits that it had complied with the statutory minimum requirements in the preparation of the Local Development Plan, and has exceeded these where possible, as set out in its Participation Statement. **The Council submits that no modification of the plan is necessary.**

Haddington and District Amenity Society (0327/1)

The support for the vision of the SDP is noted and welcomed. The Council submits that the LDP must by law 'be consistent' with the SDP, Section 11 5(b), (CD002). The LDP takes its lead from the development and policy requirements of the strategic development plan. These strategic requirements stem from the vision and aims of the SDP, and so by virtue of the LDP being consistent with the SDP, the SDP vision for East Lothian will be provided for by the LDP. The Council further submits that in the preparation of the LDP through the MIR it has considered the principal, social, economic and environmental characteristics of the area. Having identified related opportunities and constraints, including spatially where relevant and appropriate, the Council has planned to conserve and where possible and appropriate enhance the area and the opportunities and amenities it provides for future generations. The Council submits that it has engaged during the plan preparation process with members of the public, statutory consultees and other stakeholders and has taken account of their comments as appropriate. The Council has also been pro-active in preparing a series of accompanying technical notes and documents to inform, support and deliver the plan, including statutory and non-statutory supplementary guidance. It has also made clear its intention to continue to develop such guidance to inform the proper planning of the area can continue as the plan is operative; these will also be the subject of consultation prior to adoption. The Council submits that accommodating further new development within the plan area means that change will need to occur, and that the local development plan sets out a suitable spatial strategy and a framework of policies and proposals that will be used to manage where new development of different types and scales should and should not occur, as appropriate. **The Council submits that no modification of the plan is necessary.**

David Campbell (0361/10)

The Council submits that the LDP makes adequate reference to the cultural/built heritage assets within East Lothian, including under the Objective and Outcome 3, bullet 1, 2,3 and 5, and also at paragraph 1.14 and paragraph 1.41 as well as paragraphs 6.37 – 6.58 (CD039). The suggested modification may also be read so as to omit the importance of cultural heritage that is not 'built', such as designed landscapes etc. **The Council submits that no modification of the plan is necessary.**

Save East Linton from Excessive Expansion (0400/2)

The LDP takes the Council's Local Transport Strategy 2015 – 2025 into account (CD077). The LDP seeks to integrate new development with East Lothian's existing transport networks and services and the emerging LTS's vision for how these will change and be improved in future. The emerging LTS promotes an enhanced active travel network that is integrated as part of East Lothian's Green Network and public transport options: this could provide a realistic alternative to the private car for some journeys, including longer ones, and may in time form part of the national walking and cycling network. The emerging LTS vision includes improvements to the road and rail networks, including the enlargement of station car parks and platforms (for larger trains), the potential provision of new rail stations. The majority of new development is planned in parts of East Lothian that are, or will become, connected via high speed digital networks or that are, or can become, accessible, including by public transport. If a significant travel generating development would be reliant on private car use it should not be supported unless there is a way to provide sustainable transport options, including active travel. Improvements to the transport network to make locations more accessible particularly by public transport and active travel modes could help reduce reliance on the car, including the introduction of small park and ride sites on rural bus routes and development of the strategic path network. For development proposals that are expected to generate a significant number of trips a Transportation Assessment will be required.

The Local Development Plan for East Lothian must conform to SESplan which requires that 76 hectares of employment land be maintained in East Lothian and 10,050 homes delivered by 2024 (CD030). Introducing new development to East Lothian in a way that recognises the area's strengths and opportunities while helping to address its weaknesses will help ensure that the future development of the area occurs in a sustainable way. The SDP establishes a policy framework on matters such as employment, housing, town centres and retailing, minerals, energy and waste, transportation and infrastructure, water and flooding, and on green belts, countryside around towns and green networks. The LDP must conform to the strategy, development requirements and policies of the SDP. New development can bring new families to keep local schools, shops and businesses open, as well as the many voluntary and social activities without undermining the character of the environment.

The LDP supports the principle of specialist housing provision and provision for other specific housing needs. For Local Housing Strategy purposes, the Housing Need and Demand Assessment (CD032) will be supplemented by further study on the need and demand for specialist housing including accessible and adapted housing, wheelchair housing and supported accommodation, such as sheltered and extra care housing. This is to help inform the needs to be met through the affordable housing policy of this plan as well as other forms of delivery in the area. The Council has set out the implementation requirements for new developments in East Lothian. Proposals and Policies in the LDP



and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan (CD072). As the local health board, they have not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care. The Council continues to work with NHS Lothian on healthcare capacity across East Lothian to resolve issues. **The Council submits that no modification of the plan is necessary.**

**Introduction Miscellaneous**

Inch Cape Offshore Limited (0212/1)

The Council submits that the plan is sufficient in its current drafting concerning support for the transition to a low carbon economy. The Council also notes that NPF3 is clear that ‘low carbon’ energy generating facilities include, but are not limited to, those that fall within the definition of National Development 3 – i.e. an efficient fossil fuel thermal power generating station with carbon capture and storage facilities. NPF3 does not restrict the interpretation of infrastructure that will facilitate the transition to a low carbon economy to mean only onshore and offshore renewable energy developments, and it would be inappropriate to read the document that way. This is clear from reading NPF3 as a whole, including at para 3.10 (CD011), and from the Low Carbon Place spatial strategy diagram (which illustrates National Development 3) and from Section 3 of the document. Taken together these parts of NPF3 (and others) identify a need for new or upgraded efficient fossil fuel generating stations, including at Cockenzie, as part of the transition to a ‘low carbon’ economy – offshore renewable energy infrastructure (and associated onshore infrastructure) is also expected to play an increasing role in this in future. However, NPF3 is clear that thermal generating stations will be required to ensure security of supply (see reasons for National Development 3, NPF3 page 63) (CD011). **The Council submits that no modification of the plan is necessary.**

**Introduction Support**

Royal Society for the Protection of Birds (0185/2); Royal Society for the Protection of Birds (0185/3); Barratt David Wilson Homes (0246/1)

Support noted.

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Landscape, Natural and Cultural Heritage, Page 2**

2. The last sentence of paragraph 1.15 of the plan is made as a general statement. The council considers it correct to highlight that settlements in the east are near the limit of what can be achieved in the way of expansion without significantly changing their character, setting and identity. This does not exclude the scope for further expansion and that careful planning for future development will be required. Therefore I do not consider it necessary to amend this sentence as suggested.

**Population and Households, Page 3**

3. Royal Society for the Protection of Birds suggest that any development of brownfield land takes into account existing biodiversity features and mitigates against their potential loss. Policies NH1 to NH5 of the plan and the criteria within policies DP1, DP2 and DP4, provide sufficient measures to ensure biodiversity is fully assessed on specific sites and as part of the design process. Therefore, further measures within the plan are not required. The suggested best practice, in the form of a biodiversity checklist, is a matter for the council to consider in the implementation of the plan.

4. The representation by Fisherrow Waterfront Group concerns the spatial strategy of the plan and the level of growth directed to Musselburgh compared with previous levels. Within Issue 2, I endorse the proposed compact growth strategy. This strategy primarily focuses development on the main settlements within the west of the strategic development area which is considered to maximise the use of infrastructure capacity within the west rather than require provision elsewhere. The strategy also looks to support the regeneration potential of existing communities, particularly those within the former coal field area within the west of East Lothian. This area is recognised as a core part of the Edinburgh housing and labour market areas, with high mobile demand and high demand for affordable housing, all of which would ensure a greater likelihood of delivery of new housing and employment development. I consider this to be a reasonable response to the pressures faced within the area.

**Energy and Resources, Page 6**

5. Paragraph 1.37 of the plan provides a description of the pattern of wind energy within East Lothian. The suggested replacement of this paragraph would introduce a more general statement regarding Scottish Government's commitment to increasing the use of renewable energy sources. Such a statement is contained within Scottish Planning Policy and I do not consider it necessary to repeat this within the plan. The potential for repowering existing sites is referred to in paragraph 1.37 of the plan and supported within Policy WD5, subject to meeting other relevant policy criteria. The remaining policy framework provides scope to consider all applications for wind farms consistent with the spatial framework within the plan which we consider to be consistent with Scottish Planning Policy.

6. Comments regarding paragraph 1.36 of the plan are responded to in Issue 22b where it is noted that the policy status of the electricity transmission network is recognised in the policy context section at paragraph 1.46. National Development status is also referred to in paragraph 4.99 of the plan. Therefore, I do not consider that further references are required.

**Summary, Page 6**

7. This part of the plan provides a general summary of the characteristics of the area recognising the wide variety of high quality built and natural environmental assets that exist. It also recognises the need to balance the pressures for development with these assets. I do not consider that it is necessary within this section to introduce specific references to built heritage being at risk if development is not introduced sensitively. The plan is to be read as a whole and the protection and enhancement afforded to such features is already accounted for within the section on cultural heritage and within the relevant policies.

**National Planning Framework (NPF) and Scottish Planning Policy, Page 7**

8. The matter of support within NPF3 for marine renewable energy and not just port related development is responded to in Issue 22a where we find that it is evident that its ambitions do not involve restricting port improvements to that sector. Therefore no modifications are necessary within this section of the plan. The further representation by Forth Ports Ltd regarding the use of existing rather than the development of new port facilities is made in a general context. It does not suggest specific modifications and therefore I am unable to recommend any changes to the plan.

9. The Central Scotland Green Network is a National Development within NPF3. The council explains that the statement in paragraph 1.47 of the plan essentially refers to the concept of the green network which is to extend into East Lothian rather than any physical extension into the area. The plan confirms at paragraph 5.25 that the green network extends within and between settlements and into the countryside and along the coast. For consistency therefore, I recommend paragraph 1.47 should also state this current position.

10. NPF3 indicates that the priorities for the lead organisations involved in the green network should include promoting active travel, addressing vacant and derelict land and focusing action in disadvantaged areas, to maximise community and health benefits. Therefore I accept Scottish Government's suggestion that an additional reference to tackling vacant and derelict land is required and I recommend a modification to that effect.

**Council Plan, Single Outcome Agreement and Other Plans, Policies and Strategies, Page 8**

11. I do not consider that the addition of references to the advice of Historic Environment Scotland and Scottish Natural Heritage being material considerations is required. Such matters are for the implementation of the plan and I am satisfied that a suitable policy framework is in place within the plan to respond to cultural heritage issues as they arise.

**Vision, Aims, Objectives, Opportunities, Page 9 and 10**

12. The representations to this part of the plan criticise the lack of a long-term vision and the lack of clear outcomes that will deliver the vision over the next 15 years. The plan has to marry the strategic requirements of SESplan with the area's local aims and objectives as they relate to land use planning. The plan contains a spatial strategy which acknowledges that change is necessary to accommodate the development requirements of SESplan and that the use of prime agricultural land as part of a settlement strategy is unavoidable if the SESplan requirements are to be met. It identifies a compact growth strategy which primarily focuses development on the main settlements within the west of the strategic



development area.

13. The plan sets out the locations for development and allocates land accordingly to cover the period to 2024 thereby providing a degree of certainty as to where the aims and objectives of the plan will be focused. Elsewhere, the plan provides a suitable policy framework to manage development pressures and how new development should come forward including how it is designed and delivered. The various aspects of the vision are conveyed through the spatial strategy and the maps, the cluster areas and the policy context, all of which are to be read as a whole. Overall, I find that the plan contains a vision which is consistent with SESplan and which provides for the future growth of the area over a suitable timeframe.

14. Save East Linton from Excessive Expansion is critical of the spatial strategy in that it increases the need to travel. The plan seeks to locate development where public transport can serve it best in order to minimise environmental impacts and where it promotes a reduction in travel and overall travel distances. Development within settlements outwith the strategic development area is promoted in particular locations, within key settlements identified with a higher level of amenities and services. Overall however, substantially less development is allocated within the east compared to the west as highlighted in Issue 2. With regard to impacts on health care provision, I respond to this matter in Issue 16, where I conclude that the plan has identified where future development of facilities might be required, as far as it can, through Proposal HSC2.

15. The comments by East Lothian Liberal Democrat Party regarding the involvement of the public and the level of resources to planning departments, is not a matter for this examination. The information submitted by the council in its statement of conformity demonstrates that its actions with regard to consultation and the involvement of the public and planning stakeholders as respects the proposed plan have been generally in conformity with those set out in the participation statement.

16. The additional suggestion by David Campbell is not considered necessary given that the plan already contains the objective (on page 10) of ensuring that the area’s high quality environment and its special identity is protected and enhanced.

**Introduction Miscellaneous**

17. I am satisfied that the plan, incorporating our recommended modifications under Issues 22a and 22b, sufficiently reflect the aims of NPF3 and Scottish Planning Policy for transition to a low carbon economy.

**Reporter’s recommendations:**

Modify the local development plan by:

1. In paragraph 1.47, amending the second sentence to read:  
 “The Central Scotland Green Network is also a National Development which extends into East Lothian.”

2. In paragraph 1.47, amending the third sentence to read:  
 “It is to help maintain the environmental quality of the area, tackle vacant and derelict land, and promote active travel and healthier lifestyles.”

<b>Issue 2</b>	<b>Spatial Strategy</b>	
<b>Development plan reference:</b>	Spatial Strategy pages 11 - 14	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Pat Morris (0018) John Slee (0049) Richard Atkins (0076) Russell and Gillian Dick (0090) Mr &amp; Mrs Hepburn (0147) Network Rail (0181) Donald Hay (0183) James Millar (Kilduff) Ltd (0204) Inch Cape Offshore Limited (0212) Barratt David Wilson Homes (0246) Omnivale (0268) Scottish Natural Heritage (0280) Musselburgh Area Partnership (0291) Wemyss and March Estate (0295) East Lothian Liberal Democrat Society (0300) Eve Ryan (0307) Gullane Opposing Overdevelopment (0309) Musselburgh Grammar School Parent Council (0317)</p>	<p>Duncan Edmondson (0324) North Berwick Community Council (0326) Haddington and District Amenity Society (0327) Karting Indoors Ltd. (0342) Fisherrow Waterfront Group (0344) Midlothian Council (0348) David Campbell (0361) Musselburgh Conservation Society (0368) A J Whitehead (0383) Inveresk Village Society (0385) E Dickson (0404) Gary Donaldson (0407) Rob Moore (0418) Loreen Pardoe (0422) Taylor Wimpey UK Ltd and MacTaggart &amp; Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and MacTaggart &amp; Mickel Homes Ltd (0438)</p>	
<b>Provision of the development plan to which the issue relates:</b>	Spatial Strategy pages 11 - 14	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Spatial Strategy Main Text</b></p> <p><u>Mr &amp; Mrs Hepburn (0147/2)</u></p> <p>The LDP is focusing the vast majority of proposed new housing to the west of the county. This will disproportionately impact on the quality of living for the residents in this area due to such things as road congestion/safety/reduction of open space and poorer air quality due to increased traffic. What is the plan for future development in the next 50 years.</p> <p><u>James Millar (Kilduff) Ltd (0204/1)</u></p> <p>Drem is a similar sized settlement to Athelstaneford, with a railway station, and in a location where other improvements are identified elsewhere in the LDP which can be facilitated (in part) by development at Drem, and elsewhere. This should be shown on the Main Strategy Diagram because the safeguarding sought can contribute to delivering the strategy identified.</p>		

Inch Cape Offshore Limited (0212/2)

The LDP acknowledges at paragraph 2.13 that an enhanced high voltage electricity transmission grid is a National Development relevant to East Lothian. However throughout the rest of the document this national development is given less priority than National Development 3 at Cockenzie. Objector is of the view that, at Cockenzie, National Development 3 and 4 have equal status, unless competing proposals emerge in which case NPF3 requires stakeholders to work together to prioritise these competing land uses. Objection notes there are no thermal generating proposals seeking planning permission at the Cockenzie site, that PPP exists for the Inch Cape offshore interconnector and that its delivery is in some doubt because of the position the plan takes (would the plan support such development there is adopted in the format proposed), and that the LDP misinterprets NPF3s aspiration for joint working to ensure best use is made of land and infrastructure in the area. The wording of NPF3 is less stringent than that of the LDP, and the LDP should be modified in light of this. Objector also notes that the Council is undertaking consultation work to consider future potential land uses for the site, when the LDP policy position seeks to safeguard the site for thermal generation and Carbon Capture and Storage facilities only – this is confusing for stakeholders and investors and should be changed.

Barratt David Wilson Homes (0246/2)

The Proposed Plan's Spatial Strategy appears to focus new housing and economic development around the main settlements within East Lothian. The needs and demands for additional housing in the eastern areas of East Lothian should be fully recognised.

Musselburgh Area Partnership (0291/1)

Does not support the Compact Growth Strategy; would prefer to see a fairer and less divisive distribution of land for development across East Lothian; the plan suggests the west of the county is less than that of the east and it will have a significant negative impact on the Musselburgh area which is concerning and irreversible. Contradicts SESplan2. There is no vision merely large scale developments to meet housing needs without real thought to the future consequences of a compact strategy.

Musselburgh Grammar School Parent Council (0317/5)

Most of the green belt around Musselburgh will be eliminated and no effort has been made to protect green corridors ensuring nature and wildlife can thrive.

Haddington and District Amenity Society (0327/2)

Question the adequacy of the strategy. The proposed plan should be examined in the context of previous development plans to see if it is appropriate for the future. The plan has too narrow a focus on meeting the SDPs housing numbers. The call for sites stage is questionable as it hands the initiative to developers whose agenda is profit driven.

Fisherrow Waterfront Group (0344/1)

Objects to the LDP as the level of housing proposed is unsustainable in terms of good physical, social, community and leisure infrastructure.

Fisherrow Waterfront Group (0344/3)

The LDP appears driven by the need to respond to the SDP which sees East Lothian as part of the City Region and its housing market. The LDP has no meaningful vision for East Lothian other than this and fails to reflect the role of East Lothian, and within it, Musselburgh, as a place to live, visit and enjoy.

Fisherrow Waterfront Group (0344/4)

The LDP section on Musselburgh says little other than it is accessible to Edinburgh; if Musselburgh is to grow as set out in the LDP its purpose as a place needs revisited in the LDP or it will simply be a dormitory town with few supporting community and other facilities.

Musselburgh Conservation Society (0368/1)

Objects to the compact growth spatial strategy para 2.1 – 2.13 of the LDP which is fundamentally flawed in terms of the impact 5300 houses (c50% increase in population) would have on the town. There is an over concentration on Musselburgh that is unrealistic, damaging and may be undeliverable. Compact growth saturates Musselburgh harming its individual character and identity contrary to para 1.61 of the LDP. This level of growth is exacerbated by major developments proposed nearby in Edinburgh and Midlothian and is contrary to NPF3 which wants to see growth that respects the quality of environment, place and life, and will not create the kind of places SPP seeks to create. Musselburgh does not have the capacity or infrastructure to cope with scale of change which will impact heavily on the town centre negating the alleged advantages of a compact strategy and harming its potential for economic investment. Measures proposed to deal with traffic are insufficient. The accessibility of the west of East Lothian is overstated as some places further east with through/express public transport have better connections with Edinburgh.

Inveresk Village Society (0385/6)

Objects to the overall spatial strategy for East Lothian para 2.1 – 2.13 of the LDP. There is an over concentration of development in Musselburgh. Compact growth strategy is fundamentally flawed. There should be a reduction of 1,000 dwellings in the cluster for the reasons given in the representation made by Musselburgh Conservation Society (representation 0368/1). Concerned that land adjacent to Inveresk village is vulnerable to inappropriate development proposals that would harm the Conservation Area in the absence of a 5 year land supply.

**Spatial Strategy Main Map**James Millar (Kilduff) Ltd (0204/2)

Drem is a similar sized settlement to Athelstaneford, with a railway station, and in a location where other improvements are identified elsewhere in the LDP which can be facilitated (in part) by development at Drem, and elsewhere. This should be shown on the Main Strategy Diagram because the safeguarding sought can contribute to delivering the strategy identified.

At Para 1.5 there are references to the Proposals Maps identifying areas “where land is safeguarded so as not to prejudice a certain type of development occurring” or to “ensure

an area can be considered as a potential future development location”. However, from our review of the Plan we can only see one safeguard (at Blindwells), but there are references in the Plan to other potential locations which have not been safeguarded (such as at Drem at Para 2.154) and we believe they should.

Karting Indoors Ltd. (0342/1)

Land to the north of the A1 at Gladsmuir Junction currently occupied by Raceland Karting should be identified as a specific development proposal for roadside services within the Tranent Cluster.

**Spatial Strategy Miscellaneous**

Pat Morris (0018/2)

If Scotland must have more houses, have them inland - leave our coastal strip as a pleasant place to visit, not an overcrowded place.

John Slee (0049/2)

The representation states an objection to ‘unwanted urbanisation’ at the eastern (rural) end of East Lothian. It is not clear which proposals constitute 'unwanted urbanisation' or where the boundary between eastern and western East Lothian is taken to be.

Richard Atkins (0076/2)

Suburban development is highly inefficient and unsustainable and does not achieve the densities of housing which better contribute to social cohesion, reduce the cost of land and infrastructure provision, allow for economic provision of services, support local shops & businesses, and maximise the benefits of physical and energy resource allocation.

Scottish Natural Heritage (0280/1)

At present, policies and proposals require preparation of “a comprehensive masterplan that conforms to relevant Development Brief”. The status of these development briefs is unclear. As the draft Supplementary Guidance will have an important role in securing natural heritage safeguards and enhancements, the LDP must provide “sufficient hook” to give it the required statutory weight. Scottish Natural Heritage are concerned that as currently drafted, the position of the development briefs as part of the plan is not sufficiently clear, increasing the risk of loss or damage to the area’s natural heritage assets.

Musselburgh Area Partnership (0291/5)

It is wrong to allocate so much prime quality agricultural land for development which is irreversible and unsustainable.

East Lothian Liberal Democrat Party (0300/12)

Priority should be given to restoring and bringing unoccupied and derelict housing or potential housing back into the market.

East Lothian Liberal Democrat Party (0300/13)

The scale of development outlined in the plan will mean that many settlements will grow considerably in the coming five-years. This rate of development may be possible in the next five years, but may not be possible in future five-year plans. It is important that communities, notably along the coast between Musselburgh and North Berwick remain separated and not joined together. Capacity for further development here is limited once and if the plan under consideration is fulfilled. Similar issues exist in Dunbar where Belhaven and West Barns should remain separate from Dunbar.

Eve Ryan (0307/1)

Objector is appalled at the rate and extent of construction projects, particularly in the west of East Lothian. East Lothian has significant natural and cultural heritage assets that are being concreted over. Objector does not support any further growth whether under a compact or dispersed spatial strategy and rejects that East Lothian is part of the wider Edinburgh city region, and that the area has a role to play in accommodated associated development requirements.

Gullane Opposing Overdevelopment (0309/2)

Asserts that the LDP is not compliant with the Strategic Development Plan (which directs the majority of new housing land to the main settlements in West of the district) due to the percentage of development proposed in Gullane, which lies within the North Berwick cluster, and not within the SDA in the west of the district. The number of new housing units proposed in Gullane on greenfield sites is around 300 new units plus 100 on a brownfield site – the former fire training site. This strategy is more to profitability and desirability of sites by developers than to effectiveness and proper planning.

Duncan Edmondson (0324/2)

This general principle applies throughout the LDP where, not only is the 10,000 target unrealistically high, but the plan even allows for more than this number. Shouldn't planners be directing developers to where the most appropriate development areas are, not letting profits dictate the most appropriate areas. Given this it would seem sensible to instead consider a phased approach, allowing a gradual step change in population, parallel step changes in service provision and infrastructure and the chance to withdraw commitment to developing all the options until the impact of a more measured increase in housing has been assessed.

North Berwick Community Council (0326/1)

An area plan for North Berwick should be prepared. The spatial strategy of the LDP would benefit from the proposed final extent of North Berwick, which the community council believe has nearly been reached. It should also consider the location of facilities within the town relative to the spatial distribution of development. The LDP approach runs counter to the North Berwick Coastal Area Partnership's approach.

Midlothian Council (0348/1)

Midlothian Council notes that the Musselburgh Cluster has the highest concentration of housing and economic growth proposed. This will place significant pressure on

infrastructure requirements and in particular the trunk road and local road network capacity and junctions. Midlothian Council is unclear about the impact of through traffic in the Millerhill and Shawfair areas from sites MH1, MH2 and MH3, and in Dalkeith from sites MH14 and MH15. Midlothian Council notes SESplan's cross boundary transport study, and wants to work with East Lothian following adoption of plans to ensure that proposals can be managed in a coordinated manner to minimise any adverse impacts.

David Campbell (0361/2)

For ease of reference - after reference to "the town centre first principle" in the penultimate sentence of para 2.10: additional wording should be inserted.

A J Whitehead (0383)

The representation does not support the proposed LDP.

Inveresk Village Society (0385/1)

Fully supports the representation made by Musselburgh Conservation Society (Submission 0368) as it affects Inveresk, but objects to the omission of a spatial strategy or vision for Musselburgh in paragraphs 2.14 to 2.20. Supports the representations by Musselburgh Conservation Society (0368/2).

Inveresk Village Society (0385/3)

The fingers of green belt that provide the setting for Inveresk should never be sacrificed to development and the unique character of the village, one of the finest conservation areas in Scotland, as explained in the Inveresk Conservation Area Appraisal must be respected and safeguarded.

E Dickson (0404/1)

The western sector of East Lothian (as per the compact map) cannot cope with any further developments. Objector mentions the impacts on road and rail networks, including at A720/A1 Old Craighall Junction, A1/A198 Bankton Junction and Musselburgh. Public transport (particularly trains) is already at capacity. Increased population and traffic will exacerbate congestion and associated problems, including air quality, and this will impact negatively on people's health and well being. Countryside and open space is important to people's quality of life and should not be lost in the west of the area. The compact strategy will increase house prices in the east of East Lothian, making it harder for low waged and first time buyers to get on the property or rental market, making towns like North Berwick for the elite and rich. Also, it will not increase the demand for public transport, due to lack of demand. A dispersed approach should be adopted instead, as it will be fairer and not generate the problems suggested to arise from the compact strategy; a dispersed strategy would resolve the anticipated inequalities.

Gary Donaldson (0407)

Cockenzie and Port Seaton Community Council do not believe that focusing development, especially housing development, in the west of East Lothian is the best strategy. This would put great strain on shared services especially schools and doctors surgeries. The volume of traffic on the roads in the west of East Lothian is also causing many problems,

and further development will lead to road traffic accidents. The concentration in traffic will also lead to a decrease in local air quality, including in Musselburgh. Cockenzie and Port Seaton Community Council considers that development would best be spread across East Lothian.

Rob Moore (0418/1)

Overall plans are too focused on the west of East Lothian which will have a detrimental effect on infrastructure and quality of life.

Loreen Pardoe (0422/1)

Objector has concern that the spatial strategy is impacting on the villages of East Lothian, so significantly affecting village life for the people that live there. It also impacts on infrastructure capacity and the character of the settlement and local area. Larger communities can be more successfully expanded.

### **Spatial Strategy Support**

Russell and Gillian Dick (0090)

Supports the overall strategy

Network Rail (0181/7)

Network Rail supports the Spatial Strategy and growth options and how it focuses on sustainable public transport in its locational characteristics and strategy.

Donald Hay (0183/1)

Supports the compact spatial strategy.

Omnivale (0268/2)

Support the compact growth approach to the LDP. Agree Tranent is a main settlement in the SDA and close to the city therefore it is an appropriate location for strategic land release.

Wemyss and March Estate (0295/1)

Welcomes and supports the spatial strategy for East Lothian.

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/2)

At MIR stage a hybrid approach of both the dispersed and compact growth strategy was suggested. The spatial strategy presented in the LDP is supported by Development Briefs, this is supported and particular support is given to the Development Brief relating to HN2.

The allocations of two sites, Letham Mains and Letham Mains expansion at PROP HN1 and HN2 are supported.



Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/1)

At MIR stage a hybrid approach of both the dispersed and compact growth strategy was suggested. The spatial strategy presented in the LDP is supported by Development Briefs, this is supported and particular support is given to the Development Brief relating to HN2.

The allocations of two sites, Letham Mains and Letham Mains expansion at PROP HN1 and HN2 are supported.

**Modifications sought by those submitting representations:**

**Spatial Strategy Main Text**

Mr & Mrs Hepburn (0147/2); Musselburgh Grammar School Parent Council (0317/5); Haddington and District Amenity Society (0327/2); Fisherrow Waterfront Group (0344/1)(0344/3);

No Modification sought

James Millar (Kilduff) Ltd (0204/1)

Introduce a new Para following Para 2.9, before Para 2.10, (on Page 12) with subsequent renumbering, as follows; "Drem is also a sustainable location for medium to long term future growth to be facilitated in a plan led manner for a sensitive large scale landscaped mixed use development opportunity centred around the railway station and village core for approximately 2,000 homes, a site for a Primary School, local road improvements, drainage improvements, expanded railway station car parking, playing fields, open space, core path improvements and a new village centre on 150ha of land. There are a number of wider items identified in the LDP (east coast main line improvements to Edinburgh for example) which can be facilitated (in part) by development at Drem and other developments elsewhere in the locality. This plan safeguards a potential Drem Expansion Area to enable the necessary investigations to be undertaken and solutions explored with service and infrastructure providers to resolve known issues and allow advance planting to take place prior to development commencing. A solution will need to be found to the identified issues to convert the safeguarding to an allocation through a review of the LDP".

Inch Cape Offshore Limited (0212/2)

Modify paragraph 2.51 of the plan to ensure that, at Cockenzie, National Development 3 and 4 have equal status, unless competing proposals emerge in which case NPF3 requires stakeholders to work together to prioritise these competing land uses. No specific modification suggested.

Barratt David Wilson Homes (0246/2)

Paragraphs 2.1 – 2.13 The Spatial Strategy should recognise the need for additional housing to be provided within the eastern areas of East Lothian, especially in East Linton.

Musselburgh Area Partnership (0291/1)

Change the spatial strategy to redistribute across East Lothian.

Fisherrow Waterfront Group (0344/4)

LDP should change Musselburgh's purpose as a place.

Musselburgh Conservation Society (0368/1)

Musselburgh Conservation Society wish amendments to be made to properly reflect the issues and constraints that we outline below in respect of over-concentration in Musselburgh and including a consequential reference to an approach to dwelling numbers proposed there.

Musselburgh Conservation Society are not however proposing abandoning the plan and switching to a dispersed strategy. This is because we are concerned about the impact of further delay and the prospect of development proposals coming forward on inappropriate sites and being supported on appeal if a five year supply of effective housing land is lacking. We are seeking a damage limitation, call it a hybrid, approach with an emphasis on the west that does not flood Musselburgh with development in a form which would make it unattractive to residents and investors alike and unable to meet the plan's objectives. We therefore propose a reduction in the housing allocation to the Musselburgh cluster of 1000 dwellings which is based partly upon not replacing the numbers lost when Goshen Farm was removed from the Plan. It would also represent a gesture to the people of Musselburgh who are faced with an unrealistic and damaging level of expansion which may well prove to be undeliverable.

Inveresk Village Society (0385/6)

We wish amendments to be made to properly reflect the issues and constraints that we outline below in respect of over-concentration in Musselburgh and including a consequential reference to an approach to dwelling numbers proposed there. We are not however proposing abandoning the plan and switching to a dispersed strategy. This is because we are concerned about the impact of further delay and the prospect of development proposals coming forward on inappropriate sites and being supported on appeal if a five year supply of effective housing land is lacking. We are seeking a damage limitation, call it a hybrid, approach with an emphasis on the west that does not flood Musselburgh with development in a form which would make it unattractive to residents and investors alike and unable to meet the plan's objectives. We therefore propose a reduction in the housing allocation to the Musselburgh cluster of 1000 dwellings which is based partly upon not replacing the numbers lost when Goshen Farm was removed from the Plan. It would also represent a gesture to the people of Musselburgh who are faced with an unrealistic and damaging level of expansion which may well prove to which would make it unattractive to residents and investors alike and unable to meet the plan's objectives. We therefore propose a reduction in the housing allocation to the Musselburgh cluster of 1000 dwellings which is based partly upon not replacing the numbers lost when Goshen Farm was removed from the Plan. It would also represent a gesture to the people of Musselburgh who are faced with an unrealistic and damaging level of expansion which may well prove to be undeliverable.

**Spatial Strategy Main Map**James Millar (Kilduff) Ltd (0204/2)

Identify Drem as a settlement in a similar manner to Athelstaneford on the Main Strategy

Diagram (on Page 14) and identify a safeguarding in a similar manner to Blindwells safeguard.

Karting Indoors Ltd. (0342/1)

Land to the north of the A1 at Gladsmuir Junction currently occupied by Raceland Karting should be identified as a specific development proposal for roadside services within the Tranent Cluster.

**Spatial Strategy Miscellaneous**

Pat Morris (0018/2); John Slee (0049/2); Richard Atkins (0076/2); Musselburgh Area Partnership (0291/5); Eve Ryan (0307/1); Duncan Edmondson (0324/2); Midlothian Council (0348/1); A J Whitehead (0383); Inveresk Village Society (0385/3); Gary Donaldson (0407); Rob Moore (0418/1); Loreen Pardoe (0422/1)

No Modification sought

Scottish Natural Heritage (0280/1)

Policies and proposals in this section should include a clear hook to the draft Development Briefs Supplementary Guidance (parts 1 and 2).

Gullane Opposing Overdevelopment (0309/2)

Remove NK7, 8, 9 from the plan.

East Lothian Liberal Democrat Party (0300/12); (0300/13)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

North Berwick Community Council (0326/1)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

David Campbell (0361/2)

For ease of reference - after reference to "the town centre first principle" in the penultimate sentence of paragraph 2.10 insert the text "Many of these centres are of great cultural importance, and all development proposals, including road improvement schemes, will be assessed against all relevant Local Development Plan policies".

Inveresk Village Society (0385/1)

Amend paras 2.14-2.21 to incorporate: Given the scale of development proposed in the Musselburgh cluster and its likely impact it should be provided in accordance with a spatial strategy for the area which is based upon what physically gives the town its identity and character now and makes it an attractive place to live and do business, what's good and should be preserved and protected and where development should go to cause least damage. It is about getting the right amount of development in the right places whilst

protecting acknowledged assets, in other words maintaining a sense of place. To achieve these aims the strategy proposes protecting four major open areas which give the town breathing space, provide separation from adjoining communities and bring the countryside into the town. They are: (i) To the west Newhailes Park and, outwith East Lothian, the adjacent Brunstane area which together give separation between Musselburgh and Edinburgh. Unfortunately it looks like the Brunstane area is to be developed as part of the Edinburgh Local Plan leaving only Newhailes parkland as open land here. (ii) The open lung to the west of the river Esk from south of the A1 through Monktonhall Golf Course and The Haugh to Olive Bank bridge.

E Dickson (0404/1)

Para 2.3 should be amended to promote a dispersed spatial strategy.

### **Spatial Strategy Support**

Russell and Gillian Dick (0090); Network Rail (0181/7); Donald Hay (0183/1); Omnivale (0268/2); Wemyss and March Estate (0295/1); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/1); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/2)

No Modification sought

### **Summary of responses (including reasons) by planning authority:**

#### **Spatial Strategy Main Text**

Mr & Mrs Hepburn (0147/2)

The spatial strategy of the LDP is a compact one as it focuses the majority of new development in the west of East Lothian. This is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. Appropriate development sites that have or can be integrated with sustainable transport options are allocated. This is so new development will have good access via sustainable transport modes to existing or new employment locations or community facilities that are or will become available locally or regionally. This will minimise the need to travel by car and associated CO2 emissions. The sites selected also provide opportunities to further the regeneration of communities in East Lothian's former western coal field. However, not all new development is to be located in the west and some additional development has been distributed to the east. This is in recognition of the need and demand for new homes and economic development opportunities in other appropriate and accessible parts of East Lothian where local service provision and sustainable transport options are good.

In the preparation of the LDP the Council has carried out environmental and infrastructure assessments and used these to identify the mitigation requirements set out within the plan and to be delivered in accordance with Policy DEL1: Infrastructure and Facilities Provision. The summary of the relevant LDP polices is set out in Table DEL1. The Council has also prepared Supplementary Guidance: Developer Contributions Framework, to set out for applicants what their developer contribution requirements will be to deliver the necessary interventions. **The Council submits that no modification of the plan is necessary.**

James Millar (Kilduff) Ltd (0204/1)

The Council submits that it has made its settled view clear in respect of Drem as one potential future development location that may be considered in to the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP (CD039). However, for this LDP period the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54) (CD030), and the unique benefits that such a scale of development there would offer for East Lothian. More generally, the SDP allows consideration to be given to potential housing development locations beyond 2024, but it anticipates that the majority of any longer term housing land requirements would be satisfied from planned and committed sites to the extent that they are not developed by 2024. Whilst the SDP acknowledges (paragraph 112) (CD0393) that in the preparation of LDPs it may be possible to identify other opportunities for housing growth, it is also clear that confirmation of these will be subject to the conclusions of a future review of the SDP itself. As such, the SDP does not explicitly or implicitly provide a supportive position in respect of strategic growth at Drem, or on land to the south of the East Coast Main Line at Drem, or at Fenton Barns. The Council submits that such representations made in respect of the LDP (Cala: Drem (0246) (Wallace Land: Fenton Barns (0281) suggest either land allocations or land safeguards with an overall capacity of 2,000 - 3,000+ homes. The Council further submits that it is premature to consider the planning merits of whether any, all or part of such land should be safeguarded for development – i.e. to define a site boundary for land that should be safeguarded. A better approach is the one set out within the LDP, namely that a statement is used to describe high level potential opportunities and constraints, to encourage landowners and developers to work together to find deliverable solutions that would allow these locations to be considered as realistic potential development locations into the longer term, subject to a review of SDP1 and LDP1. Accordingly, the Council submits that it is unnecessary and would be inappropriate at this stage to safeguard land at Drem or Fenton Barns or land south of the East Coast Main Line at Drem for a potential future strategic development. It should be noted that the plan also safeguards land for mitigating interventions, such as for school campus expansions or transport interventions, and this is why paragraph 2.154 is worded as it is, not because potential development areas intended to be safeguarded have been omitted. The Council further submits that no additional development land is required during this LDP period for the reasons given in the Council's response to Issue 11 and 12. **The Council submits that no modification of the plan is necessary.**

Barratt David Wilson Homes (0246/2)

Para 2.3 (CD039) states that 'The spatial strategy is a compact one, as it focuses the majority of new development in the west of East Lothian. This is where the best opportunities are to locate new housing and economic development in the most accessible part of the area'. However, not all new development is to be located in the west of the area. Some additional development has been distributed further east. This is in recognition of the need and demand for new homes and economic development opportunities in other appropriate and accessible parts of East Lothian where local service provision and sustainable transport options are good. Para 2.8 (CD039) continues 'Expansion of existing settlements is promoted where infrastructure solutions have been found and where landscape capacity allows'. The Council further submits that no additional development land is required during this LDP period for the reasons given in the Council's response to Issue 11 and 12. **The Council submits that no modification of the plan is necessary.**

Musselburgh Area Partnership (0291/1)

The Council supports the spatial strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068). The Council has considered the impact of all the new housing and employment development proposed by the LDP. The Council has selected sites for expansion in the Musselburgh cluster that will minimise the impact on the setting of the town as it retains significant parts of the green belt that provide, for example, green wedges between Wallyford and Musselburgh and around Inveresk. The largest area of expansion is at Craighall and it is acknowledged that here development will, in time, meet with the boundaries of Midlothian at Shawfair and Edinburgh at Newcraighall. Sites at Musselburgh are proposed for allocation to meet the housing land requirement set by SDP1 (CD030). SDP2, to which the representation refers, assumes that the level of growth proposed by the LDP has been implemented and provides a spatial steer for any strategic development requirements for the period beyond 2030, if required. **The Council submits that no modification of the plan is necessary.**

Musselburgh Grammar School Parent Council (0317/5)

Although there will be a loss of green belt land around Musselburgh all new housing developments will be provided with new open space and play facilities in line with Policies OS3 and OS4 of the LDP. Existing green space within the Musselburgh area is protected by Policy OS1 of the LDP. The LDP also plans to mitigate against the overall cumulative effect of new development by supporting a Green Network within and between settlements. See paragraphs 5.24 to 53.26 (CD039) and Policy DC10: The Green Network. This is intended to improve connections for people and biodiversity. A Green Network Strategy will be adopted as supplementary guidance to the LDP. The Council has selected sites for expansion in the Musselburgh cluster that will minimise the impact on the setting of the town as it retains significant parts of the green belt that provide, for example, green wedges between Wallyford and Musselburgh and around Inveresk. The Council submits this will maintain the character and identity of each settlement within the green belt. The largest area of expansion is at Craighall and it is acknowledged that here development will in time meet with the boundaries of Midlothian at Shawfair and Edinburgh at Newcraighall. Sites in Musselburgh are proposed to be allocated to meet the development requirements of the SDP, not just housing requirements. Employment land is proposed here too. **The Council submits that no modification of the plan is necessary.**

Haddington and District Amenity Society (0327/2)

The Council submits that the strategy options, including where these differ from the previous plan, were consulted on extensively during the MIR consultation period. The Council selected its preferred strategy within the MIR taking into account the principal policies of SPP and the findings of its interim SEA. The Council then considered the consultation responses it received on the MIR and finalised its proposed strategy and technical work, including its assessment of the plan's impact on key infrastructure and facilities capacity with identification of mitigation and its cost apportionment. It is true that identifying sufficient and appropriate land to meet the SDPs development requirements, particularly its housing requirements, has been a significant challenge including in terms of identifying the matching infrastructure capacity or solutions. However, the Council has met this challenge and taken a responsible decision to promote an appropriate development strategy that provides sufficient and appropriate development land. The call for sites stage, although not statutory, is an important step in the plan preparation process; such a demonstration of willingness to release land for development is an important step in

seeking to develop a plan which is deliverable. Whilst this stage has been a consideration in the development of the plan, many more sites were suggested to the Council for consideration than it has included within the proposed LDP. Additionally, using the MIR, the Council also sought to signpost where it may consider potential developments sites even though none were suggested during the call for sites stage (see 'other options' discussed in the MIR). **The Council submits that no modification of the plan is necessary.**

Fisherrow Waterfront Group (0344/1)

The level of housing required to be accommodated within East Lothian was set out in SDP1 and the SESplan Supplementary Guidance on Housing Land 2014 (CD030 and CD036). The LDP must therefore conform to the SDP and to its vision. Throughout the preparation of the LDP the Council has had regard to the implications of new development on the infrastructure of the area and has indicated where additional facilities are required as explained in the LDP section on Growing Our Economy and Communities. **The Council submits that no modification of the plan is necessary.**

Fisherrow Waterfront Group (0344/3)

The Town and Country Planning (Scotland) Act 1997, Section 11, 5(b) states that an LDP is required to conform to the SDP, (CD002). The Musselburgh area is part of the wider Edinburgh housing market area (CD033). The Council considers that the LDP has met the SDP requirements by supporting a compact growth strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068). The spatial approach to East Lothian is explained in the paras 2.1-2.13 and in the Musselburgh area in paras 2.14 - 2.21 of the LDP and the Council considers this is sufficient (CD039). **The Council submits that no modification of the plan is necessary.**

Fisherrow Waterfront Group (0344/4)

The Council acknowledges that there is a significant level of out commuting from East Lothian for work. To help counteract this, the LDP section on Planning for Employment (CD039) explains where land will be allocated for employment purposes and how employment proposals will be dealt with to achieve more jobs within East Lothian. The Council submits that the allocation of land for employment at Musselburgh is intended to increase the job density in the Musselburgh area, and within East Lothian as a whole. This area is influenced by the wider Edinburgh housing and labour market areas. It is also the most accessible part of East Lothian where there is some regeneration potential. Co-locating new housing and employment opportunities here will help to retain people who live and work in and around Musselburgh, and also encourage businesses to locate and people to work there, and employees to use the town and its services and facilities. This additional population, household and economic growth will generate spin-off benefits too, including helping to sustain services and facilities and support the town centre etc. **The Council submits that no modification of the plan is necessary.**

Musselburgh Conservation Society (0368/1)

The sites selected for development in the Musselburgh cluster are proposed to meet the housing land requirement set by the SDP (CD030). The Council supports a compact growth strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068) and this meant that sites were required that were formerly

included in the green belt. Whilst it is accepted that these sites represent a significant expansion to Musselburgh and to Wallyford, Whitecraig and Old Craighall, the sites selected are nonetheless appropriate for development. They are highly accessible from road and rail networks, and adjacent to areas that present regeneration potential or significant employment opportunities. They are also in marketable locations where new housing, employment and economic development opportunities can be delivered. The impacts on the landscape and on infrastructure can also be mitigated by appropriate design, and development briefs and masterplans will be prepared for these sites.

The Council contends that allocating land at Craighall reduces some of the potential impact of development on Musselburgh and that allocating land at Wallyford and Whitecraig will bring regeneration benefits to these communities. The Council has assessed the impact on the education, transport, health and community facility infrastructure in the Musselburgh cluster in the preparation of the LDP and has set out the implementation requirements for new development. The associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure.

With regard to transport concerns, central to the preparation of the plan has been the need to understand how the existing transport infrastructure would accommodate the additional planned development and this has been examined in the Transport Appraisal prepared for the LDP (CD041) which focussed on the land use and transport interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian. This included input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SESplan area. Core model scenarios 'Without the LDP' and 'With LDP' were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP sites including those that will extend beyond the lifespan of the LDP to 2038. All road and public transport networks were examined and the models showed that the LDP sites would have a negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network.

With reference to the impacts of the LDP on the national and local transport road network the Transport Appraisal identified where there are capacity constraints and where mitigation is required and the form it will be required to take. Consequently the LDP section, Our Infrastructure and Resources, contains a series of proposed transport interventions to mitigate the planned growth. In relation to road traffic these are to both the trunk road and local road networks where the effect of each development has been considered and developers will be expected to contribute to the mitigation of transport related impacts, including cumulative impacts. Associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development proposed without unacceptable impacts on the transport network. **The Council submits that no modification of the plan is necessary.**

Inveresk Village Society (0385/6)

The sites selected for development in the Musselburgh cluster are proposed to meet the housing land requirement set by the SDP (CD030). The council supports a compact growth strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach



Compact Growth (CD068) and this meant that sites were required that were formerly included in the green belt. While it is accepted that these sites represent a significant expansion to Musselburgh and to Wallyford, Whitecraig and Old Craighall, it is considered that this scale of development was unavoidable in the context of the housing land requirements.

The Council contends that allocating land at Craighall reduces some of the impact of development on Musselburgh and that allocating land at Wallyford and Whitecraig will bring regeneration benefits to these communities. The Council has assessed the impact on the education, transport, health and community facility infrastructure in the Musselburgh cluster in the preparation of the LDP and has set out the implementation requirements for new development. The associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure.

With regard to transport concerns, central to the preparation of the plan has been the need to understand how the existing transport infrastructure would cope with the additional planned development and this has been examined in the Transport Appraisal prepared for the LDP (CD041)) which focussed on the land use and transport interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian. This included input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SESplan area. Core model scenarios 'Without the LDP' and 'With LDP' were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP sites including those that will extend beyond the lifespan of the LDP to 2038. All road and public transport networks were examined and the models showed that the LDP sites would have a negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network.

With reference to the impacts of the LDP on the national and local transport road network the Transport Appraisal identified where there are capacity constraints and where mitigation is required and the form it will be required to take. Consequently the LDP section, Our Infrastructure and Resources, contains a series of proposed transport interventions to cope with the planned growth. In relation to road traffic these are to both the trunk road and local road networks where the effect of each development has been considered and developers will be expected to contribute to the mitigation of transport related impacts, including cumulative impacts. Associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development proposed without unacceptable impacts on the road network.

The Council notes the concerns contained within the representation with regard to land adjacent to Inveresk should the 5 year land supply fail. No land adjacent to Inveresk is allocated in the LDP and the Council does not support a proposed new site at Pinkiehill which it considers is neither required nor would be in keeping with the character, appearance and setting of Inveresk Conservation Area as outlined in the Inveresk Conservation Area Character Appraisal (CD105). The Council acknowledges that some appeal decisions have previously considered that landscape sensitivities can be overridden by the need for housing land but considers that the LDP allocates more than sufficient land

(see Issue 12) that should not lead to a failing in the five year land supply. **The Council submits that no modification of the plan is necessary.**

### **Spatial Strategy Main Map**

#### James Millar (Kilduff) Ltd (0204/2)

It should be noted that Drem is identified as a village with a defined settlement boundary on inset map 10. Athelstaneford is identified on the Main Strategy Diagram (on page 14) (CD039) as it is a settlement with a primary school. The Council submits that it has made its settled view clear in respect of Drem as one potential future development location that may be considered in to the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP (CD039). However, for this LDP period, the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54) (CD030), and the unique benefits that such a scale of development there would offer for East Lothian. **The Council submits that no modification of the plan is necessary.**

#### Inch Cape Offshore Limited (0212/2)

The Council has explained how and why it has interpreted the term ‘competing proposals’ in relation to Cockenzie in the wider discussion set out in the main part of Issue 22. In that context, the Council submits that the objector’s interpretation of that term is incorrect and too narrow – i.e. that National Development 3 and 4 can complete with one another (in this regard, the Council also notes the terms of representation 0391/3). The Council submits that this term should be interpreted sequentially to mean any proposal that completes with National Development 3, including National Development 4, and then any proposals that compete with National Development 4. On the specific point of Proposal EGT1 limiting the use of the Cockenzie site to National Development 3 only, the Council submits that the objector has misinterpreted Proposals EGT1 (CD039). Proposal EGT1 does prioritise National Development 3, which in the context of NPF3 and SESplan’s SDP1 is the correct approach to follow, particularly given the changes in circumstance over time (as described fully in the main part of Issue 22). It is true that NPF3 promotes collaborative working to make best use of land and infrastructure in the area, and that should there be insufficient land for competing proposals then those that make best use of the locations assets and bring the greatest economic benefits are to be prioritised; a masterplan is to be the outcome of this joint working. At this stage, and in the context of NPF3 and SDP1, the Council submits that the preparation of such a masterplan is dependent on a clear understanding of how much land is to be safeguarded to deliver National Development 3, which there is no surety about currently. However, the LDP allows for circumstances to change through time again, either through the approval of planning permission consistent with proposal EGT1 or through a change in the national policy position. Such opportunities would be reflected in the preparation of Supplementary Guidance, which could take the form of a masterplan; such a masterplan might be used to suggest an alternative aspiration for the site in the next National Planning Framework. It should be noted that, at this stage, there is no statutory connection between the Council’s master planning work and the LDP policy position. The Council is merely seeking to take the lead in identifying potential land use options at the Cockenzie site in future, for example should the aspirations of any future NPF in respect of the site change. This would seem to be a prudent approach to follow, in the circumstances. **The Council submits that no modification of the plan is necessary.**

Karting Indoors Ltd (0342/1)

The Council submits that the Raceland Karting site is currently proposed to be included within the Proposal BW2: Safeguarded Blindwells Expansions Area (Proposals Map Inset Map 7) (CD039) and within the Policy DC1: Rural Diversification (Proposals Map Inset Map 3). Applying Policy DC1 and Proposal BW2 together would not presume against the continued operation of the existing facility or an appropriate expansion of it, subject to satisfying Proposal BW2s provision that such a proposal would not undermine the ability to expand Blindwells. Similarly, uses that could be supported in principle under Policy DC1 would also be acceptable on the site, subject to Proposal BW2. Whilst in respect of roadside services a case could be made that a location adjacent to a trunk road interchange such as this is sufficient justification for a countryside location, the Council submits that the nature of such a proposal and its associated impacts are unknown. This would need to be fully understood before it could be included within the plan as a proposal, including the assessment of the site in terms of SEA and HRA and the ability to demonstrate consistency with SPP (2014) paragraphs 282 and 290 (CD030). Nonetheless, the Council considers there to be adequate existing provision of roadside facilities and lorry parking eight miles to the west of the Raceland Karting site at Old Craighall Services, Musselburgh. Given the complexity and detailed design required in respect of such facilities, particularly in light of the need to ensure access via the Gladsmuir interchange for any such proposals would not undermine the expansion of Blindwells, the Council submits that any such proposal would best be addressed at project level through the Development Management process, and considered in the context of Proposal BW2. It should be noted that Transport Scotland would be a key consultee in respect of any proposals. **The Council submits that no modification of the plan is necessary.**

**Spatial Strategy Miscellaneous**Pat Morris (0018/2)

The LDP is required by law to be consistent with the SDP, Section 11, 5(b) (CD002). It must identify appropriate and sufficient land to meet the housing and employment land requirements of the SDP. The development locations selected by the LDP are guided by the principles of sustainable development, greenhouse gas emission reduction and the vision, aims and objectives of the LDP. The spatial strategy is therefore a compact one, focussing the majority of new development in the west of East Lothian. Some sites outwith the SDA were chosen in order to meet the housing land requirement of the SDP. The LDP identifies an area of coast on the Proposals Map. Proposed Policy DC6 requires that development proposals in the coastal area are assessed against the relevant qualities of the coastal area, consistent with SESplan SDP1 Policy 7 (CD030). Those proposals in the constrained coast will only be supported if a coastal location is required. **The Council submits that no modification of the plan is necessary.**

John Slee (0049/2)

The Council submits that the opening paragraphs of the spatial strategy for each cluster area (2.14, 2.49, 2.65, 2.82, 2.110, 2.129 and 2.151) (CD039) describe those that are within the SDP1 Strategic Development Area either in whole or part, and do same for the settlements (CD030). The Council submits that this is based on the SDP Spatial Strategy Technical Notes (CD035). As such, the clusters related to Musselburgh, Prestonpans/ Cockenzie, Blindwells and parts of the Tranent cluster are within the SDA (and the compact spatial strategy area); parts of the Haddington and the Dunbar cluster areas are

also within the SDA (but outwith the compact spatial strategy area). The majority of the North Berwick Cluster area is outwith the SDA, but the very small settlement of Drem and its rail halt are within the SDA. The Council therefore submits that the geography of the Council's spatial strategy is fully explained within the LDP itself. The Council agrees that the Spatial Strategy should focus development in the west of East Lothian. The SESplan Housing Land Requirement for the period 2009-2024 for East Lothian is set at 10,050, and the LDP must conform to this (CD030). SPP paragraph 40 (CD013) sets out policy principles for development plans to follow in promoting a sustainable pattern of development appropriate to an area. In this context, the Council has considered the principal physical, social, environmental characteristics and the environmental and infrastructure opportunities and constraints in the area, including how the housing market functions (see LDP paragraph 1.21) (CD039). This is explained by the LDP within the section on East Lothian: The Place (paragraphs 1.10 – 1.42) (CD039) and within Section 2 of the Council's Main Issues Report (CD068). Taken together, and with SESplan SDP1 Policy 7 (CD030), these considerations helped shape the spatial strategy for the area and the selection of development sites (see paragraph 2.3 of the LDP in particular) (CD039). To ensure the design and appearance of the new development is appropriate for the area, the Council has prepared draft development briefs that must be conformed to in the preparation of masterplans for relevant sites, in line with LDP Policy DP4 (CD039). The Council intends to adopt the briefs following examination, so that any consequential amendments to them arising from any modifications to the LDP can be made. The Council submits that there is an appropriate LDP policy framework in place to ensure that the design of new development will be appropriate for the local area in which it is proposed. **The Council submits that no modification of the plan is necessary.**

Richard Atkins (0076/2)

The LDP acknowledges at P139 (CD039) that new residential development must ensure efficient use of land and other resources and create mixed communities. Low density development (less than 30 dwellings per ha net) makes an inefficient use of land and places greater dependence on use of the private car. Policy DP3 Housing Density places a requirement on housebuilders to provide a minimum net density of development of 30 dwellings per ha and is a move to promote a higher density of development at a level appropriate to the character of the area. Where appropriate Policy HOU3 will support higher density of development provided all other relevant local plan policies can be satisfied. The Council's full response to this issue is set out at Issue 30. **The Council submits that no modification of the plan is necessary.**

Scottish Natural Heritage (0280/1)

The Council submits that the Development Briefs (subject to review after consultation) are to be adopted as supplementary planning guidance by the Council – i.e. they are not intended to be statutory Supplementary Guidance. This approach is in line with the Scottish Government Chief Planner's letter (January 15<sup>th</sup> 2015) (CD025) concerning the need to minimise the amount of Statutory Supplementary Guidance produced. In this regard, the Council is of the view that the Development Briefs are a matter that would be more appropriately dealt with as non-statutory guidance. The Council submits, however, that the LDP does require that the designs for sites conform to the relevant development brief. The intention is that, although they would be non-statutory guidance and carry less weight than the LDP itself, the briefs have nonetheless been subject to the same level of consultation as the LDP and so should be 'conformed to'. However, the Council submits that the briefs have been drafted and will be adopted to reflect that certain matters are non-

negotiable, such as where there is a need to make developer contributions and that in these circumstances words such as 'must' and 'will' shall be used. Yet where there is scope to consider alternative approaches or options, words such as 'should' or 'could' shall be used. The Council intends to adopt the briefs following this examination, so that any consequential amendments to them arising from any modifications to the LDP can be made. The Council submits that weight to be attached to the terms of the Development Briefs will ultimately be a matter for the decision maker. The Council's full response to this matter is set out at Issue 30. **The Council submits that no modification of the plan is necessary.**

#### Musselburgh Area Partnership (0291/5)

Agricultural Land: In relation to paragraph 80 of Scottish Planning Policy (CD013), which states "development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...", the Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the SDP. The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy (CD013) to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. The Council considers the Proposed Plan is consistent with Scottish Planning Policy on the use of prime agricultural farmland for producing a development strategy. Where possible, brownfield sites have been proposed for allocation (including NK6). Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Draft Environmental Report under taken in the preparation of the Local Development Plan. Prime agricultural farmland, as with Green Belt land, is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing all of these factors is required and the Council considers the sites allocated in the Proposed Plan are appropriate given the need to consider their wider factors. **The Council submits that no modification of the plan is necessary.**

#### East Lothian Liberal Democrat Party (0300/12)

The Council submits that the plan allows for appropriate proposals to restore and bring unoccupied and derelict housing or potential housing back into the market, subject to compliance with plan policies. In a general sense, the principle of this is allowed for by the policies of the Growing Our Communities section of the plan, including the General Urban Development policies TC2: Town Centres and RCA1: residential Character and Amenity. Such development can also be supported in principle subject to policies within the Countryside and Coast Section of the plan, namely policies DC2: Conversion of Rural Buildings to Housing, DC3: Replacement Dwellings in the Countryside, DC4: New Build Housing in the Countryside, DC7: Development in the Edinburgh Green Belt. Design Policies DP5: Extensions and Alterations to Existing Buildings and DP7: Infill and Backland Development set out relevant design considerations. (CD039) **The Council submits that no modification of the plan is necessary.**

East Lothian Liberal Democrat Party (0300/13)

The Council notes the points made in respect of the spatial strategy and has the following comments to make. Firstly, the need for any additional development land, and the locations that ought to be prioritised to accommodate any such additional development, will be a matter for the review of the development plan. In that context, the Council submits that the spatial strategy of the proposed LDP acknowledges (at para 2.11) (CD039) that, into the longer term, environmental and infrastructure constraints in the west of East Lothian are expected to result from the implementation of the compact spatial strategy. In future these constraints may dictate that settlements in the east of East Lothian need to play a more prominent role as part of a more dispersed spatial strategy: there may also be a need to consider if more than one new settlement in the area is required. The Council submits that these points, taken together with the other spatial strategy statements of the plan (e.g at para 2.7; 2.19 – 2.20; 2.54 – 2.56; 2.78; 2.85 and 2.88; 2.114 and 2.116-2.117; 2.132 and 2.134-2.135; 2.154 and 2.157 – 2.158) (CD039) set out a suitable sense of direction in terms of the potential options for a longer term spatial strategy for the area. The Council also submits that it has recognised the increasing development pressure on its communities. In this respect the Council submits when the plan is operative that the application of green belt policy, policy on Countryside Around Towns and on green networks will help protect the character and appearance of the area and in particular manage new development such that the identity and setting of settlements is conserved. These policies and where they are to apply will be reviewed with the review of the LDP. The Council's full response to this matter is set out at Issue 26. **The Council submits that no modification of the plan is necessary.**

Eve Ryan (0307/1)

The Council submits that Scottish Ministers have approved the boundaries of the SESplan area – i.e. the Edinburgh and South East Scotland Strategic Development Plan area. East Lothian is included within these city region boundaries for strategic planning purposes. SESplan must, by law, prepare a Strategic Development Plan for the SESplan SDP area. The Council submits that East Lothian must by law prepare an LDP that is consistent with the approved SDP, Section 11 5(b) (CD002). This includes a requirement to accommodate the development land requirements prescribed for East Lothian by the SDP, and the need to test the feasibility of an expansion of Blindwells. The Council submits that the LDP Main Issues Report consulted on the preferred and compact spatial strategy options (CD068). Following consideration of responses to the MIR, the Council has prioritised the compact spatial strategy for its proposed LDP with some additional dispersal also included. This is for the reason set out in the Main Issues Report 'Development Locations' section and at paragraph 2.1 – 2.13 of the proposed LDP (CD039). The Council also submits that the LDP contains a robust policy framework that will protect, conserve and where appropriate enhance the natural and cultural heritage of the area. **The Council submits that no modification of the plan is necessary.**

Gullane Opposing Overdevelopment (0309/2)

The Council submits that the LDP is consistent with the SDP, including in so far as the allocation of sites at Gullane is concerned. The former Fire Training School (NK6) at Gullane is previously developed land, and this brownfield site has been considered for development before the development of greenfield sites. However, the Council submits that there are very few meaningful brownfield sites remaining across East Lothian, due to the successful implementation of planning policies that allow infill development to take

place within urban areas. In recognition of this, the Council further submits that the allowance it has made for windfall development occurring during the plan period is low because future brownfield development opportunities are largely identified by the plan as proposals, including within the Established Housing Land Supply. Should any additional windfall development occur during the plan period, the Council submits that this would help to maintain an adequate effective housing land supply. These factors in combination with the scale of the SDPs Housing Land Requirements mean that there is a need to allocate greenfield land for development. The selection of sites for development has taken into account the spatial strategy of the SDP and the environmental and infrastructure opportunities and constraints within the area, as well as where there is need and demand for new housing, including affordable housing. The LDP spatial strategy focuses new development within the west of the area, but also distributes some new development further east. Whilst the SDA is to be prioritised as a location for new housing land allocations, sites outwith the SDA can be allocated subject to SDP Policy 7 where this is needed to maintain a five years' supply of effective housing land. Gullane is a marketable location, likely to deliver homes in the short term, and second only to North Berwick in terms of the size of settlement and the range of services and facilities available in this local area; North Berwick itself is also constrained in terms of further growth beyond those sites proposed to be allocated by the LDP unless and until foul drainage capacity is increased at the town (and thus also for Dirleton) by Scottish Water. The Council therefore submits that there is capacity available in the drainage network at Gullane, that education capacity is available and can be increased at Gullane Primary School (if necessary by utilising part of site NK7) and at North Berwick High School to accommodate the sites proposed for development. Impacts on the transport network can be addressed at a local level and at a strategic level where impacts will be mitigated on a cumulative basis. Sufficient capacity is also available within local GP services, with a new facility having recently been completed at Gullane. The LDP addresses the need for developers to contribute towards additional capacity in infrastructure and services through Policy DEL1: Infrastructure and Facilities Provision (CD039), and the associated Supplementary Guidance: Developer Contributions Framework. The Council submits that the impacts of development on the landscape and local area can be mitigated by appropriate design. The Council further submits that it proposes to introduce a Countryside Around Town designation to protect the wider landscape setting of the settlement. **The Council submits that no modification of the plan is necessary.**

Duncan Edmondson (0324/2)

The SDP sets out the spatial strategy for the SESplan area and sets an overall housing requirement of 107,343 homes up to 2024 (CD030). East Lothian is required to provide land capable of delivering 10,050 homes in this time period, with an interim, requirement for land capable of delivering 6250 homes up to 2019. The LDP must by law be consistent with the SDP, Section 11, 5(b) (CD002). SESplan's Supplementary Guidance on Housing Land, sets the Housing Land Requirement for East Lothian at 10,050 (CD036). This development cannot be re-allocated and must therefore be met within East Lothian. The Council's full response on these issues is set out in its response to Issue 12. The spatial strategy of the LDP is a compact one, as it focuses the majority of new development in the west of East Lothian. This is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. Some additional development has been distributed further east. This is in recognition of the need and demand for new homes and economic development opportunities in other appropriate and accessible parts of East Lothian where local service provision and sustainable transport options are good. At Paragraph 3.72 on pg 74 of the proposed LDP (CD039) it is

acknowledged that new housing development will generate demand for education, community, health and social care services and for the provision of more capacity throughout East Lothian. As part of the strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area. The spatial strategy distributes development to locations where such capacity exists or can be provided. The LDP addresses the need for developers to contribute towards additional capacity in infrastructure and services through Policy DEL1: Infrastructure and Facilities Provision, and the associated Supplementary Guidance: Developer Contributions Framework. **The Council submits that no modification of the plan is necessary.**

North Berwick Community Council (0326/1)

The Council submits that the Local Development Plan is to be an area wide document, and it deals with East Lothian's different local geographies in an appropriate way. The Area Partnerships were in the process of being set up, and were not fully established, during the preparation of this plan. The LDP has been prepared following extensive public consultation through the MIR process between 17<sup>th</sup> November 2014 and the 8<sup>th</sup> of February 2015 (CD068). This included open drop-in and workshop sessions within communities, including at North Berwick on the 4<sup>th</sup> December 2014. Council officers also attended a meeting of the Area Partnership on 27<sup>th</sup> January. The plan is sufficiently detailed to manage development in local areas. It has policies to protect the town centre from inappropriate development, to safeguard education and community facilities and open spaces etc. More detailed supplementary planning guidance will be prepared for local areas or topics, such as town centres and conservations areas. In the preparation of future planning guidance there is an opportunity to work collaboratively with the Area Partnerships and Community Council in the preparation of such guidance for more local areas. The Council is also available to discuss the planning implications of projects should any planning applications be anticipated. **The Council submits that no modification of the plan is necessary.**

Midlothian Council (0348/1)

East Lothian Council notes the comments and concerns from Midlothian Council officers in relation to the cross boundary transport impacts. East Lothian Council also notes SESplan's cross boundary transport study and is working with Midlothian Council and other authorities to address any cross boundary impacts. East Lothian Council submits that its local development plan is based on macro modelling work (based on the SESplan cross-boundary transport model) as well as micro transport modelling work. Based on this East Lothian Council has prepared draft Supplementary Guidance Developer Contributions Framework to address the impact of planned development in its area on infrastructure in its area. Additionally, LDP Proposals for sites MH1, MH2 and MH3, and MH14 and MH15 are clear that development proposals must address their impacts, including on a cumulative basis with other proposals. East Lothian Council submits that Midlothian Council could consider related project level impacts at application stage, and seek to ensure appropriate mitigation is justified and provided in any consultation response made through the development management process. **The Council submits that no modification of the plan is necessary.**

David Campbell (0361/2)

The Council submits that the LDP should be read as a whole, and that the cross-reference



is therefore unnecessary. **The Council submits that no modification of the plan is necessary.**

A J Whitehead (0383)

The Council notes that the representation does not support the proposed LDP. **The Council submits that no modification of the plan is necessary.**

Inveresk Village Society (0385/1)

Noted. See response to representation 0368/2 Musselburgh Conservation Society in Issue 3 Musselburgh Cluster. **The Council submits that no modification of the plan is necessary.**

Inveresk Village Society (0385/3)

The LDP Spatial Strategy for the Musselburgh Cluster map on p15 (CD039) does not show former green belt land around Inveresk allocated for development. The Council further submits that the Council's approach to the remaining green belt land here is explained at paragraph 2.19 of the plan and illustrated on the Proposals Map (Inset Map 26) (CD039). MH15 is the closest site but this is a former hospital site and was not green belt land. The Inveresk Conservation Area Character Appraisal identifies land around Inveresk that is important to its setting (para 7.8 of the Appraisal) (CD105): none of it is allocated for development in the LDP. The unique character of Inveresk which is wholly within a designated Conservation Area will be managed with reference to the LDP Design and Cultural Heritage policies informed by the Inveresk Conservation Area Character Appraisal which is a material consideration. **The Council submits that no modification of the plan is necessary.**

E Dickson (0404/1)

East Lothian Council submits that the compact spatial strategy was consulted on extensively through the MIR process, and there was broad support for that approach (CD068). The reasons for prioritising development in the west of East Lothian are explained 2.1-2.13 of the proposed LDP (CD039), and the Council submits that this compact strategy approach complies with Scottish Government planning policy and the Strategic Development Plan for the SESplan area. The Council also submits that the Strategic Environmental Assessment published in interim form with the MIR and in draft form with the proposed LDP supports the compact strategy approach. The Council submits that in transport terms, the west of East Lothian is the most accessible part of the area including via public transport. Development there should help minimise the need to as well as distance that need be travelled and encourage public transport use, thereby minimising the impacts on the transport network. Accessibility and the availability and frequency of public transport options further east is more limited than in the west. Commuting travel patterns from development in the east will cause people to travel through the west of the area since there is limited route choice to and from East Lothian. The plan has been informed by macro and micro transport modelling work, the findings of which are reported in the Transport Appraisal (CD041) published with the proposed LDP. The plan sets out mitigation measures where this modelling identifies a need for them, to ensure satisfactory performance of the transport network. The same mitigation measures, combined with improved bus fleet and reduced particulate emissions, will ensure air quality is managed and improved, including in Musselburgh town centre. The Council submits that the plan

contains policies that seek to protect and enhance existing open spaces in the area (see Policy OS1) and to provide new open spaces in association with new development (see policies OS3 and OS4). The Council will also seek to deliver over the long term an enhanced green network throughout East Lothian, including as part of site development (see Policy DC10). The Council further submits that some opportunities for new development have been distributed further east, in recognition of the need and demand for homes there as well as employment opportunities and job creation, as explained at para 2.3 of the proposed LDP (CD039). The Council also submits that, should there be a need for further development land in future, in the longer term settlements in the east may need to play a more prominent role as part of a more dispersed spatial strategy, as explained at para 2.11 (CD039) of the proposed LDP. **The Council submits that no modification of the plan is necessary.**

Gary Donaldson (0407)

East Lothian Council submits that the compact spatial strategy was consulted on extensively through the MIR process, and there was broad support for that approach. The reasons for prioritising development in the west of East Lothian are explained 2.1-2.13 of the proposed LDP (CD039), and the Council submits that this compact strategy approach complies with Scottish Government planning policy and the Strategic Development Plan for the SESplan area. The Council also submits that the Strategic Environmental Assessment published in interim form with the MIR (CD070) and in draft form with the proposed LDP (CD060) supports the compact strategy approach. The Council submits that in transport terms, the west of East Lothian is the most accessible part of the area including via public transport. Development there should help minimise the need to and distance that need be travelled as well as encourage public transport use, thereby minimising the impacts on the transport network. Accessibility and the availability and frequency of public transport options further east is more limited than in the west. Commuting travel patterns from development in the east will cause people to travel through the west of the area since there is limited route choice to and from East Lothian. The plan has been informed by macro and micro transport modelling work, the finding of which are reported in the Transport Appraisal published with the proposed LDP. The plan sets out mitigation measures where this modelling identifies a need for them, to ensure satisfactory performance of the transport network. The same mitigation measures, combined with improved bus fleet and reduced particulate emissions, will ensure air quality is managed and improved, including in Musselburgh town centre. The Council also submits that the plan contains policies that seek to protect and enhance existing open spaces in the area (see Policy OS1) and to provide new open spaces in association with new development (see policies OS3 and OS4). The Council will also seek to deliver over long term an enhanced green network throughout East Lothian, including as part of site development (see Policy DC10). The Council further submits that some opportunities for new development have been distributed further east, in recognition of the need and demand for homes there as well as employment opportunities and job creation, as explained at para 2.3 (CD039) of the proposed LDP. The Council also submits that, should there be a need for further development land in future, in the longer term settlements in the east may need to play a more prominent role as part of a more dispersed spatial strategy, as explained at para 2.11 (CD039) of the proposed LDP. **The Council submits that no modification of the plan is necessary.**

Rob Moore (0418/1)

The spatial strategy of the LDP is a compact one as it focuses the majority of new

development in the west of East Lothian. This is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. Appropriate development sites that are or can be integrated with sustainable transport options are allocated. This is so new development will have good access via sustainable transport modes to existing or new employment locations or community facilities that are or will become available locally or regionally. This will minimise the need to travel by car and associated CO2 emissions. The sites selected also provide opportunities to further the regeneration of communities in East Lothian's former western coal field. However not all new development is to be located in the west and some additional development has been distributed to the east. This is in recognition of the need and demand for new homes and economic development opportunities in other appropriate and accessible parts of East Lothian where local service provision and sustainable transport options are good.

Development there should help minimise the need to and distance that need be travelled as well as encourage public transport use, thereby minimising the impacts on the transport network. Accessibility and the availability and frequency of public transport options further east is more limited than in the west. Commuting travel patterns from development in the east will cause people to travel through the west of the area since there is limited route choice to and from East Lothian. The plan has been informed by macro and micro transport modelling work, the findings of which are reported in the Transport Appraisal (CD041) published with the proposed LDP. The plan sets out mitigation measures where this modelling identifies a need for them, to ensure satisfactory performance of the transport network. The same mitigation measures, combined with improved bus fleet and reduced particulate emissions, will ensure air quality is managed and improved, including in Musselburgh town centre. The Council also submits that the plan contains policies that seek to protect and enhance existing open spaces in the area (see Policy OS1) and to provide new open spaces in association with new development (see policies OS3 and OS4). The Council will also seek to deliver over long term an enhanced green network throughout East Lothian, including as part of site development (see Policy DC10) (CD039). The Council further submits that some additional development has been distributed further east, in recognition of the need and demand for homes there as well as employment opportunities and job creation, as explained at para 2.3 (CD039) of the proposed LDP. The Council also submits that, should there be a need for further development land in future, in the longer term settlements in the east may need to play a more prominent role as part of a more dispersed spatial strategy, as explained at para 2.11 (CD039) of the proposed LDP. The LDP addresses the need for developers to contribute towards additional capacity in infrastructure and services through Policy DEL1: Infrastructure and Facilities Provision (CD039), and the associated Supplementary Guidance: Developer Contributions Framework (CD063). **The Council submits that no modification of the plan is necessary.**

Loreen Pardoe (0422/1)

The Council notes the objector's concerns in respect of the potential impact on the character and appearance of the local area, including villages and smaller settlements. However, the plan is seeking to provide sufficient land in appropriate locations where people want to live to meet the development requirement set for East Lothian by the Strategic Development Plan (CD030). The LDP spatial strategy notes that change will need to occur in East Lothian to accommodate these strategic development requirements (para 2.1) (CD039). The LDP also contains a range of policies and proposals that seek to mitigate the impact of development on the capacity within infrastructure and facilities, including schools and so on (see Policy DEL1: Infrastructure and Facilities Provision). The

plan also contains a range of Design Polices aimed at ensure that new development is properly integrated into the character of settlements and the local area (see policies on pages 137-141 of the plan) (CD039). **The Council submits that no modification of the plan is necessary.**

### **Spatial Strategy Support**

Russell and Gillian Dick (0090); Network Rail (0181/7); Donald Hay (0183/1); Omnivale (0268/2); Wemyss and March Estate (0295/1); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/1); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/2)

Support Noted

### **Reporter's conclusions:**

#### **Preliminary**

1. The spatial strategy is expressed within pages 11 to 14 of the plan including within the Main Strategy Diagram. The background for the strategy is outlined within the introduction to the plan which discusses the characteristics of the area including the impacts of previous development.

2. Although the representations to this issue have been divided into comments on the 'main text', 'main map' and 'miscellaneous' matters of the spatial strategy, the actual content of the representations extends beyond these aspects and includes the Cluster Chapters of the plan. My conclusions on this issue are concerned with representations to the general spatial strategy approach as expressed within pages 11 to 14 of the plan and indicated on the front page of this issue. Any modifications requested to proposals within particular cluster areas are responded to in each respective cluster issue.

3. The representations on this issue concern a number of matters: the overall impact of the level of development proposed within the spatial strategy; the choice of strategy approach; the location of longer term development; specific amendments to the Main Strategy Diagram; and other matters. These are dealt with in turn in my conclusions.

4. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

#### **Overall impact of the level of development proposed**

5. The representations raise concerns that the overall level of development proposed, particularly for the west of East Lothian is too high as this area is considered unsustainable and proposed development will have consequent effects in terms of increased traffic and pressure on trunk and local road networks and the rail network, the loss of open spaces/green corridors, the loss of green belt, detrimental impacts on cultural heritage and the quality of life. The lack of supporting infrastructure is also raised and the view that the compact growth strategy approach will put a greater strain on shared services especially

schools and doctors surgeries.

6. Concerns are also raised over the scale of prime agricultural land that will be lost and that suburban density housing as proposed is inefficient and unsustainable in the long term. Overall, there is a concern that the locations selected and the levels of development, risk the coalescence of settlements. The priority should be on brownfield sites and bringing derelict housing back into use.

7. A general criticism is levelled at SESplan and the context provided for the amount of housing required within East Lothian. While I note these concerns, in order to comply with SESplan, the local development plan is required to identify land to accommodate 10,050 homes in the period to 2024, together with provision of 76 hectares of employment land for economic development purposes. I am satisfied that the plan does this.

8. Scottish Planning Policy identifies the loss of prime agricultural land as acceptable where it is essential as a component of the settlement strategy or necessary to meet an established need. While the plan seeks to minimise the use of prime agricultural land, the spatial strategy acknowledges the shortage of available brownfield land in East Lothian and that the use of prime agricultural land is unavoidable if the SESplan requirements are to be met. The plan also promotes a mix of housing types and sizes and higher density development through Policy DP3. Such an approach encourages more efficient use of land and other resources and helps support sustainable mixed communities consistent with Scottish Planning Policy.

9. While I note the concerns regarding impacts on existing infrastructure, the spatial strategy has considered the overall nature and scale of facilities and services required to serve the level of development required. As well as utilising existing infrastructure where available, the council proposes a number of measures to provide the necessary funding to secure such facilities including developer contributions. I accept that this is likely to be challenging in the current economic climate. However I find the council's overall approach set out within the plan to be a suitable response to the pressures it faces. I consider this matter further in Issue 31: Delivery and the corresponding issues dealing with transport infrastructure, education and primary health care.

### **The choice of strategy approach**

10. The representations on this matter express the following key concerns:

- The level of housing in the west is disproportionate to that in the east.
- There is an over-concentration of development in Musselburgh.
- A fairer and less divisive distribution of development is required.
- There is a need for more housing in the east.
- A dispersed approach (as followed in the adopted local plan) should continue to be pursued.
- Development in the east is not supported by SESplan.

11. The context for the spatial strategy approach is provided by SESplan which prioritises the East Coast Strategic Development Area (SDA) for development. Within East Lothian, the SDA follows the key transport routes of the A1 road and East Coast railway line and represents a corridor along this route. While the plan is required to respond to the SESplan requirements, it also has to consider how best that should be distributed within the area.

12. SESplan acknowledges the significant pressure for housing growth in the East Lothian area and the high level of commuting to access a wider range of jobs and services. It refers to the need for modest additional growth of existing settlements but does not specify how this is to be applied. It does not set a limit on the level of expansion of settlements or confirm whether new development should be concentrated or spread evenly across the area. In responding to this, the local development plan Main Issues Report (MIR) presented two spatial strategy options:

- (i) Compact growth which focuses the search for new housing and economic development land on the main settlements within the west of East Lothian's SDA. Following this, the main settlements further east are to be considered including the identification of land at settlements outwith the SDA if required; or
- ii) Dispersed growth, presented as a reasonable alternative to the above. This involves the continuation of the current local plan strategy, sharing and spreading additional development across East Lothian by focusing on the main settlements within the SDA. It also includes the identification of land at settlements outwith the SDA if required.

13. The council selected a compact growth strategy as the preferred approach and this was taken forward into the proposed plan. The council committee report dated 17 November 2015 summarises the objectives of the plan as: to promote sustainable development; to help grow the economy, increase housing supply and reduce inequalities; to protect and enhance East Lothian's high quality environment and special identity; and to ensure adequate infrastructure capacity and appropriate use of infrastructure and resources.

14. The spatial strategy, consistent with a compact growth strategy, primarily focuses development on the main settlements within the west of the SDA. This is considered to maximise the use of infrastructure capacity within the west rather than require provision elsewhere. The council acknowledges, however, that additional infrastructure will still be required to support the level of growth identified within the settlements in the west. The plan also seeks to locate development where public transport can serve it best in order to minimise environmental impacts and promote a reduction in travel and overall travel distances. The western area of the SDA is considered to have high accessibility and is nearer to major employment locations and regional facilities such as hospitals.

15. The strategy looks to support the regeneration potential of existing communities, particularly those within the former coal field area within the west of East Lothian. This area is also recognised as a core part of the Edinburgh housing and labour market areas, with high mobile demand and high demand for affordable housing, all of which should ensure a greater likelihood of delivery of new housing and employment development.

16. The Edinburgh Green Belt exists in the western part of East Lothian. Parts of the green belt are considered highly accessible by a range of transport modes, including public transport, and they adjoin urban areas with regeneration potential. The compact growth strategy recognises the need for green belt release in certain areas and the need for mitigation to protect the character and setting of settlements by way of the proposed Green Network, and to avoid coalescence. The Countryside Around Towns designation also seeks to protect such aspects.

17. High levels of development are identified within Edinburgh and within Midlothian and there will be a need for cross boundary working to coordinate trunk road and local road improvements. However I do not consider that the cumulative effect of this growth along with the scale of development identified at Musselburgh, would harm the settlement's

overall character and identity to such a degree as to justify diverting this development elsewhere within East Lothian. Nor do I consider that the level of development proposed would unduly damage the town centre’s economic potential. Within Issue 3: Musselburgh Cluster, I give further consideration to this matter and the sites allocated within the Musselburgh Cluster along with the specific concerns raised by Inveresk Village Society relating to paragraphs 2.14 to 2.21 of the plan.

18. The council acknowledges that there are infrastructure constraints within the west of the SDA, particularly around education, transportation, and air quality. A new secondary school is required within the Musselburgh cluster area. At a meeting of the council on 20 December 2016, it agreed the provision of a new additional secondary school within the area of Wallyford. The council acknowledges the work already undertaken and the need for further technical work on infrastructure impacts, including cumulative impacts. Notwithstanding, the council maintains the view that given the level of growth required, the extent of infrastructure impacts will still arise wherever large scale development is sited within the area.

19. I do not consider that the compact growth strategy is divisive in terms of the amount of development that it identifies for the west of East Lothian compared with the east. The strategy has emerged from a detailed analysis of the characteristics of the area and reflects the overall objectives of the plan and a sustainable settlement strategy. The council highlights that in order to meet the SESplan requirement and to maintain a five-year supply of effective housing land, further sites beyond those ‘preferred’ in the MIR were required to be identified. Consequently, most of the ‘reasonable alternatives’ and ‘other site options’ within the MIR are also incorporated, some of which lie outwith the SDA. Further sites were then added to meet the scale of the housing requirement for the short term at Gladsmuir East, East Saltoun and Humbie.

20. Our conclusions with regard to representations on specific allocations are outlined within the relative cluster issues. Overall, we support the vast majority of the allocations within the plan, with the exception of MH13 Howe Mire, TT15 Humbie North and TT16 East Saltoun. In terms of the general distribution of the total housing proposed, the final approach in the plan (as recommended to be modified) would result in the majority (circa 11,800 units) identified within the SDA with a relative proportion of 72% in the west and 28% in the east. This is summarised in the Table 1 below. Housing development proposed outwith the SDA (within Tranent and North Berwick Clusters) would represent only 12% of the total.

Tqble 1: Relative distribution of housing allocations (units) (as recommended to be modified) based on Table HOU1

		<b>West SDA</b>	<b>East SDA</b>	<b>Total SDA</b>	<b>Outwith SDA</b>	<b>Total</b>
Cluster	Musselburgh	5,134	0	5,134		5,134
	Prestonpans	659	0	659		659
	Blindwells	1,600	0	1,600		1,600
	Tranent	1,076	20	1,096	329	1,425
	Haddington	0	1,682	1,682		1,682
	Dunbar	0	1,617	1,617		1,617
	North Berwick	0	0	0	1,316	1,316
<b>Totals</b>		<b>8,469</b>	<b>3,319</b>	<b>11,788</b>	<b>1,645</b>	<b>13,433</b>
<b>SDA %</b>		<b>72%</b>	<b>28%</b>	<b>100%</b>		
<b>% of Total</b>		<b>63%</b>	<b>25%</b>		<b>12%</b>	<b>100%</b>

21. The previous dispersed approach within the local plan focused on the main settlements as service centres for the growing population. While I accept that the continuation of this strategy which would spread development further east would minimise green belt release in the west of East Lothian, I do not necessarily consider that it completely avoids the risk of coalescence or detrimental impacts on settlement character and identity. The scale of development required in this plan is such that impacts on the landscape setting of settlements beyond the green belt and within coastal areas could arise if a more dispersed approach was followed.

22. I note the comments made regarding public transport provision and overcrowding and that the speed of accessibility may be better in certain areas in the east (by car in some instances). I also note the concerns over the capacity of existing road junctions and congestion within Musselburgh town centre. However, I also acknowledge the plan's strategy to improve these aspects through investment in station car parking, rail platform lengthening, junction improvements, town centre air quality measures and active travel through investment in walking and cycling links. A sustainable settlement strategy which reduces the need to travel overall would be consistent with Scottish Planning Policy. Promoting development within settlements in the east, which are more distant from the city of Edinburgh, major employment locations and regional facilities, would generate a greater need to travel and involve travelling greater distances.

23. In focusing development away from the west, regeneration opportunities may also be lost and a move away from areas where mobile housing demand originates could risk future delivery. The evidence before me does not suggest that a compact approach would lead to increases in house prices in the east, constraining provision of affordable housing in these locations, as suggested in the representations.

24. Musselburgh Conservation Society and Inveresk Village Society are not suggesting the strategy is altered to a dispersed approach, rather a reduction in the level of housing allocated to the Musselburgh cluster. The specific modification requested is responded to in Issue 12: Planning for Housing.

25. In contrast to the views summarised above, concerns are also raised that an approach which continues to identify development within settlements in the east is contrary to SESplan. As discussed above, SESplan does not prescribe in detail how development should be distributed across the East Lothian area. I find that the spatial strategy responds appropriately by focusing the majority of new development within the SDA within the west, including within a new settlement. Beyond this, the plan has had to respond to significant pressures for housing growth. Development within settlements outwith the SDA is promoted in particular locations, within key settlements identified with a higher level of amenities and services, but has been held back elsewhere. Overall, substantially less development is allocated within the eastern part of the SDA and outwith the SDA (37%), compared to the west (63%) – see Table 1 above.

26. The council indicates that it has undertaken a detailed assessment of the sites submitted for consideration at the initial 'call for sites' stage and for sites submitted after this stage. The individual site assessment (set out in the draft Environmental Report Appendices) has considered a range of environmental and other factors, including an assessment of the site's suitability for development and its deliverability. The assessment also includes a wider analysis of the particular settlements within the cluster area and their key characteristics.



27. The council's site selection process was informed by two principle policies of Scottish Planning Policy; sustainability and place-making, as well as SESplan and the MIR. The council highlights that sites forming part of the spatial strategy have been included within the Strategic Environmental Assessment, Habitats Regulations Appraisal, Transport Appraisal modelling and Strategic Flood Risk Assessment. Further infrastructure assessments have been undertaken with respect to education, community services and health care facilities.

28. In the vast majority of cases, we agree with the council's assessment and the site selection process and consider the requisite provision of infrastructure and services is either in place or can be provided with appropriate funding, and that any adverse impact on the character of settlements would be acceptable or can be suitably mitigated. Our response on specific allocations is contained within the respective cluster issues.

29. The strategy allows for and the plan would provide for some additional housing within certain settlements outwith the SDA in the east. I find this to be a measured response to the level of housing need and demand in the area and in response to the relative accessibility and particular attributes of these settlements. Overall, I do not recommend any modifications to the spatial strategy.

30. North Berwick Community Council's request for an area plan for North Berwick which sets out the spatial extent of development required relative to local facilities suggests a more detailed plan than that provided for in the local development plan. The community council highlights particular issues such as the landscape setting of the Law, the town's ageing infrastructure (and population) and improved access to local facilities. The council states that the plan is sufficiently detailed to manage development in local areas and contains the necessary policies and proposals. The future preparation of supplementary planning guidance for local areas on matters such as town centres and conservation areas, in conjunction with area partnerships, as indicated by the council, may be one way in which the community council's concerns could be taken forward. However I have no remit to recommend on such matters. I find that the plan provides an appropriate level of detail given the extent of its geographical coverage, sufficient to convey the proposed spatial strategy. Therefore, I do not recommend any modifications in response to this representation.

### **The location of longer term development**

31. The representations allege that no thought has been given to the future consequences of a compact growth strategy in the west which is just a short term vision until major infrastructure can be delivered in the east. While I note this view, the plan includes for new development that is programmed to continue into the period beyond 2024, namely Blindwells (BW1) and the continuation of the larger allocations at Tranent, Musselburgh, Wallyford and Haddington. Land is also safeguarded as part of Blindwells expansion area (BW2).

32. Although at a relatively advanced stage in terms of progress (currently at examination) SESplan2 considers the longer term requirement to 2030 and is based on a new Housing Need and Demand Assessment and other evidence. While I note the content of SESplan2 and its strategic direction, this local development plan is required to conform with the current approved plan (SESplan, 2013).

33. James Millar (Kilduff) Ltd request that reference to Drem as a sustainable location for

medium to long term future growth is added to the plan and that it be safeguarded on the Main Strategy Diagram to enable the necessary investigations to be undertaken. A similar request is made in Issue 9: North Berwick Cluster.

34. Various statements are made in the plan in relation to development in the longer term being considered at particular locations. This includes references to Drem. This location is not safeguarded within the plan and we do not agree that it should be identified as such. Our recommendations on this are dealt with in Issue 9: North Berwick Cluster and Issue 13: New Sites. Consequently, I do not agree that a specific reference to the safeguarding of Drem should be included within the spatial strategy or within the Main Strategy Diagram.

### **Amendments to the Main Strategy Diagram**

35. Karting Indoors Ltd request that land to the north of the A1 (Gladsmuir Junction) should be identified as a proposal for roadside services. This request relates specifically to the proposals map for Tranent rather than the Main Strategy Diagram and therefore is more appropriately responded to in Issue 6.

### **Other matters**

36. The points raised in the representation by Inch Cape Offshore Ltd (0212/2) appear to support the text within pages 11 and 12 of the spatial strategy but seek modifications to paragraph 2.51 of the Prestonpans Cluster. Therefore, this matter is more appropriately responded to in Issue 4.

37. The general concern expressed by Scottish Natural Heritage regarding the status of development briefs, as referred to in the cluster chapters of the plan is responded to under Policy DP9: Development Briefs in Issue 30.

38. I do not consider that David Campbell's request to highlight in the plan the need to comply with all relevant local development plan policies is necessary as I agree with the council that the plan is to be read as a whole.

### **Reporter's recommendations:**

No modifications.

<b>Issue 3</b>	<b>Musselburgh Cluster</b>	
<b>Development plan reference:</b>	Musselburgh Cluster (pgs 15-22)	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Sven Seichter &amp; Lisa Helbig (0005) Dalrymple Trust (0006) Neil Murray (0008) Sharon Hadden (0102) Louise Adam (0146) Brian Morland (0153) Maggie MacSporran (0157) Network Rail (0181) Royal Society for the Protection of Birds (0185) Nicola Dick (0202) Rachel Cayly (0216) Historic Environment Scotland (0228) Buccleuch Property (0230) Andrew Agnew (0234) Musselburgh &amp; Inveresk Community Council (0245) Scottish Environment Protection Agency (0252) Lothian Park Ltd. (0256) Lothian Park Ltd. (0257) Zoe Bennett-Levy (0263) Sirius Sport &amp; Leisure (0274) Scottish Natural Heritage (0280) Ashfield Commercial Properties Ltd (0282) Wallace Land Investments (0285) Alistair Hadden (0296) East Lothian Liberal Democrat Party (0300) Queen Margaret University (0306) Scottish Wildlife Trust (0316) Persimmon Homes (0334) East Lothian Developments Ltd. (0337)</p>	<p>Joan Coyle and 49 others (0341) Wallyford Community Council (0343) Midlothian Council (0348) East Lothian Developments Ltd. (0351) Emma Hay (0357) Andrew Coulson (0359) Lisa Helbig (0362) Elaine Edwardson (0363) Musselburgh Conservation Society (0368) Amanda Ferguson (0375) Michael Izzi (0380) Lianne Millar (0381) Fraser Millar (0382) Inveresk Village Society (0385) Tay Wilson (0387) Robert Richardson(0388) Scottish Power Generation (0391) CALA Management (0393) Historic Environment Scotland (0394) Ewan Rutherford (0408) Traquair &amp; Stewart Families (0409) Neil Murray (0423) Mike Hay (0428) Suzanne Brett (0429) Sue Howie (0430) Samantha Brown (0431) Nichola Taylor (0432) Kaye Nicholl (0433) Christina Hall (0434) Marnie Sutherland (0435) Maureen McGhee (0436)</p>	
<b>Provision of the development plan to which the issue relates:</b>	Musselburgh Cluster (pgs 15-22)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Musselburgh Cluster Strategy Map</b></p> <p><u>Sirius Sport &amp; Leisure (0274/1)</u></p> <p>The site name given by the Council is Howe Mire. The site is not located at Howe Mire</p>		

which is some distance away to the west. It therefore gives rise to an impression that development is proposed in an alternative location. It is locally known by its historic name of Gula Flats. All submissions made to the Council by Sirius Sport & Leisure Ltd refer to Gula Flats. Accordingly, the Council is invited to amend the name.

The site boundary should extend to 11.8 ha rather than the 10.7 ha identified by the Council in the Development Brief and accordingly, the plan shown for PROP MH13 on the Spatial Strategy for the Musselburgh Cluster (page 15 of the Proposed Plan) should show a different boundary.

### **Musselburgh Cluster Introduction**

#### Rachel Cayly (0216)

Supports the Musselburgh Conservation Society submission (0368) in relation to the four open space lungs largely areas of green belt surrounding Musselburgh which should be protected from development in the long term. These are 1) the Brunstane/Newhailes area 2) open land west of river Esk 3) large area east of the river from Carberry, across Howe Mire and into Lewisvale Park and 4) the north east coastal strip from Levenhall Links through to Royal Musselburgh Golf Course. Development should be directed at Wallyford (the development underway) and Craighall.

#### Musselburgh & Inveresk Community Council (0245/1)

The compact growth strategy and 5,300 new houses in the Musselburgh area will place undue pressure on its local infrastructure.

#### Musselburgh & Inveresk Community Council (0245/7)

To protect its identity Musselburgh needs to maintain its town boundaries and green belt between it and surrounding areas.

#### Emma Hay (0357/2)

Seeks modification to the wording of para 2.19 in the introduction to the Musselburgh Cluster which requires a secure long term safeguard preventing settlement coalescence in the area. Stronger protection of settlement separation is needed. Supports its references to the important function of land to the west of Wallyford but considers this to be inconsistent with the allocation of PROP MH13.

#### Musselburgh Conservation Society (0368/2)

Add to paras 2.14 -2.21 that the LDP should have a clear vision statement for Musselburgh. This should propose four major open areas to give the town breathing space and bring the countryside to the town; these are: 1 Newhailes Park and, outside East Lothian, Brunstane; though it is noted that Brunstane is to be developed; 2 The open lung to the west of the River Esk from south of the A1 through Monktonhall golf course and The Haugh to Olive Bank bridge 3; Open lung east of the river from Carberry to Howe Mire including land north of Whitecraig, into Inveresk and Lewisvale Park incorporating the strip of land north of Wallyford station which separates Whitecraig [*NB this is probably intended to read Wallyford*] from Musselburgh and provides a link with area 4 below; this land is important because of the Battlefield site and gives Inveresk Conservation Area its separate

identity; 4 The north east coastal strip from Levenhall Links to Royal Musselburgh Golf Course including Goshen Farm and Drummohr; this area is important because of its links to adjoining nature conservation area and the separation it provides from Prestonpans and its undeveloped coast. These areas of land should be protected by green belt designation and a new protected land status. Major development in the Musselburgh area should be focussed to the south east at Wallyford; to the south west around Queen Margaret University and at Craighall.

**PROP MH1: Land at Craighall**

Dalrymple Trust (0006)

PROP MH1 should contain detail on the nature of structural landscaping proposed along the contiguous boundary of East Lothian and City of Edinburgh Council. Buffer planting is required to separate residential development on the City of Edinburgh side and the employment uses proposed on the East Lothian side of the boundary.

Zoe Bennett-Levy (0263/1)

Objects to PROP MH1: Land at Old Craighall Village which destroys class 1 prime agricultural land as highlighted in Core Document Environmental Report Appendix 5. Taken together, PROP MH1, PROP MH2 and PROP MH3 represents an over development of the area and destroys/diminishes a significant part of the green belt which needs to be of a greater scale. The general need for more land is due to the wasteful manner in which new land is proposed instead of redeveloping underdeveloped areas to reuse infrastructure and resources and avoid breaking up existing social structures. A comprehensive joint masterplan of the area along with Midlothian and City of Edinburgh is required in this area.

Queen Margaret University (0306/1)

Queen Margaret University makes a number of representations in relation to proposal MH1, including in respect of the Proposal itself (and the associated Development Brief subject to separate consultation and consideration).

1 QMU submits that Proposal MH1 is too vague and should be split into separate sub-proposals and contain triggers for the provision of enabling infrastructure; in particular, the land to the north west of QMU should be identified separately from the rest of the allocation to ensure it has a specific focus and that infrastructure requirements associated with its delivery are clearly identified. The employment land should be delivered early, since it will replace land lost from the 2008 local plan; access will therefore need to be provided via the completion of the grade separated junction at QMU early too. It is acknowledged that the housing will enable this, but based on assumed phasing for the site the representation presumes this will be delivered after 2024 or even after 2030/31. This would block QMU's Commercial Hub and the Innovation Park until then, which is not supported. It is suggested that an appropriate trigger for the provision of this access would be before the completion of the 100th house on the overall Craighall site, which could see the junction delivered by 2020. This is seen as fundamental to the delivery of the QMU Commercial Hub and the Innovation Park.

Persimmon Homes (0334/1)

Supports the allocation of PROP MH1 Craighall but requests that an amendment is made to the wording of PROP MH1 to delete the reference to approximate housing numbers of

350 houses for each of the two sites at Old Craighall and north of the A1.

Midlothian Council (0348/2)

Midlothian Council notes the LDP proposal to create a new local centre at Craighall. The new town centre at Shawfair has the potential to serve Craighall in its start-up phases, and the provision of bus and active travel links should be encouraged between Craighall and Shawfair should be encouraged. This will also support the Scottish Borders Railway. The new local centre should be restricted to the size needed to serve the new community only.

Elaine Edwardson (0363/1)

The representation appears to refer to the draft development brief for Craighall and provides detailed commentary on some of its sections. The main concern is that the B6415 is stated to be inadequate for the amount of traffic that will be using it in future following the completion of proposed developments that affect Old Craighall as well as from new development at Millerhill. Considers that existing houses at Old Craighall should be offered a quiet safe road rather than experience a high increase in traffic.

Musselburgh Conservation Society (0368/10)

In respect of education provision for Old Craighall – no mention of joint education provision with Midlothian Council in respect of the Craighall area – this was mentioned in the Main Issues Report and could relieve pressure on Musselburgh Grammar School.

Musselburgh Conservation Society (0368/13); Inveresk Village Society (0385/8)

Amend PROP MH1: Craighall to reduce the number of homes by 430. Site is supported but should have fewer houses south of the A1 with correspondingly more employment here.

Ewan Rutherford (0408)

Owner of 1.05 acres of land between 1 Old Craighall Road and Stanmore Cottage is allocated as part of PROP MH1: Land at Craighall but owner would like housing to come forward separately and in the shorter term to complement the wider PROP MH1 development. It should be zoned either as a separate housing proposal or as part of the PROP MH1 proposal.

**PROP MH2: Land at Old Craighall**

Zoe Bennett-Levy (0263/2)

Objects to PROP MH2: Land at Old Craighall Village because it does not respect the setting of a significant category A listed building; it destroys a significant part of the green belt and it destroys class 1 agricultural land as highlighted in Core Document Environmental Report Appendix 5. Taken together, PROP MH1, PROP MH2 and PROP MH3 represent an over development of the area and destroys/diminishes a significant part of the green belt, which needs to be of a greater scale. The general need for more land is due to the wasteful manner in which new land is proposed instead of redeveloping underdeveloped areas to reuse infrastructure and resources and avoid breaking up existing social structures.

Traquair & Stewart Families (0409/1)

Seeks extension of PROP MH2: Land at Old Craighall Village and associated green belt removal (capacity 30-40 units over 3 ha) and alteration to the Proposals Map. The site is stated to be and available in the short term, in a sustainable location that can accommodate development.

**PROP MH3: Land at Old Craighall Junction South West**Zoe Bennett-Levy (0263/3)

Objects to PROP MH3: Land at Old Craighall Village which destroys class 1 prime agricultural land as highlighted in Core Document Environmental Report Appendix 5. Taken together, PROP MH1, PROP MH2 and PROP MH3 represents an over development of the area and destroys/diminishes a significant part of the green belt which needs to be of a greater scale. A comprehensive joint masterplan of the area along with Midlothian and City of Edinburgh is required in this area. The employment allocation should be reduced.

Elaine Edwardson (0363/2)

PROP MH3 Land at Old Craighall Junction South West – this representation appears to refer to the draft development brief for Land at Old Craighall Junction South West and provides detailed commentary on some of its sections. The respondent has the following concerns about PROP MH3: the road infrastructure at Old Craighall is unsuitable for the proposed development; the train station is too far away to be likely to be used by people based at the proposed new development therefore there will be an increase in traffic in the area and no plan for parking which would have implications for Old Craighall as there is currently a parking problem here; there will be constant disruption for residents during construction including to utility services and the proposed development does not maintain the secluded character and identity of Old Craighall, removing the green belt status of the area.

Amanda Ferguson (0375)

Land at Old Craighall Junction South West – objects to this site which will change a green belt area and lead to air pollution. Concerned about the potential height of buildings used for employment purposes.

**PROP MH4: Land at Old Craighall Junction**Lothian Park Ltd (0257/1)

Lothian Park welcomes the continued allocation of this site for Class 4, 5 and 6 uses. Lothian Park notes the Council has not prepared a Development Brief for this site and would welcome the preparation of a brief to guide the development of this allocated site. A Development Brief will confirm the Council's requirements for the development of the site. For the reasons set out in relation to comments on Policy MH17 and Policy DP9, this should include a degree of flexibility and consideration of mutual connectivity with adjacent sites.

**PROP MH5: Former Edenhall Hospital Site**

Inveresk Village Society (0385/5)

Any housing proposed at PROP 5: Former Edenhall Hospital Site must have a vehicular access from Pinkie Road and not Carberry Road at Inveresk.

**PROP MH8: Levenhall**

Sven Seichter & Lisa Helbig (0005)

Opposed to PROP MH8: Levenhall on the grounds of harm to wildlife; the proposed vehicular access is close to a point where children play; noise impact from new neighbours and cars; construction noise, traffic and dust potentially for 1-2 years; the site is an entry point for nature walks in the area.

Neil Murray (0008)

Disagrees with PROP MH8: Levenhall on grounds of loss of green belt land between Wallyford, Musselburgh and Prestonpans; traffic congestion through Musselburgh and Wallyford including during construction and on the already slow A199; there is room for house building further east or south in East Lothian; will residents continue to have access to the A199 through the stone wall; Musselburgh has insufficient infrastructure to cope with the additional housing with reference to doctor's surgeries and schools; sufficient housing land at Wallyford; inadequate sewage system at Ravensheugh Crescent area to which Levenhall should not connect; lengthy period of construction noise; increased traffic equals increased emissions to the detriment of residents at Ravensheugh Crescent. The site is a designated battlefield and has a historic path, Beggar's Bush on its edge. Trees should be retained alongside the burn otherwise new houses would be able to see into the back gardens of some houses at Ravensheugh Crescent

Lisa Helbig (0362/1)

Objects to PROP MH8: Levenhall as it is untouched rural land used by deer and bats as well as dog walkers and children for playing. Concerned about noise and dust during construction.

CALA Management (0393/1)

Seeks amendments to PROP MH8: Levenhall to reduce the indicative capacity to circa 50 units due to physical and technical constraints of the site that have reduced the developable area available whilst the local housing market has an under supply of larger family homes and a full range and choice of housing is required to support place making and balanced communities.

Neil Murray (0423)

Opposed to PROP MH8: Land at Levenhall on grounds of loss of green belt, construction noise, dust and vibration over a prolonged period, harm to the wildlife of the area.



**PROP MH9: Land at Wallyford**Sharon Hadden (0102/1)

Respondent raises issues regarding the detailed planning application at Barbachlaw Wallyford. Does not support any more housing at Wallyford particularly if on a green field site and notes new housing already under construction at the south and east of Wallyford.

Maggie MacSporran (0157)

With reference to MH9 accepts that development has to happen but concerned that it is not being implemented sensitively in relation to the site boundary with existing residents at Wallyford Farm Cottages

**PROP MH10: Land at Dolphingstone**Scottish Natural Heritage (0280/2)

SNH have expressed concern regarding potential allocation of this site throughout the plan preparation process. While PROP MH10 requires mitigation of development related impacts and a careful approach to placemaking, SNH consider that the mitigation of landscape impacts, including avoidance of the loss of important views to Edinburgh, the Forth Estuary and Fife will be very difficult to achieve, even with close adherence to matters set out in the Draft Development Brief for this site.

Ashfield Commercial Properties Ltd (0282/3)

A continued reliance is placed on Wallyford in meeting housing need in the Musselburgh Cluster despite it failing to deliver any housing since its allocation in the Local Plan 2008. No evidence of contractual terms having been concluded with any house builder. Despite the failure to deliver the established Wallyford site, the Proposed Plan places greater emphasis on the wider land in the same ownership (MH9 and MH10) with 1000 additional houses allocated here. The accompanying Housing Land and New Sites Assessment demonstrates that between 350 and 400 of the houses included in the MH9 and MH10 allocations are undeliverable due to landscape constraints and the need to provide land for the new secondary school.

Two of the sites introduced by Members to replace Goshen at Dolphingstone (MH10) and Howe Mire (MH13) were the subject of objection from SNH and HES on landscape impact and cultural heritage grounds. There is no need to allocate these sites if Goshen is allocated. PROP MH10 should revert to a strategic reserve in line with the draft Proposed Plan.

Musselburgh Conservation Society (0368/14); Inveresk Village Society (0385/11)

Amend PROP MH10: Land at Dolphingstone to reduce the number of dwellings by 200. Suggest any employment land lost at Howe Mire could be located here.

**PROP MH11: New Secondary School Establishment**Ashfield Commercial Properties Ltd (0282/4)

ELC is no longer promoting the new school at Goshen. The formal missive between ELC and Ashfield remains in place to facilitate the development of the school at Goshen, and the Masterplan can accommodate it. If the Reporters agree with ELC Depute Chief Executive's report of November 2015 considering new secondary education provision for Musselburgh, the proposed new secondary school for Musselburgh should be allocated at Goshen and site MH11 deleted.

**PROP MH12: Land at Barbachlaw, Wallyford**

Nicola Dick (0202/1); Andrew Agnew (0234/1); Alistair Hadden (0296/1); Mike Hay (0428/1); Suzanne Brett (0429/1); Sue Howie (0430/1); Samantha Brown (0431/1); Nichola Taylor (0432/1); Kaye Nicholl (0433/1); Christina Hall (0434/1); Marnie Sutherland (0435/1); Maureen McGhee (0436/1)

PROP MH12 Barbachlaw should be de-allocated for housing should the stadium not be financially viable and that a stadium is the only acceptable use for the part of the site currently identified for it. A clearer statement in terms of alternatives to the stadium is required.

Emma Hay (0357/3)

PROP MH12: Barbachlaw, Wallyford should be modified to de-allocate for housing should the stadium prove financially unviable and that a stadium is the only acceptable use for its part of the site. Concerned that landowner may push for housing across the whole site.

**PROP MH13: Land at Howe Mire, Wallyford**

Nicola Dick (0202/2); Andrew Agnew (0234/2); Alistair Hadden (0296/2); Robert Richardson(0388); Mike Hay (0428/2); Suzanne Brett (0429/2); Sue Howie (0430/2); Samantha Brown (0431/2); Nichola Taylor (0432/2); Kaye Nicholl (0433/2); Christina Hall (0434/2); Marnie Sutherland (0435/2); Maureen McGhee (0436/2)

Land at Howe Mire should be deleted because the proposed use of a small parcel of land currently designated as green belt as a car park (an appeal decision) does not justify the release of a larger area for mixed use development; there is no certainty that the stadium will be completed and a legal agreement is still required to tie the stadium to the housing. Howe Mire is land that separates Inveresk/Musselburgh from Wallyford and is visually prominent and forms part of the setting of Wallyford and Inveresk, which will become even more important as Wallyford expands through PROP MH9. Taking into account PROP MH9: Land at Wallyford and PROP MH10: Land at Dolphingstone there is no justification to release such a significant part of green belt in terms of visual impact and settlement separation for just 170 homes which could be accommodated within MH9 and MH10 instead.

Historic Environment Scotland (0228/1); Historic Environment Scotland (0394)

The proposed plan states that there would be a requirement to demonstrate that the land can be developed in line with Policy CH5. It is difficult to see how this would be possible, given the sensitivity of the site and the level of development proposed and that the principles in Policy CH5 are consistent with those set out in SPP. In light of this Historic Environment Scotland (HES) consider that the impacts of such development would not be in line with SPP policy 149 which states that planning authorities should seek to protect,

conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the National Inventory of Historic Battlefields. It is on this basis that HES is seeking the removal of this allocation from the Local Development Plan.

(The reporter may wish to note that Historic Environment Scotland has additionally provided a number of notes, advice and comments on a variety of sites across all cluster areas in the LDP many of which are on the development briefs and the Environmental Report. The Council submits that these are not representations to the LDP and has not therefore formally recorded these or responded to them. Where relevant, these will be taken into consideration at the time of finalising development briefs or at the time of a relevant planning application).

Sirius Sport & Leisure (0274/2)

Development Framework Report submitted in support of the allocation of this site in the Proposed Plan and at the previous stages of the emerging Local Development Plan confirms the delivery of economic development on the allocated site. It is requested that the text in the first sentence is amended from could to would.

The text in Paragraph 2.38 needs to be amended to reflect ongoing research over the last 2 years. Reference to the site being in the core should be deleted as being irrelevant and an adjacent decision at appeal should be deleted. The key issue of the significance of the impact on the battlefield is fully covered by reference to Policy CH5: Battlefields and this is retained.

It is acknowledged that adjacent allocated sites should respect requirements for access; connectivity and permeability. Accordingly, these requirements are mutual and apply to both sites: PROP MH9 and PROP MH13.

Ashfield Commercial Properties Ltd (0282/5)

A continued reliance is placed on Wallyford in meeting housing need in the Musselburgh Cluster despite it failing to deliver any housing since its allocation in the Local Plan 2008. No evidence of contractual terms having been concluded with any house builder.

Two of the sites introduced by Members to replace Goshen at Dolphingstone (MH10) and Howe Mire (MH13) were the subject of objection from SNH and HES on landscape impact and cultural heritage grounds. There is no need to allocate these sites if Goshen is allocated. PROP MH13 should be deleted.

East Lothian Liberal Democrat Party (0300/4)

Strongly object to Proposal MH13: Howe Mire, since it is within the core of the battle of Pinkie site. It is also at the heart of the open lung east of the river Esk. Development here would compromise the green belt boundary and set a precedent for further development there. The site is important to the setting of neighbouring settlements

Wallyford Community Council (0343)

Objects to PROP MH13 – Land at Howe Mire, Wallyford on the following grounds; adds further housing on top of the 1,450 at St Clements Wells development, he 600+ at Dolphingstone and the 49 houses under construction at Dovecot Wynd on Salters Road;

the very good community spirit of the village will be put under immense strain jeopardising the safety and strength of the community; will lead to the loss of land with historical significance in connection with the Battle of Pinkie Cleugh; Howe Mire acts as a welcome delineation between Musselburgh and Wallyford and there is a striking view of the battle grounds and towards St Michael's Church at Inveresk; transport impact on Salter's Road is problematic at present with tailbacks towards the A1 creating problems for people crossing Salter's Road; there has been no proper consultation as this proposal came at a time when the Community Council has had a change over in community members.

East Lothian Developments Ltd (0351)

Objects to PROP MH13: Land at Howe Mire because of its adverse impact on a National Inventory of Historic Battlefields site; lack of education capacity at the new Wallyford Primary School; significant harmful impact on green belt landscape; not aware that the traffic impacts of the site development have been fully tested in particular concern this site would require a junction on to Salters Road within 50m of the major junction on Salters Road that is to serve the 2,000 house and associated two new schools.

Emma Hay (0357/1)

PROP MH13: Land at Howe Mire, Wallyford should be deleted because the proposed use of a small parcel of land designated as green belt as a stadium car park does not justify the release of a much larger area for mixed use development. Questions whether the stadium will ever be completed despite the legal agreement linked to associated housing. Howe Mire land is integral to the separation between Inveresk/Musselburgh and Wallyford and this will become more important as Wallyford expands (PROP MH9). No justification in terms of housing numbers for the release of this site in terms of visual impact and settlement separation just for 170 homes which could be accommodated in PROP MH9 and PROP MH10 through careful planning and design.

Andrew Coulson (0359)

PROP MH13: Land at Howe Mire should be deleted as it is inconsistent with Policy CH5: Battlefields. If implemented this would destroy the character and identity of the National Inventory of Historic Battlefields defined battlefield area. The site extends up to the battle commemorative stone which was located at a point that provided a visual understanding of the landscape of the battle that would be lost if the site were developed. The reference in para 2.40 to significant landscape planting to define new defensible green belt boundaries would further harm sightlines of the battlefield which is increasingly seen as a field of honour given the numbers that died there.

Musselburgh Conservation Society (0368/11)

Delete PROP MH13: Land at Howe Mire. This is an unacceptable development site that is of national significance as the site of the Battle of Pinkie Cleugh and no mitigation would be possible to counter its impact. It lies in open land that, if developed, its new green belt boundary to the west and north would be indefensible and would open up to development a swathe of land important to Musselburgh's and Inveresk's character and identity. Its allocation is contrary to the Reporter's recommendation at the Barbachlaw inquiry and is prime quality agricultural land that should be retained. Amend Proposals Map accordingly.

Lianne Millar (0381); Fraser Millar (0382); Tay Wilson (0387)

Land at Howe Mire should be deleted. It is visually prominent, forms an important part of the setting of Wallyford and Inveresk which will become even more important as Wallyford expands through PROP MH9. Taking into account MH9 and MH10 there is no justification in terms of housing numbers to release such a significant part of green belt in terms of visual impact and settlement separation for just 170 homes which could be accommodated within MH9 and MH10 instead.

Inveresk Village Society (0385/9)

Delete PROP MH13: Land at Howe Mire for the reasons given in the representation made by Musselburgh Conservation Society representation (0368/11/PROP/MH13). Amend Proposals Map Inset 26 accordingly

#### **PROP MH14: Land at Whitecraig South**

Louise Adam (0146)

Objects to new housing and expansion of the primary school at Whitecraig, implicitly to South Whitecraig. Plans for housing at Whitecraig were not available for viewing in July 2016.

Brian Morland (0153/2)

Concerned about PROP MH14 Whitecraig South on grounds that Whitecraig Avenue is not suited to additional traffic and the site should not be accessed from here. It is designated green belt, part of open green space important to residents that helps define the border with Midlothian. New housing at Whitecraig will not resolve deprivation and investment is required in other local facilities for example the site of the old bowling club, to improve the lives of current residents before new residents arrive. Whitecraig North is a better site than Whitecraig South with safer access and better connections within Whitecraig.

#### **PROP MH15: Land at Whitecraig North**

Wallace Land Investments (0285/1)

The Whitecraig North site has capacity for around 250 homes, rather than the 200 indicated in the proposed LDP. Request that capacity of the site be increased to reflect this. Request also made to modify the site boundary to allow access to the site, in particular to allow visibility spays to be provided given the existence of telecommunications infrastructure.

Musselburgh Conservation Society (0368/12)

PROP MH15 Whitecraig North is in an area that should be a long term green lung for Musselburgh and would have indefensible green belt boundaries that could in the longer term lead to a loss of more key open land that serves a function in avoiding coalescence. Loss of prime agricultural land, over development of Whitecraig, and its development may direct additional traffic through Inveresk.

Inveresk Village Society (0385/10)

Delete PROP 15: Land at Whitecraig North for the reasons given in the representation made by Musselburgh Conservation Society (Submission 0368/12/PROP/MH15) and the effect it would have on the setting, separate identity and character of Inveresk and that it would result in more traffic channelled through Inveresk.

**Policy MH17: Development Briefs**Lothian Park Ltd. (0256/2)

The Council's site *Development Briefs* are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the Planning process, a degree of flexibility is necessary. Accordingly, compliance with the site *Development Brief* should incorporate some flexibility.

Lothian Park Ltd. (0257/2)

The Council's site *Development Briefs* are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the Planning process, a degree of flexibility is necessary. Accordingly, compliance with the site *Development Brief* should incorporate some flexibility.

Wallace Land Investments (0285/2)

Representation on Development Brief Policy (MH17). The Council's development briefs are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered at Whitecraig North. At this stage in the planning process a degree of flexibility is needed in respect of the Brief. Accordingly the need for compliance with the development brief should incorporate some flexibility.

Sirius Sport & Leisure (0274/3)

The Council's site Development Briefs are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the planning process, a degree of flexibility is necessary. This is already highlighted in relation to the wording in PROP MH13. Accordingly, compliance with the site Development Brief should incorporate some flexibility. In terms of the Development Brief for this site, a case is presented in the Development Framework Report for a second access from Salter's Road to improve permeability and connectivity of the site to adjacent developments already under construction. It should also be noted that the boundary of the site is smaller because of an error by the Council is showing the boundary of the adjacent Stadium car park in the wrong location. This reduces the site by 1.1 ha. The site boundaries are shown in the Development Framework Report and these should be adopted in the Local Development Plan.

CALA Management (0393/2)

Reference to the development brief should be omitted until a more inclusive and credible process has been undertaken to finalise the briefs.

**PROP MH18: Levenhall Links to Prestonpans: Area for Habitat Improvement**Royal Society for the Protection of Birds (0185/4)

The reclamation of intertidal mudflat feeding grounds for wintering waders and other birds was a significant loss to the qualifying features of the Firth of Forth SPA and have not been compensated for. RSPB would wish to see detailed proposals for the opportunities referred to for further habitat improvement at the lagoons. PROP MH18: RSPB commend the aim to improve the availability of suitable habitat for qualifying interests (bird species) of the Firth of Forth SPA.

Scottish Wildlife Trust (0316/1)

Scottish Wildlife Trust (Local Group) welcomes Proposal MH18 Levenhall to Prestonpans: Area for Habitat Improvement, but would like to see a broader statement of the management of the site as currently this is limited to the qualifying interests of the Firth of Forth SPA. In particular there may be opportunities to consider the creation of a local nature reserve there.

Scottish Power Generation (0391/2)

Scottish Power Generation supports Proposal MH18, which largely relates to the former ash lagoons associated with the former Cockenzie site, but reserves the right to make further representations should a third party propose to make changes to this paragraph as it relates to its assets. No modifications proposed.

**Musselburgh Cluster Miscellaneous**Scottish Environment Protection Agency (0252/1)

The representation states that although these sites in Table MH1 are not shown on the spatial strategy drawings within the PP, the majority are shown on the proposal maps which accompany the plan. SEPA have not had an opportunity to comment on these sites previously, during the preparation of this LDP, i.e. SEPA have not been provided with shape files which allow assessment of the sites against all relevant information held on record. It is not clear if these allocations have been through the SEA process with the same rigour as other sites and the majority have not been assessed by the SFRA and the requirement for Flood Risk Assessments (FRA) to be submitted with planning applications, where appropriate, has not been identified in the PP. As less consideration of flood risk has been given to these sites, particularly taking into account significant changes in legislation, policy and the physical environment (such as the higher annual rainfall being experienced in East Lothian) it is not possible to establish the principle of development at these sites.

East Lothian Developments Ltd (0337/3)

ELDL would oppose the allocation of Goshen Farm for development were it to be considered by a Reporter because it would be harmful to the green belt; it would have a harmful impact on the Pinkie battlefield National Inventory of Historic Battlefields site; the development does not correspond with the Council's Education strategy and there is insufficient education capacity to serve it and the promoters have not demonstrated that the site can be developed without a harmful impact on the road network.

Lisa Helbig (0362/2)

Not all neighbours were notified about this proposal in the LDP.

**Musselburgh Cluster Support**

Network Rail (0181/8)

Network Rail welcomes the detailed analysis and information on the development within the Musselburgh cluster and how it seeks to ameliorate this through improvements, which accord with our own strategy and proposals. The cross reference to and the detailed policies set out through the Transport section of the LDP and in particular the detailed policies on improvement works and contributions required are welcomed. This forms a sound and detailed basis and one which we support.

**PROP MH1: Land at Craighall**

Persimmon Homes (0334/1)

Supports the allocation (see above for caveat)

Scottish Environment Protection Agency (0252/28)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH1. A FRA for this site should consider culverts adjacent to the site.

**PROP MH2: Land at Old Craighall**

Scottish Environment Protection Agency (0252/34)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at PROP MH2.

**PROP MH3: Land at Old Craighall Junction South**

Scottish Environment Protection Agency (0252/27)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH3. A FRA for this site should consider culverts adjacent to the site.

Lothian Park Ltd (0256)

Lothian Park supports the allocation of this site for Class 4, 5 and 6 uses.

**PROP MH4: Land at Old Craighall Junction**

Scottish Environment Protection Agency (0252/26)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH4.



A FRA for this site should consider culverts within the site.

Lothian Park Ltd (0257/1)

Lothian Park welcomes the allocation of PROP MH4 for Class 4, 5 and 6 uses.

**PROP MH5: Former Edenhall Hospital Site**

Scottish Environment Protection Agency (0252/32)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH5.

A tributary from of the Pinkie Burn is believed to flow through the site as shown on the SEPA fluvial flood map. A FRA was carried out in April 2010 and identified that a 600mm diameter culvert emerges at Pinkie St Peter's Primary School. The exact location of the culvert upstream is unknown.

A FRA should determine whether the tributary is culverted beneath the former hospital. No new development should take place above the culvert.

**PROP MH7: Pinkie Mains**

Scottish Environment Protection Agency (0252/29)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH7.

**PROP MH8: Levenhall**

Scottish Environment Protection Agency (0252/31)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH8.

During high flows, there are recorded instances of the Ravenshaugh Burn flooding adjacent to Beggar's Bush House where the burn joins with an unnamed tributary and was culverted into small pipes. The culverts have been replaced with a large open channel. The FRA should take these factors into account.

**PROP MH9: Land at Wallyford**

Scottish Environment Protection Agency (0252/30)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH9.

**PROP MH10: Land at Dolphingstone**

Scottish Environment Protection Agency (0252/33)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood

Risk Assessment (FRA) to accompany planning applications at Prop MH10.  
There is a small watercourse along boundary of the site which may pose a small risk of flooding. This should be addressed in the FRA.

East Lothian Developments Ltd (0337/1)

East Lothian Developments Ltd. support PROP MH10: Land at Dolphingstone [which is on a site in their ownership].

**PROP MH11: New Secondary School Establishment**

East Lothian Developments Ltd (0337/2)

East Lothian Developments Ltd. support MH11: New Secondary School Establishment [which is on a site in their ownership].

**PROP MH12: Barbachlaw, Wallyford**

Scottish Environment Protection Agency (0252/36)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH12.

A small watercourse could be culverted along the northern boundary of the site and the FRA should address this possibility.

**PROP MH13: Land at Howe Mire**

Scottish Environment Protection Agency (0252/38)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at MH13.

Joan Coyle and 49 others (0341)

This petition has been signed by a total of 50 individual people with addresses in Wallyford, Tranent and Elphinstone. Supports PROP MH13: Land at Howe Mire for mixed use development (circa 170 homes and employment uses).

Michael Izzi (0380/2)

Supports the allocation of PROP 13 Howe Mire.

**PROP MH14: Land at Whitecraig South**

Buccleuch Property (0230)

Supports the allocation at Whitecraig South PROP MH14 for the release of land for 300 units

Scottish Environment Protection Agency (0252/35)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH14.

It is possible that a culverted watercourse flows along the northern boundary adjacent to the School and the FRA should assess the risk from this watercourse, if it is present.

**PROP MH15: Land at Whitecraig North**

Scottish Environment Protection Agency (0252/37)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at Prop MH15.

**PROP MH18: Levenhall Links to Prestonpans: Area for Habitat Improvement**

Royal Society for the Protection of Birds (0185/4)

Support for aim of proposal. See above.

Scottish Power Generation (0391/2)

Supports PROP MH18. See above.

**Modifications sought by those submitting representations:**

**Musselburgh Cluster Strategy Map**

Sirius Sport & Leisure (0274/1)

PROP MH13 site boundary should be extended to 11.8 ha and the Musselburgh Cluster strategy map altered to reflect this as highlighted in the representation.

The name of the allocation should be changed to Gula Flats from Howe Mire.

**Musselburgh Cluster Introduction**

Network Rail (0181/8); Musselburgh & Inveresk Community Council (0245/1); Musselburgh & Inveresk Community Council (0245/7)

No modification sought.

Rachel Cayly (0216)

Amend paras 2.14 - 2.21 and associated Proposals

Emma Hay (0357/2)

Amend para 2.19 to include reference to strategic landscape mitigation.

Musselburgh Conservation Society (0368/2)

Amend Paras 2.14- 2.21 to incorporate: Given the scale of development proposed in the Musselburgh cluster and its likely impact it should be provided in accordance with a spatial strategy for the area which is based upon what physically gives the town its identity and character now and makes it an attractive place to live and do business, what's good and should be preserved and protected and where development should go to cause least damage. It is about getting the right amount of development in the right places whilst protecting acknowledged assets, in other words maintaining a sense of place. To achieve these aims the strategy proposes protecting four major open areas which give the town breathing space, provide separation from adjoining communities and bring the countryside into the town. They are:

- (i) To the west Newhailes Park and, outwith East Lothian, the adjacent Brunstane area which together give separation between Musselburgh and Edinburgh. Unfortunately it looks like the Brunstane area is to be developed as part of the Edinburgh Local Plan leaving only Newhailes parkland as open land here.
- (ii) The open lung to the west of the river Esk from south of the A1 through Monktonhall Golf Course and The Haugh to Olive Bank bridge.
- (iii) The major open lung east of the river from Carberry across Howe Mire, including land north of Whitecraig, into Inveresk and Lewisvale Park, incorporating the strip of land north of Wallyford station which separates Whitecraig from Musselburgh and provides a link with area (iv). This area is of special importance because it contains much of the historic Pinkie Cleugh battlefield site and gives Inveresk Village Conservation Area its separate identity.
- (iv) The north east coastal strip from Levenhall Links through to Royal Musselburgh Golf Course including the Goshen Farm and Drummohr areas which provide an undeveloped buffer to the adjoining nature conservation area. Overall the area provides separation from Prestonpans, maintains the undeveloped waterfront, protects the designed landscape of Drummohr House and contains another key area of the battlefield site.

Unless there is a persuasive case for limited development which causes no harm, and Whitecraig South and Levenhall are examples, and allowing for extant planning permissions, these areas will be protected by maintaining Green Belt status and introducing new protected open land status where necessary.

Musselburgh would thus remain recognisable and retain its identity long term, and there should be no decisions now that would compromise this structure, including allowing minor developments which would threaten the integrity of the open areas. Where major development should be focussed is to the far side of existing built up areas (a) up to the A1 to the south east of the town. i.e. the Wallyford development now underway, and (b) south west of the town around QMU and Craighall where generated traffic can be directed onto upgraded A1 junctions and away from the town centre'.

**PROP MH1: Land at Craighall**Dalrymple Trust (0006)

Amend para 2.24 of LDP. Amend development brief

Zoe Bennett-Levy (0263/1)

None specified

Queen Margaret University (0306/1)

“PROP MH1a: land at Craighall Musselburgh – Queen Margaret University.

Queen Margaret University and land to the North of Queen Margaret Drive provides an opportunity to deliver the Commercial Hub and Innovation Park as identified in the QMU Masterplan and Delivery Strategy (2016). In addition to the University, a Commercial Hub, and Innovation Park is envisaged for the site, incorporating up to 45 000 sq m of commercial (including a mix of uses such as hotel, local centre, community facilities, etc) and Innovation Park. The delivery of this opportunity is predicated on the completion of the approved grade-separated junction on the A1 at QMU, to facilitate appropriate access to the site. This will be enabled by using housing development elsewhere within MH1 Craighall Allocation as outlined below.

Land to the North East of the University is allocated for mixed use development, including relocated QMU car park and housing uses.”

“PROP MH1b: Land at Craighall, Musselburgh – Mixed Use Development

Land at Craighall, straddling the A1, is allocated for mixed use development including xx homes (exact number as included in finalised LDP), around 41 hectares of employment land, a new primary school and community uses, as well as infrastructure and associated works. This includes:

- 55ha of land to the east of Millerhill Marshalling Yards, between the freight rail loop and south of the A1, which is allocated for mixed use development including up to xx homes (as above) and around 20 hectares of employment land, to which policy EMP1 will apply. Access to this land will be from the upgraded grade-separated junction on the A1 at QMU
- 21 hectares of land to the south of the A1 at Old Craighall, which is allocated for a mixed use predominately housing development, which has capacity for xx homes (as above). Access to this land will be from the local road network
- 15 hectares of land to the east of Queen Margaret University and north of the A1, which is allocated for housing and has capacity for xx homes (as above). Access to this land will be from the local road network”

“PROP MH1c: Land at Craighall, Musselburgh – Masterplanning and Enabling Development

A comprehensive masterplan for the entire MH1 allocated site, which conforms to the MH1 Development Brief, will be required as part of any planning application for the allocated land. The masterplan shall include a phasing plan which will commit to enabling infrastructure provision as follows:

- The completion, and opening for public use, of the approved grade-separated junction on the A1 at QMU (Prop T16) prior to the occupation of a maximum of 100 houses within the overall MH1 allocation;
- The Delivery of the infrastructure requirements for the site as outlined in the approved MH1 development Brief, in accordance with the requirements of Policy DEL1: Infrastructure and Facilities Provision and Supplementary Guidance: Developer Contributions Framework.”

Persimmon Homes (0334/1)

Delete reference to approximate housing numbers of 350 houses for each of the two sites

at Old Craighall and north of the A1

Midlothian Council (0348/2); Elaine Edwardson (0363/1); Musselburgh Conservation Society (0368/10); Inveresk Village Society (0385/8)

No Modification sought

Musselburgh Conservation Society (0368/13)

Amend PROP MH1 to reduce the numbers by 430.

Ewan Rutherford (0408)

Amend PROPMH1 or add new Proposal MH1a

**PROP MH2: Land at Old Craighall**

Zoe Bennett-Levy (0263/2)

Delete PROP MH2

Traquair & Stewart Families (0409/1)

Amend and extend Proposal MH2 and amend Proposals Map accordingly

**PROP MH3: Land at Old Craighall Junction South West**

Zoe Bennett-Levy (0263/3)

Amend PROP MH3 to reduce the allocation

Elaine Edwardson (0363/2); Amanda Ferguson (0375)

No modification sought

**PROP MH4: Land at Old Craighall Junction**

Lothian Park Ltd (0257/1)

The representation suggests that a development brief should be prepared for the site.

**PROP MH5: Former Edenhall Hospital Site**

Inveresk Village Society (0385/5)

None

**PROP MH8: Levenhall**

Sven Seichter & Lisa Helbig (0005); Lisa Helbig (0362/1);

No Modification sought

Neil Murray (0008); Neil Murray (0423)

Delete PROP MH8

CALA Management (0393/1)

Amendment to MH8 to reduce capacity to circa 50

**PROP MH9: Land at Wallyford**

Sharon Hadden (0102/1); Maggie MacSporran (0157)

No Modification sought

**PROP MH10: Land at Dolphingstone**

Scottish Natural Heritage (0280/2)

In terms of natural heritage impacts SNH consider that other alternative sites put forward at the MIR stage would have fewer impacts. No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Ashfield Commercial Properties Ltd (0282/3)

PROP MH10 should revert to a strategic reserve in line with the draft Proposed Plan.

Musselburgh Conservation Society (0368/14); Inveresk Village Society (0385/1)

Amend PROP MH10: Land at Dolphingstone to reduce the number of dwellings by 200

**PROP MH11: New Secondary School Establishment**

Ashfield Commercial Properties Ltd (0282/4)

PROP MH11 should be deleted.

**PROP MH12: Land at Barbachlaw, Wallyford**

Nicola Dick (0202/1); Andrew Agnew (0234/1); Alistair Hadden (0296/1); Emma Hay (0357/3); Mike Hay (0428/1); Suzanne Brett (0429/1); Sue Howie (0430/1); Samantha Brown (0431/1); Nichola Taylor (0432/1); Kaye Nicholl (0433/1); Christina Hall (0434/1); Marnie Sutherland (0435/1); Maureen McGhee (0436/1)

Amend PROP MH12

**PROP MH13: Land at Howe Mire, Wallyford**

Nicola Dick (0202/2); Historic Environment Scotland (0228/1); Andrew Agnew (0234/2); Ashfield Commercial Properties Ltd (0282/5); Alistair Hadden (0296/2); East Lothian Developments Ltd. (0351); Lianne Millar (0381); Fraser Millar (0382); Tay Wilson (0387); Robert Richardson(0388); Historic Environment Scotland (0394); Mike Hay (0428/2);

Suzanne Brett (0429/2); Sue Howie (0430/2); Samantha Brown (0431/2); Nichola Taylor (0432/2); Kaye Nicholl (0433/2); Christina Hall (0434/2); Marnie Sutherland (0435/2); Maureen McGhee (0436/2)

Removal of allocation PROP MH13: Land at Howe Mire, Wallyford from the Plan. (Paragraphs 2.38-2.40)

Sirius Sport & Leisure (0274/2)

Modifications to paragraph 2.38:

It is requested that the text in the first sentence is amended from could to would.

It is recommended that the second and third sentences are deleted.

It is recommended that the following text is added to the end of paragraph 2.38 to read "PROP MH9 and vice versa for PROP MH 13".

East Lothian Liberal Democrat Party (0300/4)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan

Wallyford Community Council (0343)

No Modification sought

Emma Hay (0357/1)

Delete PROP MH13 and provide strategic landscape mitigation

Andrew Coulson (0359)

No Modification sought

Musselburgh Conservation Society (0368/11); Inveresk Village Society (0385/9)

Delete PROP MH13 and amend Proposals Map Inset 26 accordingly

#### **PROP MH14: Land at Whitecraig South**

Louise Adam (0146/1); Brian Morland (0153/2)

No Modification sought

#### **PROP MH15: Land at Whitecraig North**

Wallace Land Investments (0285/1)

Within Proposal MH15, modify the capacity of the site from 200 homes to 250 homes. Add the following text after the words Development Brief 'and any agreed amendments to this brief' etc. Modify site boundary on the proposals map to that shown in Development



Framework Report.

Musselburgh Conservation Society (0368/12); Inveresk Village Society (0385/10)

Delete Whitecraig North and amend the Whitecraig Inset Map 37 accordingly

**Policy MH17: Development Briefs**

Lothian Park Ltd. (0256/2); Lothian Park Ltd. (0257/2); Sirius Sport & Leisure (0274/3); Wallace Land Investments (0285/2)

Replace second sentence of Policy MH 17 with the following text: "Proposed master plans should generally conform to the relevant development brief."

CALA Management (0393/2)

Amendment to Policy MH17 to read Site Masterplans - as part of any planning application for any allocated site, comprehensive masterplan solutions for the entire allocated site must be submitted. Proposed masterplans must demonstrate how the relevant objectives for the allocated site will be secured, how the development will be delivered on an appropriate phased basis, and set out design requirements to ensure the development will be properly integrated with its surroundings and the character of the local area

**PROP MH18: Levenhall Links to Prestonpans: Area for Habitat Improvement**

Scottish Wildlife Trust (0316/1)

Designate a Local Nature Reserve at Levenhall Links by modifying paras 2.47-2.48 and Proposal MH18.

Scottish Power Generation (0391/2)

No Modification sought

Royal Society for the Protection of Birds (0185/4)

No specific modification is sought however, the representor would wish to see any proposals for future habitat improvement at the lagoons.  
The representation commends the aim of PROP MH18.

**Musselburgh Cluster Miscellaneous**

Scottish Environment Protection Agency (0252/1)

SEPA objects to the inclusion of sites within Table MH1 in the LDP, without them being subject to the same process and review as all other sites to be included in the LDP.

East Lothian Developments Ltd (0337/3)

No Modification sought

Lisa Helbig (0361/2)

No Modification sought

**Musselburgh Cluster Support**

Network Rail (0181/8); Buccleuch Property (0230); Scottish Environment Protection Agency (0252/26) (0252/27) (0252/28) (0252/29) (0252/30) (0252/31) (0252/32) (0252/33) (0252/34) (0252/35) (0252/36) (0252/37) (0252/38) Joan Coyle (0341); Michael Izzi (0380/2); East Lothian Developments Ltd. (0337/1); East Lothian Developments Ltd. (0337/2)

No modification sought

**Summary of responses (including reasons) by planning authority:**

**Musselburgh Cluster Strategy Map**

Sirius Sport & Leisure (0274/1)

The Council notes that there may be a minor difference between the planning permission site boundary and the boundary shown in the draft development brief and on the spatial strategy map on p15 of the LDP and Proposals Map (Inset 26)(CD039). However, according to the Council’s GIS records the mapping is accurate. Should the Reporter be minded to modify the relevant spatial strategy map and Proposals Map Inset in light of this representation, the site plan provided in association with Appeal PPA-210-2018 (CD131) may provide a basis for consideration of this. The draft development brief will be finalised after the Examination.

The Council notes that the current Ordnance Survey map does not refer to Gula Flats and the Council therefore used the name of the closest area that is named on the OS map, Howe Mire. The Council submits that this is of more help to anyone looking to find where development is proposed than the use of a supposed historic name not used on current OS maps. The Council submits that Ordnance Survey maps from the 1st Edition in 1854 through to the present do not use the name Gula Flats and instead the names Howe Mire, Rosehill and Barbachlaw are used in the vicinity of the site. The 1745 Roy Map uses the names Wallyford, Clammer Hill and Little Fauldside to reference farms in the area. Again there is no reference to Gula Flats on this historic map. The Council acknowledges that Gula Flats may have been a local name but cannot find any evidence of this. The Council submits that if evidence is found then it would be prepared to consider the use of the name Gula Flats in future street naming as and when the site is developed. **The Council submits that no modification to the LDP is necessary.**

**Musselburgh Cluster Introduction**

Rachel Cayly (0216)

The Council notes the four major open areas proposed in this representation to bring the countryside into the town the support for major development to the south east of Musselburgh at Wallyford, to the south west around Queen Margaret University and at Craighall. The Council submits that SDP1 (CD030) Policy 1A: The Spatial Strategy requires the LDP to direct ‘*strategic development*’ within East Lothian to the East Lothian Strategic

Development Area (SDA). Policy 1B: Development Principles requires the LDP to allocate sites which meet the specified criteria, including avoiding significant adverse impacts on designated areas and having regard to the need to improve quality of life and deliver high quality design and energy efficiency. The Council submits that the major LDP (CD039) proposal sites are to the south east of Musselburgh at Wallyford, to the south west around Queen Margaret University and at Craighall. The Council also submits that land around Musselburgh not allocated for development is designated as green belt and that the LDP retains sufficient land as green belt that prevents the coalescence of settlements and retains the separate identities of Wallyford, Whitecraig, Inveresk and Musselburgh. The Council acknowledges that the character and identity of Old Craighall will change significantly as major development is proposed there including a primary school and new commercial and community facilities. The Council submits that most of the land identified in this representation as 'green lungs' is retained as green belt to the benefit of the setting of Musselburgh and the wider area. The Council considers that the use of green belt to define areas of land to direct development to the most appropriate locations around Musselburgh while supporting regeneration remains the most appropriate planning tool to achieve this and does not consider that any further protected land status is required. **The Council submits that no modification to the LDP is necessary.**

#### Musselburgh & Inveresk Community Council (0245/1)

The Council acknowledges that an increase of 5,304 houses will have implications for local infrastructure in the Musselburgh area. This has been fully considered and where appropriate, planned for in the preparation of the LDP (CD039). The Council accepts that the proposed sites for new homes represent a significant expansion in the Musselburgh cluster but considers that this scale of development was required here in the context of the housing land requirements and the Compact Growth Strategy adopted for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth ( CD068). The Council notes that SDP1 (CD030) together with its Supplementary Guidance on Housing Land (CD036) requires the LDP to ensure sufficient housing land is available to deliver 6,250 homes in the period 2009 to 2019 and a further 3,800 homes in the period 2019 to 2024. In total, sufficient housing land is needed so 10,050 homes can be built in the period 2009 - 2024. The Council's approach to planning for housing set out in the proposed LDP is explained within Technical Note 1 (CD046). The Council submits that SDP Policy 1A: The Spatial Strategy: Development Locations requires the LDP to direct '*strategic development*' within East Lothian to the East Lothian Strategic Development Area (SDA). Policy 1B: Development Principles requires the LDP to allocate sites which meet specified criteria, including avoiding significant adverse impacts on designated sites and having regard to the need to improve quality of life and deliver high quality design and energy efficiency. SESplan has defined the East Lothian SDA using its spatial strategy assessment (see the SDP Spatial Strategy Assessment Technical Note) (CD035). SESplan applied assessment criteria to different areas within the city region. A comparative analysis was undertaken by SESplan to establish which areas should and should not be included within an SDA. Musselburgh is one of the most accessible areas of East Lothian and is included in the SDA.

The Council submits that it has addressed specific issues in relation to the effects of the development sites within the LDP on local infrastructure in its schedule 4 responses to Affordable Housing, Education, Community and Healthcare, Open Space and Play provision and Transport and that the Delivery section of the LDP, p142-144, addresses key additional infrastructure facilities or interventions that are required to enable the development of the LDP sites. The Proposed Local Development Plan Draft Developer

Contributions Framework Supplementary Guidance (CD063) supports this ensuring that an appropriate contribution will be made by developers to the costs of required infrastructure, facilities and interventions. **The Council submits that no modification to the LDP is necessary.**

Musselburgh & Inveresk Community Council (0245/7)

The concerns of the Community Council are noted.

The Council submits that due to a lack of brownfield land and its coastal location, Musselburgh cannot accommodate the expansion planned in the LDP (CD039) whilst maintaining its present town boundaries. The Council submits that it has selected sites for development at Musselburgh that minimise impact on its setting as it retains significant and important parts of the green belt that provide greenfield wedges between Wallyford and Musselburgh and around Inveresk to maintain its high quality setting. The Council submits that the expansion of Wallyford to the west has made it more important for there to be green belt land between Wallyford and Inveresk and Wallyford and Musselburgh and the Council does not wish to see this diminished any further, in the interests of protecting the settings and identities of Musselburgh, Inveresk and Wallyford in this area. The largest area of expansion proposed is at Craighall which is closest to Edinburgh and Midlothian and it is acknowledged that here development will in time meet with the administrative boundaries of Midlothian at Shawfair and Edinburgh at Newcraighall.

Sites at Musselburgh are proposed for allocation in order to meet the housing land requirement set by SDP1 (CD030) as noted in the response to 0245/1 above. While the Council accepts that these sites represent a significant expansion to Musselburgh, it is considered that this scale of development was necessary in the context of the SDP housing land requirements. In respect of the scale and distribution of Housing Land Requirements, the SDP required that Supplementary Guidance be prepared by SESplan to set the additional housing requirements for East Lothian's LDP (SDP paragraph 56). The preparation of this guidance was to be based on a 'fresh' analysis of development opportunities and of environmental and infrastructure opportunities and constraints in the SDP area. This analysis is set out in the Supplementary Guidance Housing Land Technical Note (May 2014) Section 7: Delivery (CD037). This is a refresh of the SDP Spatial Strategy Assessment Technical Note (CD035). In respect of the East Lothian West assessment area the findings of the refreshed strategic assessment were as follows:

**Accessibility:** this area is the most accessible part of East Lothian

**Infrastructure Capacity:** Water and Drainage capacity exists in this area. Education capacity varied but was generally limited.

**Land Availability and development capacity:** During the preparation of the SDP some capacity for expansion of Musselburgh and Longniddry were identified though it was noted that a number of existing allocations were undeveloped. The 'call for sites' exercise undertaken by the Council in the preparation of the MIR/LDP revealed further interest in development in the west of East Lothian.

**Green Belt:** Strategic development in the western part of this area is likely to have a significant impact on the green belt.

**Landscape Designations:** No change

**Regeneration Potential:** Although there were some areas of deprivation it was considered that the scope for regeneration benefit related to new development was limited.

**Prime Agricultural Land:** The strategic assessment noted that all land in this area was of prime quality.

**Transport:** The strategic assessment notes that there is increasing congestion on the A198 and A1 approaching Edinburgh affecting the public transport service, there were issues at Old Craighall junction on the A1 and limited capacity at other junctions. Rail capacity issues on North Berwick line services and a very limited increase in Edinburgh to Dunbar services.

When preparing the MIR (CD068) and selecting sites, the Council took into account the results of relevant assessment and appraisal, including cumulative effects, through Strategic Environmental Assessment (SEA) (CD074b). Consideration of infrastructure opportunities and constraints featured, including where existing facilities have capacity or can be expanded or where new facilities will be required to accommodate development. Preliminary work on Habitats Regulation Appraisal (HRA) was carried out at this stage. Preferred sites and reasonable alternatives were identified in consultation with internal/external service/infrastructure providers/consultees, including SNH (CD074a), SEPA (CD074), HES (CD071).

The Council submits that there were also responses to the MIR from landowners and developers and the house building industry (CD070). These suggested that significantly more housing land than was 'preferred' to be allocated by the MIR would be required in East Lothian to meet the SDP Housing Land Requirement and to maintain a five years' supply of effective housing land, particularly in the short term up to 2019. Those consultation responses also suggested that a combination of the 'compact' and 'dispersed' spatial strategy options consulted on at MIR stage should be followed by the proposed LDP, as all of East Lothian is a marketable location.

The Council submits that in the preparation of the proposed LDP it took into account the responses to the MIR, SPP (2014) (CD013) including its principal policies, the development requirements and spatial strategy of the SDP and its Supplementary Guidance on Housing Land as well as its own assessment of the principal physical, social economic and environmental characteristics of the area, as summarised within Section 2 of the MIR.

When selecting sites for inclusion in the proposed LDP, the Council looked first to those which were 'preferred' in the MIR and which had no technical issues in general principle raised through the MIR consultation. However, further sites were needed over and above those and many of the 'reasonable alternative' sites in the west of East Lothian were chosen for inclusion within the proposed LDP. Overall, most of the 'reasonable alternative' sites are included within the proposed LDP. However, sites at east Tranent (ALT – T5, T6 and T7) were not selected despite being within the SDA for the reasons explained within the MIR and because it was considered they may prejudice the development of Blindwells. Land at Eweford (MIR reference ALT-D1) was not included as it was a large site and in terms of effectiveness is considered it could not be developed in the short term. The Council submits that despite the scale of development proposed in the LDP, because of the location of the proposal sites at Craighall, adjacent to the Midlothian and Edinburgh administrative boundaries and the continued presence of the green belt to the south and east of the town and between it and Wallyford and Inveresk, the identity of Musselburgh can continue to be maintained. **The Council submits that no modification to the LDP is necessary.**

Emma Hay (0357/2)

While the Council agrees that settlement coalescence in the Musselburgh cluster is undesirable, it considers that the use of the green belt to define areas of land to direct

development to the most appropriate locations around Musselburgh while supporting regeneration remains the most appropriate planning tool to achieve this. Additional clarification of para 2.19 of the LDP (CD039) as suggested by the representation may be acceptable should the Reporter be minded it is necessary. The decision to seek to allocate PROP MH13: Land at Howe Mire taken by members on 17 November 2015 (CD107) was in the knowledge of its environmental impact as reported in its SEA site assessment (CD074c). **The Council submits that no modification to the LDP is necessary.**

Musselburgh Conservation Society (0368/2)

The Council notes four major open areas proposed in this representation that the representation suggests would bring the countryside into the town and that the representation supports major development to the south east of Musselburgh at Wallyford, to the south west around Queen Margaret University and at Craighall. The Council submits that SDP Policy 1A: The Spatial Strategy (CD030) requires the LDP to direct '*strategic development*' within East Lothian to the East Lothian Strategic Development Area (SDA). Policy 1B: Development Principles requires the LDP (CD039) to allocate sites which meet the specified criteria, including avoiding significant adverse impacts on designated areas and having regard to the need to improve quality of life and deliver high quality design and energy efficiency. The Council submits that the major LDP proposal sites are to the south east of Musselburgh at Wallyford, to the south west around Queen Margaret University and at Craighall. The Council also submits that land around Musselburgh that is not allocated for development is designated as green belt and that the LDP retains sufficient land as green belt that prevents the coalescence of settlements and retains the separate identities of Wallyford, Whitecraig, Inveresk and Musselburgh. The Council acknowledges that the character and identity of Old Craighall will change significantly as major development is proposed there including a primary school and new commercial and community facilities. The Council submits that most of the land identified in this representation as 'green lungs' is retained as green belt to the benefit of the setting of Musselburgh and the wider area. The Council considers that the use of green belt to define areas of land to direct development to the most appropriate locations around Musselburgh while supporting regeneration remains the most appropriate planning tool to achieve this and does not consider that any further protected land status is required. **The Council submits that no modification to the LDP is necessary.**

**PROP MH1: Land at Craighall**

Dalrymple Trust (0006)

The development of PROP MH1 will require to be in accordance with the site development brief which will be finalised after the Examination. All comments made to the development brief will be fully considered before the brief is finalised. The Council considers that the matter of landscape treatment between the two uses is an issue more appropriate to the development brief and not for the text of the local development plan (CD039) proposal. **The Council submits that no modification to the LDP is necessary.**

Zoe Bennett-Levy (0263/1)

The Council acknowledges the importance of Monkton House and its gatepiers which are category A listed buildings set within a locally important designed landscape. As a category A listed building Historic Environment Scotland has a role to play in considering its setting. In addition Monkton Gardens nearby is a category B listed building and there is a

scheduled monument close to the house. During the preparation of the LDP (CD039) the Council has had regard to the comments submitted by Historic Environment Scotland (CD071). Monkton House is situated close to the administrative border with Midlothian Council in a strategically important part of countryside and green belt south east of Edinburgh. The Strategic Development Plan for South East Scotland (SDP1)(CD030) and the associated Supplementary Guidance on Housing Land (CD036) sets the Housing Land Requirement for each local authority area within the city region, including for East Lothian. The Housing Land Requirement for the period 2009-2024 for East Lothian requires sufficient land to be allocated that delivers 10,050 houses by 2024. East Lothian Council is not able to reallocate its requirement. The Council has approved a compact growth strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068). Old Craighall falls within an area that is able to accommodate significant levels of growth to meet the development requirements of East Lothian. Given the scale of development required by SDP much of this wider strategic area is required for future development and the Proposed Midlothian LDP (CD127a) allocates land nearby at both Newton and Shawfair. The Council submits that to achieve a settlement strategy that meets the SDP's development requirements, land previously in the green belt has required to be allocated for development. This is in line with SPP para 50 (CD013) which notes that in developing its spatial strategy the planning authority should identify the most sustainable locations for longer term development and where necessary review the boundaries of any green belt. Land in the Craighall area which is part of the strategic south east Edinburgh area is required for development. The Council acknowledges that the cumulative impact of sites MH1, MH2 and MH3 will significantly change Old Craighall from a small village with very few facilities to a larger settlement of a size to accommodate its own primary school and land for employment. Because of the different stages at which development proposals are currently at within Midlothian, City of Edinburgh and East Lothian in this wider area it has not so far been possible to comprehensively masterplan the entire area. The Proposed Midlothian LDP is awaiting Examination and the East Lothian one will be at Examination in mid 2017 whereas the City of Edinburgh LDP is already approved. The Council acknowledges that PROP MH1 is a generally flat landscape and that development will not be contained within it but submits that does not mean that it should not be developed to meet the development requirements of the SDP. **The Council submits that no modification to the LDP is necessary.**

#### Queen Margaret University (0306/1)

The Council submits that that Queen Margaret University (QMU) does not form part of Proposal MH1 (CD039). The land occupied by the University is proposed to be safeguarded for education and community facilities, in line with Policy SECF1. In policy terms, in principle there is nothing preventing QMU from diversifying its operations now on the area of land so designated. Whilst the University's strategic plan is noted, it is also important to note that there is no guarantee that the University's ambitions to expand onto the adjacent land is all that the Council would wish to support there when accommodating further economic development on the land. The Council also notes that neither it, nor the University, is the owner of the land, and so continued partnership and collaborative working will be important to deliver shared ambitions for the future of this area; the Council submits that the current wording within the plan in that respect is therefore appropriate (see LDP para 2.22 and proposal MH1). The suggested modifications from the University place too much emphasis on its ambitions for expansion, and underplay that this is a significant mixed use proposal which is now second only to Blindwells in terms of its scale and significance for East Lothian. As a point of principle, the Council submits that this emphasis of Proposal MH1 is inappropriate, and that the wider role of the site is appropriately

represented in the current drafting. It should be noted that the development of the Proposal MH1 site, including the provision of the necessary enabling infrastructure, is dependent on the delivery of a viable housing proposal. It is the housing development that will allow the necessary infrastructure to be provided to facilitate access to the site as well as its development for a wider mix of land uses, including employment and any uses associated with the expansion/diversification of the University. As such, the housing element of the mixed use development has to be considered first. It has its own enabling and supporting infrastructure requirements, the provision of which must be prioritised over that which will enable the delivery of the employment land. This is to ensure that the comprehensive solution for the whole site will be delivered and that development on different part of the wider site can occur, where relevant in an appropriate timescale. It should be noted that this site will make an important contribution towards meeting the housing requirement set for the LDP. It will also bring benefits to the existing community. Facilitating a potential expansion of the university is not the sole purpose behind the allocation of this land.

The infrastructure associated with housing development here includes the provision of a new primary school, community facilities and roads and utilities infrastructure, as well as links between different parts of the site and to the surrounding area for active travel and vehicles and public transport, as a minimum safeguarding land where necessary as well as contributions towards secondary education capacity off-site. The local centre will be located adjacent to Old Craighall village as identified within the current drafting of Proposal MH1, where it can benefit existing residents there as well as those within the expansion - west Musselburgh is already served by its own existing local centre at Eskview Terrace, as identified in the proposed LDP. These are significant obligations that must be provided for as a priority, and in an appropriate phased manner, relative to housing development on the site. The manner and timescales within which these obligations are to be met are matters that are best addressed at project level, where more detailed consideration of how the overall strategy principles for the development can be translated into a deliverable solution for the whole site, which achieves all of the objectives for which it was allocated in an appropriate phased manner.

The Council submits that the current LDP proposal does this and provides an appropriate degree of flexibility for project level proposals to secure the objectives associated with the allocation of the land. However, and notwithstanding the points above, it may be that the Council or another organisation chooses to intervene in terms of accelerating the timescales within which enabling transport infrastructure could be provided at this site, subject to there being an agreed comprehensive solution for the whole site. This could be addressed in a S75 agreement for the whole site, where the up-front or early provision of infrastructure needed to support development on parts of it might be accelerated, with staged repayments recovered from developers on a phased basis as development proceeds. It may be that such an arrangement is facilitated via innovative funding mechanisms to deliver such infrastructure in advance of when it would be needed / could be justified to facilitate development on different parts of the site, or to prevent one party having to pay in full for the infrastructure because it wishes to progress independently and in advance of the MH1 allocation. However, potential funding solutions / opportunities are matters that the LDP cannot guarantee. The plan must be drafted in a way that reflects what can be achieved through the planning system, at this stage in the process.

Additionally, it is noted that the University's suggested modifications omit the need for a single Section 75 agreement to bind successors in title to the delivery of obligations. There are also a number of important development principles omitted. There is also no guarantee that the completion of the all-ways A1 junction will be to the design currently approved.



Importantly, there is no evidence provided for why the junction needs to be in place within the timescale suggested within the representation.

The Council submits that the current drafting of Proposal MH1 is the correct approach to follow to bind successors in title to the delivery of obligations. **The Council submits that no modification to the LDP is necessary.**

Persimmon Homes (0334/1)

Support for PROP MH1 noted – see support section below. While it is accepted that a masterplan for the whole Craighall site has yet to be developed the Council nevertheless considers that it is important to give an indicative spatial distribution for the 1,500 house allocation across the whole Craighall site. It is important that the employment land is delivered on the two main areas where this is to be accommodated. The balance of these areas will provide housing land. It is expected that housing land will be provided in accordance with LDP Policy DP3: Housing Density (CD039) that controls the density of development in new housing areas. The Council considers that it remains appropriate for the two areas of land at Old Craighall and north of the A1 to provide indicative numbers of circa 350 each. **The Council submits that no modification to the LDP is necessary.**

Midlothian Council (0348/2)

Midlothian Council's comments are noted, and the establishment of a local centre at Craighall will sit below Shawfair town centre in the hierarchy of centres in the area. The sequential approach will be applied accordingly. East Lothian Council submits that Proposal MH1 (CD039) is clear about the accessibility benefits and interventions that will be needed in association with the development of that site to ensure the potential of this area for facilitating accessibility is maximised. East Lothian Council submits that Midlothian Council could consider related project level impacts at application stage, and seek to ensure appropriate mitigation is justified and provided. **The Council submits that no modification to the LDP is necessary.**

Elaine Edwardson (0363/1)

The Council notes the comments made which have relevance for the draft development brief for Craighall. All comments on the draft development briefs and any matters arising at the Examination that have implications for the draft development briefs will be considered when the briefs are finalised.

With regard to traffic concerns, central to the preparation of the plan has been the need to understand how the existing transport infrastructure would cope with the additional planned development. The Council has undertaken a Transport Appraisal (TA)(CD041) of the proposed LDP (CD039) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) (CD029) methodology. There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan (CD039). This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal (CD041) identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer

contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. **The Council submits that no modification to the LDP is necessary.**

Musselburgh Conservation Society (0368/10); Inveresk Village Society (0385/8)

Whilst the provision of joint Education provision with Midlothian Council was explored as part of the MIR, this was not progressed due to uncertainties around the timescales for delivery of housing development at Shawfair and associated funding mechanisms. It is critical that East Lothian Council has control over the timing and delivery of secondary education capacity in order to have an effective LDP (CD039) and fulfil its duties as Education Authority. This requires clarity and certainty over the timing of education provision for the associated school catchment reviews and consultations. **The Council submits that no modification to the LDP is necessary.**

Musselburgh Conservation Society (0368/13)

The Council notes the suggestion to reduce the number of homes at Craighall by 430 to allow for more employment land. PROP MH1 is proposed for mixed use development including housing and employment with 21.5 hectares of employment land to the north west of Queen Margaret University and 20 hectares of employment land south of the A1. Although Craighall is one of the SDP's strategic employment locations (CD030) the Council submits that the balance between the proposed land uses at Craighall is right for the site, provides significant housing land and employment opportunities and does not jeopardise its overall viability. **The Council submits that no modification to the LDP is necessary.**

Ewan Rutherford (0408)

The Council notes that the site referred to in this representation forms part of the larger development allocation at PROP 1 Craighall. It adjoins the B6415 to which access points are required. Whilst it is noted that the owner would wish the site to come forward in the shorter term and would work with East Lothian Council to ensure the development of this site is complementary to the larger site, taking any part of a larger site out can prevent its contribution towards the overall masterplan, particularly in this instance where there is the potential to have connections to the B6415. Accordingly the Council maintains that the site should continue to form part of the larger Craighall allocation and be the subject of a comprehensive master plan in accordance with the requirements of PROP MH1: Land at Craighall. **The Council submits that no modification to the LDP is necessary.**

## **PROP MH2: Land at Old Craighall**

Zoe Bennett-Levy (0263/2)

The Council notes that para 2.25 of the LDP (CD039) acknowledges the presence of Category A listed Monkton House and its setting in relation to PROP MH2 which lies approximately 115m to the north east of the house and is in different ownership, but

considers that there is scope to develop PROP MH2 without harming cultural heritage assets. PROP MH2 applies in part to a site granted planning permission on appeal (13/01020/PPM Planning permission in principle for erection of 52 residential units and associated works) and in part to an extension of that site to the south. Application 13/01020/PPM was allowed on appeal with conditions and therefore the objection to that part of PROP MH2 cannot be considered (Appeal Decision PPA-210-2043)( CD132). The additional land for circa 50 units to the south is not considered by the Council to harm the cultural heritage assets of Monkton House. Simply by being visible from a listed building does not necessarily mean that it lies within the setting of the building. It is noted that the principal elevations of Monkton House do not look towards PROP MH2 but are orientated towards the A720 to the south and to Old Craighall Road to the north. The Council considers the setting of Monkton House to be principally within its own grounds though acknowledges its historical relationship with Monkton Gardens to the east. The LDP Proposals Map shows the grounds of Monkton House and Monkton Gardens in the green belt which the Council considers is the most appropriate policy to apply to them. The Council was asked to consider a submission from the landowner for residential development for a site that extended into the field immediately to the north east of Monkton House, including Monkton Gardens, but did not consider that this was appropriate in respect of the setting of Monkton House or that of the scheduled monument located nearby. The Council also notes that Historic Environment Scotland has commented (see representation 0228 and 0394) on PROP MH2 and its site assessment in the Environmental Report and noted that its previous comment (CD071) that it may object on the basis of the potential impact on Monkton House was related to a previous boundary that extended into the field immediately to the north east of the listed building and that as this has now been altered. Historic Environment Scotland is content that such impacts are less likely to be significant for its interests. Historic Environment Scotland recommends that the safeguarding of the setting of Monkton House as a heritage asset should be a consideration in the development of a masterplan for the site

In relation to paragraph 80 of Scottish Planning Policy (CD013), which states “*development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...*”, the Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in SDP1 (CD030). The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. The Council submits that the Proposed Plan is consistent with Scottish Planning Policy on the use of prime agricultural farmland for producing a development strategy. Where possible, in selecting land for development brown field, previously developed land, has been proposed for allocation but the Council submits that there is very little such land available in East Lothian. Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Draft Environmental Report (CD060) under taken in the preparation of the LDP. Prime agricultural farmland, as with Green Belt land, is one of a range of factors taken into account in considering sites to fit a sustainable development strategy.

Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing all of these factors

is required and the Council considers the sites allocated in the Proposed Plan required to meet identified strategic requirements is the best available given the restricted availability of suitable sites. Sites for new development are needed to meet the Compact Growth spatial strategy of the LDP for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068). It is acknowledged that the cumulative impact of sites MH1, MH2 and MH3 will significantly change Old Craighall from a small village with very few facilities to a larger settlement of a size to accommodate its own primary school and land for employment. Because of the different stages at which development proposals are currently at within Midlothian, City of Edinburgh and East Lothian in this wider area it has not so far been possible to comprehensively masterplan the entire area. The Proposed Midlothian LDP (CD127a) is awaiting Examination and the East Lothian one will be at Examination in mid 2017 whereas the City of Edinburgh LDP is already approved.

**The Council submits that no modification to the LDP is necessary.**

#### Traquair & Stewart Families (0409/1)

The LDP (CD039) allocates appropriate and sufficient land to meet the SDP1 (CD030 and CD036) requirements and in line with its compact growth strategy. No further housing land is required, at Old Craighall or anywhere else. This site lies within the green belt and is prime quality agricultural land that should not be developed as it is not an essential component of the settlement strategy. The site has been assessed as part of a larger site, part of which was allocated for development as PROP MH2: Land at Old Craighall Village, (Proposed East Lothian LDP Environmental Report Appendix 5 Musselburgh Area PM/Musselburgh/HSG056) (CD060a) and the Council notes that Historic Environment Scotland has concerns (representation 0228 and 0394) about the site's impact on the setting of the category A-listed Monkton House and advises that it may object, noting that this impact could be reduced by excluding the field immediately north east of the house (the representation site). Monkton Gardens along with its sundial and garden walls are category B listed buildings and the development of the site would impact on the setting of these heritage assets. The site has part of a scheduled monument that requires its setting to be preserved and the site has potential for unknown archaeological remains. The Council contends that this site is not required and that it has potential to harm cultural heritage assets in the area if developed. **The Council submits that no modification to the LDP is necessary.**

#### **PROP MH3: Land at Old Craighall Junction South West**

##### Zoe Bennett-Levy (0263/3)

PROP MH3 lies on the north east of Monkton House on the north side of Old Craighall village and some distance from Monkton House and the Council contends is not in 'clear view' of the house. The Council acknowledges that PROP MH3 is a generally flat area of land at a major junction of the A1 but disagrees that it forms part of the setting or sense of place or identity of the area and considers that the land is well located for employment use for which it has been put forward. The Council acknowledges that the cumulative impact of sites MH1, MH2 and MH3 will significantly change Old Craighall from a small village with very few facilities to a larger settlement of a size to accommodate its own primary school and employment uses. **The Council submits that no modification to the LDP is necessary.**

Elaine Edwardson (0363/2)

All comments on the draft development briefs and any matters arising at the Examination will be taken into account in finalising the draft Development Briefs.

With regard to traffic concerns, central to the preparation of the plan has been the need to understand how the existing transport infrastructure would cope with the additional planned development. The Council has undertaken a Transport Appraisal (TA) (CD041) of the proposed LDP (CD039) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) (CD029) methodology. It is focussed on the land use and transport interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian. This includes input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SDP area (See paragraph 4.2.4 of the LDP Transport Appraisal). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

Core model scenarios Without the LDP and With LDP were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP sites including those that will extend beyond the lifespan of the LDP to 2038. All road and public transport networks were examined, including Inveresk village, and the models showed that the LDP sites would have a negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network. A review of potential interventions to mitigate those impacts was undertaken and resulted in the LDP section on Infrastructure Resources which in terms of rail transport identifies a range of rail transport measures.

The TA therefore includes transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. The Council considers that these provide an adequate framework to accommodate the development proposed without unacceptable impacts on local services and infrastructure.

The LDP has the following proposals for the trunk road network: PROP T15: Old Craighall A1 (T) Junction Improvements; PROP T16: A1 Junction Improvements at Queen Margaret Drive Interchange; PROP T17: A1 (T) Interchange Improvements. On the local road network at Old Craighall the effect of each development on the local road network has been considered and developers will be expected to contribute to the mitigation of transport related impacts, some of which may only be identified at the stage of a planning application. The draft Supplementary Guidance: Developer Contributions Framework (CD063) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate

framework to accommodate the development proposed without unacceptable impacts on the local road network. Parking requirements of the site allocated at PROP MH3: Land at Old Craighall Junction will be accommodated within the site and will be identified within the masterplan to be prepared by the developer for the site. Issues relating to noise and other disruption to residents during construction can be addressed through conditions on planning applications.

The Council submits that the closest railway station to PROP MH3 will be Musselburgh and will be within an acceptable walking distance of approximately 1.2km, circa 15 minutes, on completion of development at PROP MH1 land connecting on to the Segregated Active Travel Corridor (CD093).

Issues relating to air quality during construction can be addressed through the Development Management process. Any required conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on air quality to the construction phase of the development. Any breaches can be addressed through the planning/enforcement process. Issues relating to post construction air quality, and breaches of national standards, can be addressed through Environmental Health legislation. The Council acknowledges that the developments will create change but does not expect national standards on air quality to be breached. The Council has published an Air Quality Management Plan (CD088) and will continue to monitor air quality as relevant to this.

The cumulative effect of development in the Old Craighall area will change the character and identity of Old Craighall and the Council acknowledges that there will be a loss of green belt land.

The Strategic Development Plan for South East Scotland (SDP1) (CD030) and the associated Supplementary Guidance on Housing Land (CD036) sets the Housing Land Requirement for each local authority area within the city region, including for East Lothian. The Housing Land Requirement for the period 2009-2024 for East Lothian requires sufficient land to be allocated that delivers 10,050 houses by 2024. East Lothian Council is not able to reallocate its requirement. The Council has approved a compact growth strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068). Old Craighall falls within an area that is able to accommodate significant levels of growth to meet the development requirements of East Lothian. **The Council submits that no modification to the LDP is necessary.**

Amanda Ferguson (0375)

To increase job density in East Lothian and provide a range and choice of locations for employment land the council has allocated PROP MH3: Land at Old Craighall Junction South West for employment development. The site is well located to the trunk road network which should increase its attractiveness to business. The Council supports a Compact Growth strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068) and this meant that sites were required that were formerly included in the green belt, including PROP MH3: Land at Old Craighall Junction South West. The Old Craighall area is a location area where the council has decided that new development is required and wishes to see employment as well as housing and this means allocating some land that was formerly green belt to meet the spatial strategy of the LDP (CD039).



Issues relating to air quality during construction can be addressed through the Development Management process. Any required conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on air quality to the construction phase of the development. Any breaches can be addressed through the planning/enforcement process. Issues relating to post construction air quality, and breaches of national standards, can be addressed through Environmental Health legislation. The Council acknowledges that the developments will create change but does not expect national standards on air quality to be breached. The Council has published an Air Quality Management Plan (CD088) and will continue to monitor air quality as relevant to this. In respect of detailed design issues such as the height of buildings, these are matters of detail which are more appropriately dealt with at the planning application stage.

The Council has consulted on a draft development brief (CD061) for the site to show how the Council expects the site to be developed. This indicates that a green corridor will be required by the watercourse that crosses over the site and that the height and massing of new buildings should ensure that these are not overly dominant in scale or position particularly when viewed from the road. The development brief will not be finalised until after the Examination into the LDP, to ensure that any matters that arise during the Examination can be taken into account. **The Council submits that no modification to the LDP is necessary.**

#### **PROP MH4: Land at Old Craighall Junction**

Lothian Park Ltd (0257/1)

This site was first allocated for development in the East Lothian Local Plan 2008 (CD075) and planning permission was granted in 2011 (planning application reference 08/00669/OUT) in outline for the erection of a business park comprising office accommodation with hotel with new roundabout, car parking, landscaping and associated works. Because of the grant of planning permission for an acceptable scheme the Council did not see a need to prepare a development brief. The principles of site access, landscaping and form of buildings have already been considered in detail in the process leading up to the planning permission and the Council does not consider that a development brief is now required for this site. Any further guidance for the development of the site is provided by the LDP policies. The site does not require vehicular connection to any immediately adjacent site. However, because PROP MH1: Craighall lies across the B6415 from this site pedestrian and cycle links will be required between these sites, details must be provided at the stage of a planning application. **The Council submits that no modification to the LDP is necessary.**

#### **PROP MH5: Former Edenhall Hospital Site**

Inveresk Village Society (0385/5)

PROP MH5: Former Edenhall Hospital only covers the site of the former hospital and does not allow for an access road that links it to Carberry Road at Inveresk. **The Council submits that no modification to the LDP is necessary.**

#### **PROP MH8: Levenhall**

Sven Seichter & Lisa Helbig (0005)

Council notes the concerns about PROP MH8: Levenhall which is allocated to meet the LDP spatial strategy (CD039) and the housing land requirement set by SDP1 (CD030 and CD036). The site was assessed to understand its potential impact on a range of environmental topic areas including biodiversity, flora and fauna and human health if it were developed (CD060a). The Council took the decision to seek to allocate the site at its meeting on 17 November 2015 (CD107) having had regard to the site assessments (CD074c). Issues relating to air quality during construction can be addressed through the Development Management process. Any required conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on air quality to the construction phase of the development. Any breaches can be addressed through the planning/enforcement process. Issues relating to post construction air quality, and breaches of national standards, can be addressed through Environmental Health legislation. The Council acknowledges that the developments will create change but does not expect national standards on air quality to be breached. The Council has published an Air Quality Management Plan (CD088) and will continue to monitor air quality as relevant to this. In respect of detailed design issues such as the height of buildings, these are matters of detail which are more appropriately dealt with at the planning application stage. **The Council submits that no modification to the LDP is necessary.**

Neil Murray (0008)

Concerns noted. Levenhall is the subject of a planning application received on 27.07.2016 ref 16/00627/PM for erection of 39 houses, 8 flats and associated works (CD162). The Council supports a compact growth strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068). Para 50 of Scottish Planning Policy (CD013) states that in developing a the spatial strategy Planning Authorities should identify the most sustainable locations for longer term development and where necessary review the boundaries of any green belt. PROP MH8 is proposed to meet the housing land requirement set by the SDP1 (CD030). In the site assessment process, the Council found that there was lack of sites to choose from. While it is accepted that these sites represent a significant expansion in the Musselburgh cluster area, it is considered that this scale of development was unavoidable in the context of the housing land requirements.

The Council has decided that the site at PROP MH8: Levenhall should be removed from the green belt and be developed to contribute to housing land requirements within the compact growth spatial strategy.

Traffic related impacts from all sites have been considered in a detailed Transport Appraisal (CD041) which has proposed measures to cope with the additional traffic that will come with new development. There are no plans to change access points for residents of Ravensheugh Crescent.

The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan. Paragraph 3.117 of the LDP (CD039) explains how NHS Lothian intends to address the health needs of the growing population. NHS Lothian has not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care and no identified need for additional health care facilities at Musselburgh has been identified (CD072). The Council will continue to work with NHS Lothian on healthcare capacity across East Lothian to resolve issues. The Education Scotland Act (1980)(CD004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities.

Officers from the Council's Education Service and Property Services have been consulted throughout the LDP preparation process and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. Paras 3.74 to 3.79 of the LDP explains new Education Provision in the Musselburgh cluster and identifies that significant additional education capacity at primary and secondary level is needed to support new housing development in the cluster. School catchment areas require to be redrawn and relevant statutory school consultations on these has begun. PROP ED1: Musselburgh Cluster Education Proposals identifies where the Council will provide new school infrastructure. The LDP has established development related impacts on education capacity based on a cumulative assessment of impact and the need for mitigation. These are set out in Supplementary Guidance: Developer Contributions Framework (CD063) for the specified scales of residential development within the contribution zones identified in Appendix 1 of the LDP. Projected pupils arising from the proposed site will be accommodated in the proposed expansion of Pinkie St Peter's Primary School and in time the new additional secondary school for the Musselburgh Cluster area (approved by East Lothian Council on 20<sup>th</sup> December 2016)(CD108). In line with East Lothian Council's Local Development Plan Draft Developer Contributions Framework, developer contributions will be sought in respect of this allocation. The Council therefore considers that it has given sufficient attention to the implications of the proposed new development on the education infrastructure of Musselburgh.

Issues relating to air quality during construction can be addressed through the Development Management process. Any required conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on air quality to the construction phase of the development. Any breaches can be addressed through the planning/enforcement process. Issues relating to post construction air quality, and breaches of national standards, can be addressed through Environmental Health legislation. The Council acknowledges that developments will create change but does not expect national standards on air quality to be breached. The Council has published an Air Quality Management Plan (CD088) and will continue to monitor air quality as relevant to this. In respect of detailed design issues such as the height of buildings, these are matters of detail which are more appropriately dealt with at the planning application stage.

The adequacies of the local sewerage system will, if necessary to allow development to proceed, be addressed by Scottish Water at the time of a planning application.

The council acknowledges that the site is part of a designated battlefield and development will only be permitted and this was a consideration in the site assessment prepared for the site and in the knowledge that Historic Environment Scotland raised no specific issues with regard to the battlefield (representation reference 0228)

The historic path on the edge of the site and the trees alongside the burn, with the exception of those at the point where access is required to the site from Haddington Road, are unlikely to be significantly affected by the development (see draft development brief) (CD061). **The Council submits that no modification to the LDP is necessary.**

Lisa Helbig (0362/1)

Council notes the concerns about PROP MH8: Levenhall which is allocated to meet the LDP spatial strategy and the housing land requirement set by the SDP. The site was

assessed to understand its potential impact on a range of environmental topic areas including biodiversity, flora and fauna and human health if it were developed. (CD060a) The Council took the decision to seek to allocate the site at its meeting on 17 November 2015 (CD107) having had regard to the site assessments (CD074c). Issues relating to air quality during construction can be addressed through the Development Management process. Any required conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on air quality to the construction phase of the development. Any breaches can be addressed through the planning/enforcement process. Issues relating to post construction air quality, and breaches of national standards, can be addressed through Environmental Health legislation. The Council acknowledges that the developments will create change but does not expect national standards on air quality to be breached. The Council has published an Air Quality Management Plan (CD088) and will continue to monitor air quality as relevant to this. The Council acknowledges that development creates change but does not expect national standards on noise and air quality to be breached. **The Council submits that no modification to the LDP is necessary.**

#### CALA Management (0393/1)

All site capacities are indicative hence the use of the word 'circa'. However they are also based on the Council's desire to achieve efficient use of land and achieve density a minimum average density of 30 dwellings per hectare on all new housing sites in line with Policy DP3: Housing Density (CD039). Such a density target is designed to encourage varied house typologies on sites and avoid site layouts that are predominantly detached houses, an approach the council believes improves place making. At Levenhall, PROP MH8 requires circa 65 houses and an amendment to circa 50 houses is requested. While it is acknowledged that this is minimal in terms of the overall number of houses required to be identified in the LDP, the Council contends that any reduction is likely to result in a housing development of lower density that results in a less efficient layout that predominantly comprises detached houses. It is noted that the indicative layout submitted with this representation shows a layout where only the affordable housing is not detached housing and therefore only a very limited mix of housing is shown. No details have been submitted of the physical and technical constraints that have reduced the developable area. **The Council submits that no modification to the LDP is necessary.**

#### Neil Murray (0423)

Concerns noted. PROP MH8 is allocated to meet the LDP spatial strategy (CD039) and the housing land requirement set by SDP1 (CD030 and CD036). The Council supports a compact growth strategy for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068) and this meant that sites were required that were formerly included in the green belt, including PROP MH8: Levenhall. This site is relatively small and is physically well contained and the Council contends that its allocation for development will not significantly affect the landscape setting of Musselburgh. The site was assessed to understand the environmental impact that would be caused by its development (see Site Assessments Musselburgh Levenhall). The potential effect of development on proposed sites on biodiversity designations, habitats and protected species were considered in the process of site assessment for the SEA (CD060). The site assessment for PROP MH8: Levenhall included an assessment of biodiversity, flora and fauna and the site was screened for consideration through the Habitats Regulations Appraisal process.

The Council took the decision (CD106) to seek to allocate the site at its meeting on 17

November 2015 having had regard to the site assessments (CD074c).

Issues relating to air quality during construction can be addressed through the Development Management process. Any required conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on air quality to the construction phase of the development. Any breaches can be addressed through the planning/enforcement process. Issues relating to post construction air quality, and breaches of national standards, can be addressed through Environmental Health legislation. The Council acknowledges that the developments will create change but does not expect national standards on air quality to be breached. The Council has published an Air Quality Management Plan (CD088) and will continue to monitor air quality as relevant to this. In respect of detailed design issues such as the height of buildings, these are matters of detail which are more appropriately dealt with at the planning application stage. **The Council submits that no modification to the LDP is necessary.**

### **PROP MH9: Land at Wallyford**

Sharon Hadden (0102/1)

The LDP adopts a compact growth strategy and new housing sites at Wallyford are required to meet the housing land requirements of SDP1 (CD030 and CD036). Housing sites in Wallyford are supported for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068). There is a lack of developable brownfield sites in East Lothian and those that are viable have been supported by Council hence the need to allocate greenfield land. The housing under construction to the south and east of Wallyford and towards Strawberry Corner is implementing housing land allocations made in the East Lothian Local Plan 2008 (CD075). Detailed comments relating to a specific planning application are not relevant to the LDP. **The Council submits that no modification to the LDP is necessary.**

Maggie MacSporran (0157)

PROP MH9 has planning permission and is being implemented on the ground. As the examination is to address unresolved representation to the plan, the objections in respect of the development brief are not considered in this response. **The Council submits that no modification to the LDP is necessary.**

### **PROP MH10: Land at Dolphingstone**

Scottish Natural Heritage (0280/2)

The Council is of the view that adequate mitigation measures for this site can be achieved and, there is no justification to remove the allocation of this land for housing. For this reason, the Council does not propose to modify the LDP in response to this representation. **The Council submits that no modification to the LDP is necessary.**

Ashfield Commercial Properties Ltd (0282/3)

The Council submits that land at Wallyford in the control of East Lothian Developments Ltd has been allocated in the East Lothian Local Development Plan since 2008 and has planning permission in principle for 1450 homes and a new primary school. Approval of

matters specified in conditions for infrastructure works including grouting, a distributor road, SUDS and landscaping are approved and those works are nearing completion. Detailed permission is in place for 44 affordable homes currently under construction and for a primary school with construction due to start on site. The Council is considering applications for approval of matters specified in conditions from two major housebuilders for some 450 homes combined and expects to make decisions on those applications shortly.

The Council submits that MH9 Land at Wallyford and MH10 Land at Dolphingstone are in the control of East Lothian Developments Ltd. The Council submits that on 28 June 2017 its Planning Committee decided to grant planning application 15/00537/PPM for Planning Permission in principle for residential development with associated educational and community facilities and open space at land located to the south and east of Wallyford and at Dolphingstone to East Lothian Developments Ltd., subject to the completion of a s75 legal agreement in respect of developer contributions, a separate legal agreement for a developer contribution to Network Rail, conditions to be prepared and the permission granted as 14/00903/PPM to be in part revoked in respect of land for a secondary school (CD 170o) Minute of Planning Committee 28.6.17). The Council is awaiting the conclusion of these agreements and the wording of conditions, hence the current position of 15/00537/PPM is minded to grant.

In respect of the above, the Council submits that significant progress towards implementing the large site at MH9 Wallyford has and continues to be made, that relevant housebuilder interest is being pursued to take advantage of the substantive investment already made in infrastructure works and that a significant decision has been made in respect of MH10 Dolphingstone.

The representation suggests that between 350 and 400 houses included in the MH9 and MH10 sites are undeliverable due to landscape constraints and the need to provide land for the new secondary school. It also states that the Housing Technical Note (CD 046) states that sites MH9 and MH10 will make no contribution to the housing land supply until 2023/24.

The Council submits that following the significant infrastructure works undertaken to date that the programming in agreed HLA 2017 shows the first completions to deliver from MH9 to be in 2017/18 as affordable units followed in 2018/19 by the first market houses. The Council accepts that provision of a secondary school will influence the layout of the Wallyford expansion and may influence the number of houses to be delivered on each of these sites. The LDP allocates 1,450 at MH9 and circa 600 at Dolphingstone MH10. The Council also notes that the Indicative Masterplan Layout House Mix - Density plan phasing plan submitted by East Lothian Developments Ltd. with planning application 15/00537/PPM is for 600-800 homes and shows the two sites being able to accommodate up to 2250 houses in principle. While the amount of housing on both sites will be limited to a combined total of 2050 (1450 at MH9 and 600 at MH10), the Council contends that the housing 'shortfall' from the decision to include the secondary school at Wallyford MH9 is in the region of some 200 homes which will be compensated for by the Dolphingstone site MH10 accommodating up to 800 homes, thereby delivering the anticipated 2050 homes expected from the two sites.

The representation suggests in para 28 of its Housing Land and New Sites Assessment that the development brief also requires the loss of some 5.5ha from MH10 at Wallyford, or between 150 and 200 units and that the capacity of the site is likely to reduce to between 400 and 450 as a result. The Council contends that the site is allocated for circa 600

homes and notes that planning application 15/00537/PPM showed a masterplan indicating 800 units on the MH10 site. However, the Council also submits that the officer's report to the Planning Committee notes on p15 that the Depute Chief Executive, Resources and People Services in respect of the Council as Education authority, recommended that the site be limited to a maximum delivery of 600 houses (a combined total of 2,050 combined with MH9) and that this could be imposed through the imposition of planning conditions. The Council submits that in the case of the existing permission in principle for MH9 and the minded to grant permission for MH10 the wording of conditions on number and phasing of completions is and can be sufficiently flexible to allow for appropriate levels of delivery on each site whilst accommodating the secondary school for which the Council has approved the necessary catchment reviews. The Council also submits that in its consultation response dated 13 January 2017 on the application for MH10 Scottish Natural Heritage (SNH) states that the site Masterplan responds to the principles laid out in the Council's draft development brief supplementary planning guidance and that the officer's report indicates that SNH raise no objection to the principle of the proposed development.

The representation notes that MH13 Howe Mire is subject to an objection from Historic Environment Scotland (HES) and that its site at Goshen Farm could substitute for it and for MH10, which should revert to a strategic reserve. The Council contends that the planning context at MH10 Dolphingstone has progressed with the minded to grant decision referred to above and therefore the site cannot be considered to revert to a strategic reserve. The Council submits that the decision taken at its meeting on 17 November 2015 (CD107) was to allocate MH13 Howe Mire in the LDP, in the knowledge of HES reservations (CD070) in respect of the battlefield designation. The Council's settled view is therefore that the site presents an opportunity for development, subject to mitigation of cultural heritage considerations at project level.

The Council does not support any consequential amendments to other Schedule 4's in respect of this representation. **The Council submits that no modification to the LDP is necessary.**

Musselburgh Conservation Society (0368/14); Inveresk Village Society (0385/1)

The Council contends that the number of houses proposed at Dolphingstone should remain as proposed in the LDP (CD039) with the potential for higher density development on the northern part of the site as indicated in the draft development brief (CD061). **The Council submits that no modification to the LDP is necessary.**

### **PROP MH11: New Secondary School Establishment**

Ashfield Commercial Properties Ltd (0282/4)

The Council submits that to enable the Council to reach a decision on the location of a new secondary school in the Musselburgh area it made arrangements with landowners at three different potential sites around Musselburgh that would permit the Council to acquire land sufficient to construct a secondary school and associated land for play, sports pitches, parking and amenity in a location which would allow for the delivery of the anticipated level of growth in the Musselburgh area. These locations were at Craighall, Wallyford and Goshen farm. These arrangements enabled members to take a decision on school location in the knowledge that the site options open to it were feasible and offered a practical means of delivery. The Council submits that the point made in this representation that missives were prepared for a site for a school at Goshen merely places it on a par with

the other sites and does not suggest that the Goshen site is key to the delivery of the proposed Musselburgh housing allocations. At its meeting on 6 September 2016 the Council approved the proposed LDP in which PROP MH11 states that the new secondary school will be at Wallyford within either the PROP MH9 site or the PROP MH10 site and at its meeting of 20 December 2016 (CD 109) the Council decided that the new secondary school would be located at Wallyford, in line with the Council's development strategy set out within its proposed LDP.

The land at Goshen, subject to this representation is situated in the catchments of Wallyford Primary School, Loretto RC Primary School and Musselburgh Grammar School. Education capacity for the Goshen site has not been assessed, as it has not been included in the proposed LDP, either in terms of any potential to provide it with its required school capacity or associated costs. Only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. For this scale of development, there would be no capacity within the current schools, and consideration to build a new primary school would be required and the Council has not carried out the necessary schools consultation since it does not support the allocation of this site.

The Council has made decisions in respect of appropriate school catchment reviews to facilitate growth in the Musselburgh area, CD 100,101 Those decisions do not include for provision of any additional education capacity at or for any development at Goshen farm. The approved primary school at Wallyford/Dolphingstone for both growth and the re-provision of the existing Wallyford Primary School is as required to accommodate the impact of MH9 and MH10 and is of a scale capped at 41 classrooms (10 streams). Its size is such that the Council cannot support development at Goshen, which would require a school of greater capacity and scale in educational terms. The provision of additional education capacity is a key constraint in respect of any housing development at the Goshen site, which would require another new primary school. The Council does not support the Goshen site as one that is or can be made effective for housing development. Notwithstanding the inclusion of the Goshen site for allocation in the Draft Proposed LDP, East Lothian Council's settled view was to remove the site from the LDP and redistribute the housing proposed allocated there to other sites instead. That decision was taken on 17th November 2015 (CD 105), with the Council's consideration of the consultation responses to the Main Issues Report, which indicated significant local opposition to the allocation of the Goshen site for development (see MIR Consultation Feedback: Summaries and Key Messages (April 2015) (CD 070).

Since then the Council, as Education Authority, has taken decisions to provide a new secondary school at Wallyford in line with the Council's development strategy within the proposed LDP and primary school also to be provided there, to complement the development strategy proposed in the proposed LDP. On 20th December 2016, the Council as Education Authority approved the location for the delivery of the new additional secondary school at Wallyford, following a statutory schools consultation, as set out in the associated report to Council (CD 109). Associated technical work is progressing on the basis of that decision. Proposals MH09 and MH10 and MH11 in the Local Development Plan set out the options for the provision of educational capacity at Wallyford.

The Council therefore submits that PROP MH10: Land at Dolphingstone and PROP MH11: New Secondary School Establishment remain relevant to the LDP and should not be removed.



The Council does not support any consequential amendments to other Schedule 4's in respect of this representation. **The Council submits that no modification to the LDP is necessary.**

#### **PROP MH12: Land at Barbachlaw, Wallyford**

Nicola Dick (0202/1); Andrew Agnew (0234/1); Alistair Hadden (0296/1); Emma Hay (0357/3); Mike Hay (0428); Suzanne Brett (0429/1); Sue Howie (0430/1); Samantha Brown (0431/1); Nichola Taylor (0432/1); Kaye Nicholl (0433/1); Christina Hall (0434/1); Marnie Sutherland (0435/1); Maureen McGhee (0436/1);

Proposal MH12: Barbachlaw is allocated in accordance with the Appeal Decision Notice dated 30 September 2013 reference PPA-210-2018 (CD131). A Section 75 agreement has been concluded and requires that no residential unit on the development land shall be occupied until the contract for the completion of the stadium development has been awarded to the chosen contractor – see Minute of Agreement between East Lothian Council and Sirius Sport & Leisure (CD089). A detailed application for the houses proposed at Barbachlaw has been approved (Planning application reference 16/00751/AMM Approval of matters specified in conditions of planning permission in principle 10/00341/PPM - Erection of 94 houses with construction of relocated parking for Victoria Lane Stadium and associated engineering and landscape works (CD156 and CD157). Proposal MH12 is allocated to meet the housing needs of East Lothian as required by SDP1 (CD030 and CD036). A stadium is also expected to be delivered on the site and the legal agreement is there to ensure its delivery. It is not therefore appropriate for the Council to allow for any other form of development on the site in the LDP. The stadium is tied to the development of housing at PROP MH12: Land at Barbachlaw and not PROP MH13 Howe Mire. **The Council submits that no modification to the LDP is necessary.**

#### **PROP MH13: Land at Howe Mire, Wallyford**

Nicola Dick (0202/2)

The Council accepts that PROP MH13 Howe Mire is a prominent site and the site assessment acknowledges that development here would impact on long distance views. The setting of Wallyford would be changed by the development of Howe Mire as would, to a lesser degree, the setting of Inveresk. The Council acknowledges that the setting of Wallyford and the character of the village will change with the development of PROP MH9 and other development areas. The Council submits that this change is an outcome of the planned regeneration of Wallyford in providing more market housing to rebalance housing tenure, new educational facilities, new community facilities and a local centre with new retail facilities and business opportunities, all within an accessible and sustainable location. The decision to seek to allocate PROP MH13: Land at Howe Mire was taken by the Council at its meeting on 17 November 2015 (CD107) with their consideration of its landscape impact as reported in its accompanying site assessment (CD074c). As the LDP (CD039) acknowledges at para 2.34 the number of houses to be delivered at PROP MH9 has increased from 1050 to 1450. As noted in para 2.36 PROP MH9 or PROP MH 10 must also accommodate sufficient land for the new secondary school. This may mean that between sites PROP MH9 and PROP MH10 there may not be sufficient capacity to also accommodate the housing that would be displaced from Howe Mire in the way that this representation suggests. **The Council submits that no modification to the LDP is necessary.**

Historic Environment Scotland (0228/1); Historic Environment Scotland (0394)

Historic Environment Scotland (HES) considers there is no scope to develop PROP MH13 for mixed use housing and employment development without causing harm to the National Inventory of Historic Battlefields site and therefore seeks the deletion of the site from the LDP. The Council's Heritage Officer reflects the HES view of the designation of the battlefield site that the Howe Mire site is within the main area of conflict at the battle. The site owner has undertaken work that disputes the area on which significant parts of the battle took place and therefore how important the site is in relation to the battle. In a letter dated 26 August 2016 (CD126) to Geddes Consulting (the owner's agent), HES has indicated that it does not agree with the findings of the work commissioned by the site owner that challenges the National Inventory record, though does acknowledge that it agrees with some issues raised by the site owner's work in relation to the Inventory entry that require correction, but advises that this cannot be done until such time as there is no live planning issue involving the battlefield as a material consideration.

The Council decision taken at its meeting on 17 November 2015 (CD107) was to allocate the site in the LDP, in the knowledge of HES reservations (CD070) in respect of the battlefield designation. The Council's settled view is therefore that the site presents an opportunity for development, subject to mitigation of cultural heritage considerations. **The Council submits that no modification to the LDP is necessary.**

Andrew Agnew (0234/2)

The Council accepts that PROP MH13 Howe Mire is a prominent site and the site assessment acknowledges that development here would impact on long distance views. The setting of Wallyford would be changed by the development of Howe Mire as would, to a lesser degree, the setting of Inveresk. The Council acknowledges that the setting of Wallyford and the character of the village will change with the development of PROP MH9 and other development areas. The Council submits that this change is an outcome of the regeneration of Wallyford in providing more market housing to rebalance housing tenure, new educational facilities, new community facilities and a local centre with new retail facilities and business opportunities, all within an accessible and sustainable location. The decision to seek to allocate PROP MH13: Land at Howe Mire was taken by the Council at its meeting on 17 November 2015 (CD107) with their consideration of its landscape impact as reported in its accompanying site assessment (CD074c). As the LDP (CD039) acknowledges at para 2.34 the number of houses to be delivered at PROP MH9 has increased from 1050 to 1450. As noted in para 2.36 PROP MH9 or PROP MH 10 must also accommodate sufficient land for the new secondary school. This may mean that between sites PROP MH9 and PROP MH10 there may not be sufficient capacity to also accommodate the housing that would be displaced from Howe Mire in the way that this representation suggests. **The Council submits that no modification to the LDP is necessary.**

Sirius Sport & Leisure (0274/2)

The site owner has consistently referred to the provision of employment uses on the site and therefore asks that the first line of para 2.38 of the LDP changes the word *could* to *would*. While the Council accepts the principle of employment on the site the wording is considered sufficient as the LDP effectively changes the 'could' in para 3.28 to 'should' in the wording of PROP MH13. The Council must refer to the Historic Environment Scotland National Inventory of Historic Battlefields information and that indicates that the site PROP

MH13 is in the main area of conflict hence the reference in para 3.28. The Council would only accept the change suggested by Sirius Sport & Leisure if the Historic Environment Scotland National Inventory of Historic Battlefields information makes that change to the battlefield inventory information. Council submits no change is required. **The Council submits that no modification to the LDP is necessary.**

Ashfield Commercial Properties Ltd (0282/5)

The representation notes that PROP MH13 Howe Mire is subject to an objection from Historic Environment Scotland (HES) and that its site at Goshen Farm could substitute for it and for MH10 which should revert to a strategic reserve. The Council contends that the planning situation at MH10 Dolphinstone has progressed with the minded to grant decision referred to above and therefore the site cannot be considered to revert to a strategic reserve. The Council submits that the decision taken at its meeting on 17 November 2015 (CD107) was to allocate MH13 Howe Mire in the LDP, in the knowledge of HES reservations (CD070) in respect of the battlefield designation. The Council's settled view is therefore that the site presents an opportunity for development, subject to mitigation of cultural heritage considerations at project level.

Alistair Hadden (0296/2)

The Council accepts that PROP MH13 Howe Mire is a prominent site and the site assessment acknowledges that development here would impact on long distance views. The setting of Wallyford would be changed by the development of Howe Mire as would, to a lesser degree, the setting of Inveresk. The Council acknowledges that the setting of Wallyford and the character of the village will change with the development of PROP MH9 and other development areas. The Council submits that this change is an outcome of the regeneration of Wallyford in providing more market housing to rebalance housing tenure, new educational facilities, new community facilities and a local centre with new retail facilities and business opportunities, all within an accessible and sustainable location. The decision to seek to allocate PROP MH13: Land at Howe Mire was taken by the Council at its meeting on 17 November 2015 (CD107) with their consideration of its landscape impact as reported in its accompanying site assessment. As the LDP acknowledges at para 2.34 the number of houses to be delivered at PROP MH9 has increased from 1050 to 1450. As noted in para 2.36 PROP MH9 or PROP MH 10 must also accommodate sufficient land for the new secondary school. This may mean that between sites PROP MH9 and PROP MH10 there may not be sufficient capacity to also accommodate the housing that would be displaced from Howe Mire in the way that this representation suggests. **The Council submits that no modification to the LDP is necessary.**

East Lothian Liberal Democrat Party (0300/4)

Council notes concerns in relation to the MH13: Howe Mire site. The Council submits that the proposal at paragraph 2.38 acknowledges the location of the site, and the previous planning appeal decision that has already allowed some encroachment of built development beyond what the current local plan defines as the settlement boundary. Additionally, it is stated in the pre-ambule to the proposal that a particular consideration for this site will be a need to demonstrate that proposals can satisfy the terms of LDP Policy CH5: Battlefields. The Council further submits that paragraph 2.40 of the LDP requires new defensible green belt boundaries to be created and green network objectives to be met here in the development of the site. **The Council submits that no modification to the LDP is necessary.**

Wallyford Community Council (0343)

Council notes concerns in relation to the MH13: Howe Mire site which is allocated as a mixed use development with some employment land. Such combined investment can help the regeneration of Wallyford, potentially strengthening the community. It is acknowledged that Howe Mire is within the Battle of Pinkie Cleugh Battlefield designated area, as is much of the Musselburgh area and it is stated in the pre-amble to the proposal that a particular consideration for this site will be a need to demonstrate that proposals can satisfy the terms of LDP Policy CH5: Battlefields. St Michael's Church at Inveresk is a visible landmark in the wider landscape and views from the site towards it and beyond to Arthur's Seat and the Pentlands are acknowledged in the draft development brief (CD061) and are to be considered in the layout of the site to frame such views but that that paragraph 2.40 of the LDP (CD039) requires new defensible green belt boundaries to be created and green network objectives to be met here in the development of the site. Council notes concerns in relation to the MH13: Howe Mire site. The Council submits that the proposal at paragraph 2.38 acknowledges the location of the site, and the previous planning appeal decision that has already allowed some encroachment of built development beyond what the current local plan defines as the settlement boundary. Additionally, it is stated in the pre-amble to the proposal that a particular consideration for this site will be a need to demonstrate that proposals can satisfy the terms of LDP Policy CH5: Battlefields. The Council further submits that paragraph 2.40 of the LDP requires new defensible green belt boundaries to be created and green network objectives to be met here in the development of the site.

With regard to traffic concerns, central to the preparation of the plan has been the need to understand how the existing transport infrastructure would cope with the additional planned development. The Council has undertaken a Transport Appraisal (TA) (CD041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG)(CD029) methodology. There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The TA identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingstone, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

Whilst it is regrettable that the timing of the LDP consultation has coincided with a changeover of Wallyford Community Council members, the Council had to progress its consultation as quickly as possible to ensure that the LDP remains on track.

**The Council submits that no modification to the LDP is necessary.**

East Lothian Developments Ltd. (0351)

The Council acknowledges that Howe Mire lies within the National Inventory of Historic Battlefields site and Historic Environment Scotland advised that its development would raise issues of national importance (CD071). It is stated in the pre-amble to the proposal (CD039) that a particular consideration for this site will be a need to demonstrate that proposals can satisfy the terms of LDP Policy CH5: Battlefields. The Council accepts that Howe Mire is a prominent site and the site assessment acknowledges that development here would impact on long distance views. The setting of Wallyford would be changed by the development of Howe Mire as would, to a much lesser degree, the setting of Inveresk. The decision to allocate this site was taken by Council with consideration of its landscape impact as reported in its site assessment (CD060a). Paragraph 2.40 of the LDP requires new defensible green belt boundaries to be created and green network objectives to be met here in the development of the site. The traffic impacts of Howe Mire have been addressed in the Transport Appraisal (CD041). Vehicular access to the site will not be directly from a new junction on Salter's Road but to the lane known as Victory Lane (access road between A6094 and waste water treatment works) and as indicated in the draft Development Brief (CD061). The LDP has established development related impacts on education capacity based on a cumulative assessment of impact and the need for mitigation. These are set out in Supplementary Guidance: Developer Contributions Framework (CD063) for the specified scales of residential development within the contribution zones identified in Appendix 1 of the LDP.

In respect of education capacity the Council submits that there is potential for further planned expansion of the new Wallyford Primary School and projected pupils arising from the proposed site will be accommodated in the proposed future expansion of Wallyford Primary School and the new additional secondary school for the Musselburgh Cluster area as approved by East Lothian Council on 20<sup>th</sup> December 2016 (CD109). The planning application for Wallyford has been approved. Pupils will be accommodated in the future expansion. Timescales and delivery will allow for capacity to be delivered. Development has commenced and East Lothian Council is expecting receipt of land for the primary school. In line with East Lothian Council's Local Development Plan Draft Developer Contributions Framework, developer contributions will be sought in respect of this allocation. **The Council submits that no modification to the LDP is necessary.**

Emma Hay (0357/1)

Proposal MH12: Barbachlaw is allocated in accordance with the Appeal Decision Notice dated 30 September 2013 reference PPA-210-2018. (CD131). A Section 75 agreement has been concluded and requires that no residential unit on the development land shall be occupied until the contract for the completion of the stadium development has been awarded to the chosen contractor – see Minute of Agreement between East Lothian Council and Sirius Sport & Leisure dated 31 May 2011(CD089). A detailed application for the houses proposed at Barbachlaw has been approved (reference 16/00751/AMM Approval of matters specified in conditions of planning permission in principle 10/00341/PPM - Erection of 94 houses with construction of relocated parking for Victoria Lane Stadium and associated engineering and landscape works (CD156 and CD157). Proposal MH12 is allocated to meet the housing needs of East Lothian as required by SDP1 (CD030 and CD030). Completion of the greyhound racing stadium is expected to be delivered on the site and the legal agreement is there to ensure its delivery. It is not therefore appropriate for the Council to allow for any other form of development on the site in the LDP. The stadium is tied to the development of housing at PROP MH12: Land at

Barbachlaw and not PROP MH13 Howe Mire.

The Council accepts that Howe Mire is a prominent site and the site assessment acknowledges that development here would impact on long distance views. The setting of Wallyford would be changed by the development of Howe Mire as would, to a much lesser degree, the setting of Inveresk. It is also acknowledged that the setting of Wallyford and the characteristics of the village will change with the development of PROP MH9. The decision to allocate PROP MH13: Land at Howe Mire was taken by Council (CD109) with consideration of its landscape impact as reported in its site assessment (CD060a). The amount of houses to come from PROP MH9 has already been increased to circa 1,450 and the capacity for housing at Dolphinstone could be affected by the need to accommodate land for new schools therefore it is unlikely that the number of houses proposed at Howe Mire could be accommodated at these two sites. The Council acknowledges that the setting of Wallyford and the character of the village will change with the development of PROP MH9 and other development areas. The Council submits that this change is an outcome of the regeneration of Wallyford in providing more market housing to rebalance housing tenure, new educational facilities, new community facilities and a local centre with new retail facilities and business opportunities, all within an accessible and sustainable location. As the LDP (CD039) acknowledges at para 2.34 the number of houses to be delivered at PROP MH9 has increased from 1050 to 1450. As noted in para 2.36 PROP MH9 or PROP MH 10 must also accommodate sufficient land for the new secondary school. This may mean that between sites PROP MH9 and PROP MH10 there may not be sufficient capacity to also accommodate the housing that would be displaced from Howe Mire in the way that this representation suggests. **The Council submits that no modification to the LDP is necessary.**

Andrew Coulson (0359)

The Council notes concerns in relation to the MH13: Howe Mire site. The Council acknowledges that Howe Mire lies within the National Inventory of Historic Battlefields site and Historic Environment Scotland has advised (representation reference 0228 and 0394) that its development would raise issues of national importance. The decision to seek to allocate this site was taken by Council (CD109) with consideration of its environmental impact as reported in the site assessment (CD060a). It is stated in the pre-ambule to the proposal (CD039) that a particular consideration for this site will be a need to demonstrate that proposals can satisfy the terms of LDP Policy CH5: Battlefields. Paragraph 2.40 of the LDP requires new defensible green belt boundaries to be created and green network objectives to be met here in the development of the site. The matter of landscape around the site will be subject to further consultation with HES as the site progresses through the planning process and whilst it is common practice to secure significant landscape planting to define a new landscape edge in a green belt, the special circumstances of the landscape impact of the battle will be explored with HES in advance of finalisation of the development brief supplementary planning guidance (CD061). **The Council submits that no modification to the LDP is necessary.**

Musselburgh Conservation Society (0368/11); Inveresk Village Society (0385/9)

Council notes concerns in relation to the MH13: Howe Mire site. The Council acknowledges that Howe Mire lies within the National Inventory of Historic Battlefields site. Historic Environment Scotland (HES) considers there is no scope to develop PROP MH13 for mixed use housing and employment development without causing harm to the National Inventory of Historic Battlefields site and therefore seeks the deletion of the site from the

LDP (representation reference 0228 and 0394). The Council decision taken at its meeting on 17 November 2015 (CD109) was to seek to allocate the site in the LDP, in the knowledge of HES reservations in respect of the battlefield designation. The Council's settled view is therefore that the site presents an opportunity for development as proposed subject to mitigation of cultural heritage considerations. It is stated in the pre-amble to the proposal that a particular consideration for this site will be a need to demonstrate that proposals can satisfy the terms of LDP Policy CH5: Battlefields.

Paragraph 2.40 of the LDP (CD039) requires new defensible green belt boundaries to be created and green network objectives to be met here in the development of the site. The matter of landscape around the site will be subject to further consultation with HES as the site progresses through the planning process and whilst it is common practice to secure significant landscape planting to define a new landscape edge in a green belt the special circumstances of the landscape impact of the battle will be explored with HES in advance of finalisation of the development brief supplementary planning guidance.

In relation to paragraph 80 of Scottish Planning Policy (CD013), which states "*development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...*", the Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the SDP1 (CD030 and CD036). **The Council submits that no modification of the LDP is necessary.**

Lianne Millar (0381); Fraser Millar (0382); Tay Wilson (0387); Robert Richardson (0388); Mike Hay (0428/2); Suzanne Brett (0429/2); Sue Howie (0430/2); Samantha Brown (0431/2); Nichola Taylor (0432/2); Kaye Nicholl (0433/2); Christina Hall (0434/2); Marnie Sutherland (0435/2); Maureen McGhee (0436/2)

The Council accepts that PROP MH13 Howe Mire is a prominent site and the site assessment acknowledges that development here would impact on long distance views. The setting of Wallyford would be changed by the development of Howe Mire as would, to a lesser degree, the setting of Inveresk. The Council acknowledges that the setting of Wallyford and the character of the village will change with the development of PROP MH9 and other development areas. The Council submits that this change is an outcome of the regeneration of Wallyford in providing more market housing to rebalance housing tenure, new educational facilities, new community facilities and a local centre with new retail facilities and business opportunities, all within an accessible and sustainable location. The decision to seek to allocate PROP MH13: Land at Howe Mire was taken by the Council at its meeting on 17 November 2015 (CD107) with their consideration of its landscape impact as reported in its accompanying site assessment. As the LDP acknowledges at para 2.34 the number of houses to be delivered at PROP MH9 has increased from 1050 to 1450. As noted in para 2.36 PROP MH9 or PROP MH 10 must also accommodate sufficient land for the new secondary school. This may mean that between sites PROP MH9 and PROP MH10 there may not be sufficient capacity to also accommodate the housing that would be displaced from Howe Mire in the way that this representation suggests. **The Council submits that no modification to the LDP is necessary.**

#### **PROP MH14: Land at Whitecraig South**

Louise Adam (0146)



The Local Development Plan (LDP) (CD039) adopts a compact growth strategy and new housing sites at Whitecraig are required to contribute to the housing land requirements of SDP1 (CD030 and CD036). Housing sites in Whitecraig are supported for the reasons given in p42 of the Main Issues Report (MIR): Table 5 Preferred Approach Compact Growth (CD068). The decision to seek to allocate sites at Whitecraig for new housing was taken by East Lothian Council when it approved a draft LDP, subject to further technical analysis of sites, at its meeting on 17 November 2015. Approval of the draft LDP with amendments was noted on the Council web page in its statutory development plans page and confirmed by the Council's approval on 6 September 2016. The settled view of East Lothian Council is that land at North and South Whitecraig is required for housing, that these are appropriate sites and that expanded provision of Educational facilities is required and can be delivered. In line with East Lothian Council's Local Development Plan Draft Developer Contributions Framework (CD063) contributions will be sought in respect of these allocations.

During both MIR and LDP consultations periods the proposal maps were available online, in local libraries and council offices.

For further information please refer to the Participation Statement and Conformity with the Participation Statement. **The Council submits that no modification to the LDP is necessary.**

Brian Morland (0153/2)

Concerns noted. There will not be a vehicular access from Whitecraig South to Whitecraig Avenue but there will be a pedestrian and cycle link. Vehicular access will be taken from two points on the A6094 and the Smeaton Road as indicated in the draft Development Brief (CD061). SDP1 (CD030) recognises that the green belt may have to be modified to accommodate the regional growth strategy. To accommodate the Compact Growth Strategy of the LDP (CD039) for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068) two development sites at Whitecraig North and Whitecraig South are required. Land around Whitecraig South will still be maintained in the green belt. New development can help to regenerate communities by bringing in greater spending power that can support new facilities such as the small local centre that the site allocation requires as part of a mixed use development which could provide additional commercial units. There will also be investment in the school campus and other community uses including civic space and as noted in PROP CF1 of the LDP one full size grass pitch and two team changing facility. There are proposals for new community facilities for the old bowling club site, for which planning permission has been granted (planning application 16/00617/PCL Erection of community centre/hall/cafe/crèche and associated works)(CD154 and CD155). The Council has made budget provision for this in its capital plan (CD096). The Council agrees that Whitecraig North is a site that has good connectivity within Whitecraig but submits that so too does the site at Whitecraig South which will be directly connected to the school campus and open space. It should also be well connected to the new local centre to be provided adjacent to an existing store. **The Council submits that no modification to the LDP is necessary.**

**PROP MH15: Land at Whitecraig North**

Wallace Land Investments (0285/1)

The Council submits that the proposed housing land allocations and therefore supply are

sufficient, so additional capacity is not needed at this site to meet housing requirements. It is unclear from the representation whether the site in the form proposed in the LDP is non-effective, consequent on access issues and developer contribution requirements should there be a need for these to be fully met. The Council submits that a larger site area does not necessarily mean that additional houses need be allocated here, as the additional site area could provide for enhanced landscape planting to create a more robust green belt boundary and settlement edge or additional open space within the site. The Council further submits that vehicular access could be provided through land currently designated as green belt, as in policy terms a road through this area may be treated as essential infrastructure consistent with proposed LDP Policy DC7 (CD039), should this be demonstrated consequent on further technical work at project level. This could fit with the objectives for the site edges/boundaries, since no further built development would be acceptable in policy terms beyond the alignment of the existing well established settlement edge. This matter could be dealt with at project level. In respect of the development briefs (CD061) the Council does not support changes to Proposal MH15. The Council submits that there may be Habitats Regulations Assessment issues with extending the allocation which require to be investigated and resolved. This could be carried out at project level. **The Council submits that no modification to the LDP is necessary.**

Musselburgh Conservation Society (0368/12); Inveresk Village Society (0385/10)

In respect of PROP MH15: Land at Whitecraig North, the Council submits that the existing northern edge of Whitecraig is not considered to be a robust or defensible edge and therefore the Council expects, as indicated in the draft Development Brief (CD061) for the site, a strong landscaped edge to be created to the north and east of the site tying visually in to the existing eastern boundary of the village on the south side of the main road. The LDP (CD039) supports a new small local centre, an extended primary school and additional community sporting facilities at Whitecraig as a result of its expansion, which the Council submits will be beneficial to Whitecraig. The Council submits that due to the distribution of prime agricultural land within East Lothian its development will be necessary to achieve a settlement strategy that meets the SDP's development requirements (CD030 and CD036), taking into account the range of factors set out in SPP (CD013) paras 40 and 80. With respect to Inveresk village, the Council submits that there is sufficient capacity on the A6124 through Inveresk. The road through Inveresk is an A class road (A6124) and can therefore accommodate the additional traffic that would be generated. It is a major route into Musselburgh. Junction arrangements and mitigation improvements within Musselburgh Town Centre are proposed by the LDP to mitigate impacts. **The Council submits that no modification to the LDP is necessary.**

### **Policy MH17: Development Briefs**

Lothian Park Ltd. (0256/2); Lothian Park Ltd (0257/2); Wallace Land Investments (0285/2); Sirius Sport & Leisure (0274/3)

The draft Development Briefs (CD061) were consulted on so applicants, landowners and developer could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the briefs, after finalisation, are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council notes that other representations, including from Key Agencies request that the brief be given statutory weight; the Council submits that the briefs should not be statutory documents. The Scottish Government is clear that the

amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the briefs, including the Key Agencies. Council submits that the finalised briefs are to be drafted using words such as 'may' or 'should' rather than 'will' or 'must' where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy (CD039) provides the scope for parts of the briefs to be drafted more affirmatively to give them more clarity around non-negotiable aspects, and modifying the policy wording would remove this clarity for the Council and applicants. The finalised briefs will reflect the above points. **The Council submits that no modification to the LDP is necessary.**

#### CALA Management (0393/2)

Development briefs will form supplementary guidance and will be finalised after the Examination to enable them to take into account any issues that arise on specific sites. The briefs that were consulted (CD061) on are early drafts that were issued for comment and carry little or no weight at this stage but the Council submits that the principle of compliance with the briefs should continue to be stated in a proposal.

#### Scottish Wildlife Trust (0316/1)

Scottish Wildlife Trust offers overall support and this is noted and welcomed. In respect of Proposal MH18: Levenhall Links to Prestonpans: Areas for Habitat Improvement, the Council submits that its main objective here is to ensure suitable management for the qualifying interests of the Firth of Forth SPA. It may be that once such a management regime has been implemented, and the necessary measures have been introduced to ensure the successful delivery of this objective, that consideration could be given as to the longer term management of the site, including the potential for the creation of a Local Nature Reserve. At this stage, however, the priority in respect of land is to ensure that suitable management is in place for the protected species. **The Council submits that no modification to the LDP is necessary.**

#### **Musselburgh Cluster Miscellaneous**

#### Scottish Environment Protection Agency (0252/1)

The Council submits that PAN 1/2010 (CD016) is clear that SEA should focus on the strategic environmental effects of the plan (PAN 1/2010 para 3.1) and avoid excessive data collection and descriptions of baseline data (PAN 1/2010 para 5.2). The Council further submits that the sites set out in the relevant table are not allocations: this is made clear in the pre-text to the table. The LDP (CD039) explains that the development of these sites in accordance with relevant LDP policies is supported in principle by the Council – i.e. not necessarily by consultees to any planning application, such as SEPA. Whilst some of the sites have been rolled forward from previous plans, the majority of the sites set out in the relevant table already have planning permission for development, so are committed sites. In SEA terms they have been treated as such and thus as part of the baseline, in accordance with PAN 1/2010 (paragraph 4.22). It is important to note that this is also true of many sites where a policy reference is given. If the Reporter considers it useful, the Council could provide the relevant planning application references in respect of relevant sites. Development on some of these sites has already commenced, but in some cases

stalled, so planning permissions are being implemented or remain live. For some sites their planning permission references are shown within the tables instead of policy references. This is because some of them are within the countryside etc and it would be impractical in a mapping sense or in a policy/proposals sense to specifically identify those sites on the proposals map(s) or strategy diagrams: yet the Council would support the principle of their development in line with LDP policies, subject to the development management process. **The Council submits that no modification to the LDP is necessary.**

East Lothian Developments Ltd. (0337/3)

The LDP allocates appropriate and sufficient housing land to meet SDP1 requirements (CD030 and CD036) and in line with its compact growth strategy. Land at Goshen Farm is not allocated in the LDP (CD039) for development and the Council does not support it.

Goshen Farm was removed as a proposed site from the Draft Proposed East Lothian Local Development Plan following a decision by Council at its meeting on 17<sup>th</sup> November 2015 (CD107). As the site is not an allocated site within the Proposed LDP 2016, it is, therefore, not included in the Education Assessment (CD059) for capacity. **The Council submits that no modification to the LDP is necessary.**

Lisa Helbig (0362/2)

Only those properties that are within 20m of a proposal in the Proposed LDP were formally notified of the proposal in line with the requirements of para 83 of Circular 6/2013 Development Planning (CD022).

**Musselburgh Cluster Support**

Network Rail (0181/8)

Support welcomed

**PROP MH1: Land at Craighall**

Scottish Environment Protection Agency (0252/28)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. A FRA for this site should consider culverts adjacent to the site. Support noted.

Persimmon Homes (0334/1)

Support for PROP MH1 noted. While it is accepted that a masterplan for the whole Craighall site has yet to be developed the Council nevertheless considers that it is important to give an indicative spatial distribution for the 1,500 house allocation across the whole Craighall site. It is important that the employment land is delivered on the two main areas where this is to be accommodated the balance of these areas will provide housing land. It is expected that housing land will be provided in accordance with LDP Policy DP3: Housing Density (CD039) that controls the density of development in new housing areas. The Council considers that it remains appropriate for the two areas of land at Old Craighall and north of the A1 to provide indicative numbers of circa 350 each.

**PROP MH2: Land at Old Craighall**

Scottish Environment Protection Agency (0252/34)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. Support noted.

**PROP MH3: Land at Old Craighall Junction South West**

Scottish Environment Protection Agency (0252/27)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. A FRA for this site should consider culverts adjacent to the site. Support noted.

Lothian Park Ltd (0256)

Noted that Lothian Park welcomes the allocation of this site for Class 4, 5 and 6 uses.

**PROP MH4: Land at Old Craighall Junction**

Scottish Environment Protection Agency (0252/26)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. A FRA for this site should consider culverts within the site. Support noted.

Lothian Park Ltd. (0257/1)

Noted that Lothian Park welcomes the allocation of PROP MH4 for Class 4, 5 and 6 uses.

**PROP MH5: Former Edenhall Hospital Site**

Scottish Environment Protection Agency (0252/32)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site.

A tributary from of the Pinkie Burn is believed to flow through the site as shown on the SEPA fluvial flood map. A FRA was carried out in April 2010 and identified that a 600mm diameter culvert emerges at Pinkie St Peter's Primary School. The exact location of the culvert upstream is unknown.

A FRA should determine whether the tributary is culverted beneath the former hospital. No new development should take place above the culvert.

Support noted.

**PROP MH7: Pinkie Mains**

Scottish Environment Protection Agency (0252/29)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. Support noted.

**PROP MH8: Levenhall**

Scottish Environment Protection Agency (0252/31)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site.

During high flows, there are recorded instances of the Ravenshaugh Burn flooding adjacent to Beggars Bush House where the burn joins with an unnamed tributary and was culverted into small pipes. The culverts have been replaced with a large open channel. The FRA should take these factors into account. Support noted.

**PROP MH9: Land at Wallyford**

Scottish Environment Protection Agency (0252/30)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. Support noted.

**PROP MH10: Land at Dolphingstone**

Scottish Environment Protection Agency (0252/33)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site.

There is a small watercourse along boundary of the site which may pose a small risk of flooding. This should be addressed in the FRA. Support noted.

East Lothian Developments Ltd. (0337/1)

East Lothian Developments Ltd. support PROP MH10: Land at Dolphingstone which is on a site in their ownership.

**PROP MH11: New Secondary School Establishment**

East Lothian Developments Ltd. (0337/2)

East Lothian Developments Ltd. support MH11: New Secondary School Establishment which is on a site in their ownership.

**PROP MH12: Barbachlaw, Wallyford**

Scottish Environment Protection Agency (0252/36)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site.

A small watercourse could be culverted along the northern boundary of the site and the FRA should address this possibility. Support noted.

**PROP MH13: Land at Howe Mire**

Scottish Environment Protection Agency (0252/38)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. Support noted.

Joan Coyle and 49 others (0341)

This petition has been signed by 50 individuals with addresses in Wallyford, Tranent and Elphinstone. Supports PROP MH13: Land at Howe Mire for mixed use development (circa 170 homes and employment uses). Support noted.

Michael Izzi (0380/2)

Supports the allocation of PROP 13 Howe Mire. Support noted.

**PROP MH14: Land at Whitecraig South**

Buccleuch Property (0230)

Support noted.

Scottish Environment Protection Agency (0252/35)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. It is possible that a culverted watercourse flows along the northern boundary adjacent to the School and the FRA should assess the risk from this watercourse, if it is present. Support noted.

**PROP MH15: Land at Whitecraig North**

Scottish Environment Protection Agency (0252/37)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. Support noted.

**PROP MH18: Levenhall Links to Prestonpans: Area for Habitat Improvement**

Royal Society for the Protection of Birds (0185/4)

Support welcomed.

Scottish Power Generation (0391/2)

Support welcomed and caveat noted.

**Reporter's Conclusions:****Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Musselburgh Cluster Strategy Map**

2. Given that I recommend the deletion of Proposal MH13 Howe Mire, the suggestions to alter the site name and to amend the site boundary are not required and therefore no modification is necessary.

**Musselburgh Cluster Introduction**

3. Musselburgh and Inveresk Community Council highlight their concerns over the proposed compact growth strategy and the scale of new housing identified for the Musselburgh area and consequent impacts on infrastructure. Similar concerns are expressed in Issue 2: Spatial Strategy although the community council is not specifically cited there. My response on these matters is set out within Issue 2.

4. The community council also highlight the need to retain town boundaries and the green belt in order to protect the identity of Musselburgh. The other representations to this part of the plan seek a number of changes to paragraphs 2.14 to 2.21, namely, including references to the importance of protecting four major open areas and the retention of green belt status. While no plans are provided, the council is able to identify the four areas described and submits that most of this land is already retained as green belt in the plan. I concur with this. Consistent with Scottish Planning Policy, the designation of a green belt to support the spatial strategy is an appropriate way to direct development to the most appropriate locations while supporting regeneration, protecting and enhancing the character, landscape setting and identity of the settlement and protecting and giving access to open space. Development within the green belt is generally restricted to that compatible with an agricultural or natural setting, or essential infrastructure. Therefore, I agree with the council that any additional protected land status for these areas is not necessary and would essentially achieve the same aims.

5. The suggested amendment to paragraph 2.19 seeks a stronger protection than the green belt to ensure settlement separation and prevent coalescence. However I am unsure from the representation what additional measures might be used to protect such aspects. The compact growth strategy recognises the need for green belt release in certain areas and the need for mitigation to protect the character and setting of settlements by way of the proposed Green Network, and to avoid coalescence. Therefore, I do not consider that additional clarification within paragraph 2.19 is required. My recommendation to delete Proposal MH13 Howe Mire would also support the important function of the land to the west of Wallyford in contributing to the setting of settlements and protecting the site of the Pinkie battlefield.



**PROP MH1: Land at Craighall, Musselburgh**

6. I consider the nature of the structural landscape treatment for this site, along the contiguous boundary of East Lothian and Edinburgh, is more appropriate to consider at the detailed planning application stage and / or development brief and it is not necessary to include such references within the plan itself.

7. Many of the points raised by Zoe Bennett-Levy regarding the cumulative effects of Proposals MH1, MH2 and MH3 are responded to in Issue 2: Spatial Strategy. Overall, I endorse the proposed compact growth strategy. The council acknowledges the loss of prime agricultural land and green belt and that the cumulative impact of sites proposed within this area will significantly change the character of Old Craighall. Such impacts are considered unavoidable if a sustainable settlement strategy is to be pursued. While the plan does not currently acknowledge that a joint masterplan (with Midlothian and City of Edinburgh Councils) is required for this site, cross boundary issues would still be a consideration. Matters such as transportation and education have been considered in the development of the spatial strategy although the council acknowledges the need for further technical work on infrastructure impacts, including cumulative impacts.

8. Queen Margaret University suggests that Proposal MH1 is too vague and should be split into separate sub-proposals. I consider it beneficial to continue to identify the whole proposal as Proposal MH1 to ensure a comprehensive approach to this major development. However, I note the level of detail stated within Proposal MH1 and the references to different geographical locations. The draft development brief indicates that the site consists of four main areas and within the assessment of the site within the draft Environmental Report it is divided into areas A, B, C and D. While I do not agree that separate proposals should be introduced, given the range of uses proposed and the complexity with the different areas, it would still be helpful to divide the text into separate paragraphs to convey the different elements. Therefore I recommend a modification to that effect.

9. The modifications requested by Queen Margaret University specifically include a proposal for the university. The council explains that the land occupied by the university does not form part of Proposal MH1 and it is safeguarded under Policy SECF1. Furthermore, facilitating the potential expansion of the university is not the sole purpose behind the allocation of this land. I agree that the main focus of Proposal MH1 is the allocation of housing and employment land. Paragraph 2.22 and Proposal MH1 indicate that land to the west of Queen Margaret University is for economic uses that support the key sectors of learning, life sciences and food and drink. Providing the intended expansion plans at the university are consistent with this, I see no conflict. Therefore I do not consider it necessary to include within the plan, a specific allocation for the university or to take account of its plans for a commercial and innovation hub as outlined within its Masterplan and Delivery Strategy.

10. The university raises concerns that the delivery of the grade-separated junction on the A1 road may not be completed until after 2031 which would block any potential to see the delivery of its proposed commercial and innovation hub. It highlights the need for a trigger, based on the programme of house building within Proposal MH1, to ensure that the junction is provided timeously thereby allowing employment land across the site to be developed. A trigger of a maximum 100 houses, linked to a programmed completion rate of 75 dwellings per annum, is suggested. The council response refers to the priority in delivering housing across this site and the reliance on that for the delivery of the necessary

infrastructure. It explains the potential for earlier delivery of necessary transport infrastructure but suggests the need for flexibility with regard to potential funding solutions and opportunities. Given the complexities across this site I accept this position and do not support the use of a development trigger as suggested.

11. Persimmon Homes considers the terms of Proposal MH1 are too prescriptive at this stage and that the indicative housing number of 350 units at two locations should be deleted. As the developer who controls the majority of the land within the proposal, Persimmon Homes will be involved in the detailed masterplanning of the site. While I recognise this work is ongoing, I do not agree that the plan should be silent as to the amount of housing envisaged for particular parts of the site. Consistent with other proposals within the plan and to ensure that the contribution of the proposal can be measured against the housing land requirement, I consider it appropriate that Proposal MH1 includes indicative housing numbers.

12. Midlothian Council's representation concerns the scale of the new local centre proposed at Craighall relative to Shawfair town centre and the potential for bus and active travel links to be encouraged. I note the council's response indicates that Craighall will sit below Shawfair in terms of the hierarchy of centres. This should allay any fears relating to competing centres and impacts on the vitality and viability of existing centres. The details of what will be included within the new local centre is also a matter for the masterplan and planning application submissions, on which it is presumed Midlothian Council will be consulted. The provision of bus and active travel links between the two centres are also detailed matters for these stages.

13. The representation by Elaine Edwardson raises specific concerns relating to the draft development brief for the site although wider concerns relating to traffic impact in the area is also highlighted. Comments on the draft development briefs are not before me for consideration. With regard to wider traffic concerns, the council response explains the assessment undertaken as part of the Transport Appraisal and the transport interventions that are proposed within the plan. I am satisfied that sufficient measures are proposed to deal with the additional trips on the road network generated by this proposal and the wider measures to deliver improved public transport provision and active travel within the area.

14. The matter of a joint response with Midlothian Council to deal with education provision in the Craighall area to relieve pressure at Musselburgh Grammar School was considered at the Main Issues Report stage, although the council now indicates that this was not progressed. I accept the reasons given for this and the need for the council to retain control over the timing and delivery of secondary education provision. The plan requires a new secondary school to be provided at Wallyford.

15. The council response states that the balance of uses is right and that there is a priority in delivering housing across the site. While I acknowledge that overall, a greater amount of employment land was identified for this site within the Main Issues Report, the need to ensure suitable sites within Proposal MH1 can be delivered has influenced the balance of uses identified. The reduction of housing across the site, as suggested by Musselburgh Conservation Society, could affect its overall viability and therefore I am not convinced that this would be appropriate.

16. I do not support the request for the land between 1 Old Craighall Village & Stanmore Cottage (a total of 1.05 acres) to come forward separately as a housing site to the wider Proposal MH1. While I note the remarks that the site currently falls within the village

envelope within the adopted local plan and would therefore be supported for housing in principle, the site now forms part of Proposal MH1. It should therefore be included within a comprehensive masterplan to ensure that its function fits with the overall strategy for the site and the necessary infrastructure is considered and provided consistent with any single legal agreement for the site. The draft development brief includes the site within the zoning for a village centre, including a primary school, however the finalisation of the content of this brief does not form part of examination.

### **PROP MH2: Land at Old Craighall Village**

17. Many of the points raised by Zoe Bennett-Levy regarding the cumulative effects of Proposals MH1, MH2 and MH3 are responded to in Issue 2: Spatial Strategy. Overall, I endorse the proposed compact growth strategy. The council acknowledges the loss of prime agricultural land and green belt and that the cumulative impact of sites proposed within this area will significantly change the character of Old Craighall. Such impacts are considered unavoidable if a sustainable settlement strategy is to be pursued.

18. With regard to the specific concerns over the setting of the category A listed Monkton House, the plan states at paragraph 2.25 that “Land to the north east of this site adjacent to the A720 and beyond the category A listed Monkton House and its setting, can be developed without harming cultural heritage assets.” While I note this position and the lack of objection by Historic Environment Scotland to the proposal, their representation to the plan (reference 0228) recommends the safeguarding of the setting of this heritage asset should be a consideration in the development of a masterplan for this site. I also note that the category B listed Monkton Gardens lies to the immediate south west of the proposal. As Proposal MH2 is to inform the detail of any masterplan and matters such as the impact on the setting of listed buildings should be a key consideration, I recommend that appropriate wording is added to Proposal MH2.

19. The representation by Traquair and Stewart Families seeks the expansion of Proposal MH2 to include the land to the south west (approximately 3 hectares). The representation is supported by an indicative design framework. I note that Historic Environment Scotland has not objected to Proposal MH2 but highlights that it may have objected had the proposal extended into the field immediately to the north east of the category A listed Monkton House.

20. The representation describes a reduced boundary for the site to that originally presented (presumably the area referred to by Historic Environment Scotland) and the retention of a green landscape buffer between the proposed development and Monkton House. While I note the measures taken to meet the concerns of Historic Environment Scotland, the retention of some development within the field immediately to the north east of Monkton House remains within the suggested proposal. I also note that the listed Monkton Gardens, with its sundial and garden walls, is contained within the proposed site. A scheduled monument is also a feature adjacent to the site. The council states that additional housing land is not required and I agree with this conclusion which is further amplified in Issue 12. I also agree with the council that this proposal has the potential to harm the setting of listed buildings and a scheduled monument. Therefore no modifications to the boundary of Proposal MH2 are supported.

### **PROP MH3: Land at Old Craighall Junction South West**

21. Many of the points raised by Zoe Bennett-Levy, Elaine Edwardson and Amanda

Ferguson regarding the cumulative effects of Proposals MH1, MH2 and MH3 are responded to in Issue 2: Spatial Strategy. Overall, I endorse the proposed compact growth strategy. The council acknowledges the loss of prime agricultural land and green belt and that the cumulative impact of sites proposed within this area will significantly change the character of Old Craighall. Such impacts are considered unavoidable if a sustainable settlement strategy is to be pursued. While the plan does not currently acknowledge that a joint masterplan (with Midlothian and City of Edinburgh Councils) is required for this site, cross boundary issues would still be a consideration. Matters such as transportation and education have been considered in the development of the spatial strategy although the council acknowledges the need for further technical work on infrastructure impacts, including cumulative impacts

22. Similar to the views expressed by the council, I do not accept that this site is in clear view of Monkton House. The site lies beyond the already built and consented housing area to the north east of Monkton House. At a major junction of the A1 road, the site is well located for employment uses. In Issue 11: Planning for Employment and Tourism, we conclude that the amount of land allocated for employment purposes in the plan is considerably in excess of the SESplan requirement. However, this does not mean that the amount of employment allocations should be reduced. A range and choice of future business locations will be necessary to ensure the requirement can be met.

23. The representation by Elaine Edwardson raises specific concerns relating to the draft development brief for the site although wider concerns relating to traffic impact in the area is also highlighted. Comments on the draft development briefs are not before me for consideration. With regard to wider traffic concerns, the council response explains the assessment undertaken as part of the Transport Appraisal and the transport interventions that are proposed within the plan. I am satisfied that sufficient measures are proposed to deal with the additional trips on the road network generated by this proposal and the wider measures to tackle air quality issues and deliver improved public transport provision and active travel within the area.

**PROP MH4: Land at Old Craighall Junction**

24. The requirement or otherwise for a development brief for this site is a matter for the council and is not for consideration as part of this examination.

**PROP MH5: Former Edenhall Hospital Site, Musselburgh**

25. The suggestion that vehicle access to this site should be from Pinkie Road not Carberry Road is a detailed matter more appropriate for the planning application stage. In any case, the council indicates that the site only covers the former hospital which does not allow for an access from Carberry Road.

**PROP MH8: Levenhall**

26. The representations to this proposal raise objection on a number of grounds including loss of green belt, traffic impacts, concerns for local wildlife, natural and cultural heritage impacts, lack of infrastructure and construction impacts. More detailed matters are also cited which are more relevant for any development brief or planning application.

27. The council response indicates that this site was the subject of a planning application (Reference 16/00627/PM). The council's latest response indicates that this application has

been withdrawn and the site is subject of a further application (Reference 17/00619/PM), which is pending.

28. The principle of releasing green belt land and identifying sites for housing at Musselburgh is responded to in Issue 2. The compact growth strategy primarily focuses development on the main settlements within the west of the strategic development area. This is considered to maximise the use of infrastructure capacity within the west rather than require provision elsewhere. The strategy recognises the need for green belt release in certain areas and the need for mitigation to protect the character and setting of settlements by way of the proposed green network, and to avoid coalescence.

29. The council acknowledges that there are infrastructure constraints within Musselburgh, particularly around education, transportation, and air quality. A new secondary school is to be provided at Wallyford. I note the concerns expressed over the capacity of existing infrastructure and local services, however I consider the requisite provision is either in place or this would be directly provided or funded through developer contributions.

30. Cultural heritage issues have also been given full consideration and no objections to the allocation of this site in relation to the Battle of Pinkie have been raised by Historic Environment Scotland. Appropriate mitigation will however be required in responding to the landscape characteristics of the battlefield and any in situ remains.

31. Any adverse impact on designated sites or protected species has been considered in the strategic environmental assessment. The draft Environmental Report site assessment identifies a number of features outwith the site that warrant further consideration of the site in terms of the Habitats Regulation Appraisal process. I am satisfied that sufficient detail has been provided at this stage and any proposals will require satisfying the relevant policies of the plan.

32. Concerns regarding construction noise and other associated activity are matters for the detailed planning application stage and the monitoring of any conditions. Any impacts on protected trees can also be considered in the site design. With regard to wider traffic concerns, the council response explains the assessment undertaken as part of the Transport Appraisal and the transport interventions that are proposed within the plan. I am satisfied that sufficient measures are proposed to deal with the additional trips on the road network generated by this proposal and the wider measures to tackle air quality issues and deliver improved public transport provision and active travel within the area.

33. I agree that this site is generally well contained and its development will not significantly affect the wider landscape setting of Musselburgh. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan.

34. The request by Cala Homes to reduce the indicative capacity of the site to circa 50 units is based on physical and technical constraints at the site as well as the need for a larger supply of family homes in the local housing market. The reference within Proposal MH8 to conforming to the development brief is also contested in the representation as in its current form it cannot be implemented.

35. The principle of conforming to an adopted development brief is considered more widely in Issue 30. With regard to Cala Homes request to reduce the capacity of the site,

although a site layout plan has been submitted, it is not explained how the particular physical and technical constraints on this site affect the overall site density. Notwithstanding, the council explains that the site capacities within the proposals are meant to be indicative and are based on a nominal 30 units per hectare consistent with Policy DP3. Policy DP3 expects minimum average densities of 30 units per hectare for all new housing sites but allows for lower densities where an appropriate range of house types and sizes cannot be provided in a form which complements the townscape and landscape setting of the local area. Accordingly, I do not consider it appropriate to reduce the capacity of this allocation in advance of the detailed considerations that would take place against this policy in relation to any planning application submitted for the site.

#### **PROP MH9: Land at Wallyford**

36. This site has obtained planning permission and is now under construction. While I note the concerns raised regarding the scale of housing development proposed in Wallyford, this proposal is consistent with the spatial strategy of the plan and I am satisfied that sufficient measures are proposed to deal with the associated traffic generated by the development and natural heritage issues. The specific comments made regarding the site boundary are more appropriate for the detailed planning application stage and not the allocation within the plan.

#### **PROP MH10: Land at Dolphingstone**

37. The high visibility of this site is acknowledged within the draft Environmental Report site assessment. The potential for visual and physical coalescence with Prestonpans is also highlighted. The draft development brief proposes a number of mitigation measures. These include the retention of an area of open space on the higher ground in the east of the site in order to maintain the important regionally distinctive views towards the Edinburgh skyline and East Lothian coastline and sea, from the A1 road. The representation by Scottish Natural Heritage considers that mitigation of landscape impacts will be very difficult to achieve even with close adherence to the requirements of the brief.

38. Ashfield Commercial Properties Ltd highlight that 2,050 units are allocated to the Wallyford area (through Proposals MH9 and MH10) – almost 40% of the overall housing supply in the Musselburgh Cluster. Both these sites are within the same ownership. Proposal MH9 was granted planning permission in 2009 for 1050 units. The proposed plan has intensified this site to provide an additional 400 units and also added Proposal MH10 (600 units). According to Technical Note 1, no contribution from these additional sites will be made to the supply until 2023/24 thereby not affecting the ability to maintain a five-year effective land supply. Ashfield Commercial Properties Ltd further argues that neither site has the capacity to deliver the number of units indicated.

39. The council's latest response indicates that on 28 June 2017, it granted planning permission in principle for residential development with associated educational and community facilities subject to a section 75 Agreement (reference 15/00537/PPM). It also highlights that the matters to be agreed are in hand and that significant progress is being made in implementing Proposal MH9.

40. Within Proposal MH9, the 2017 housing land audit identifies programming commencing with 44 affordable units in 2017/18 and then continuing with total annual completions of 150 units. Proposal MH10 is programmed to follow from 2027/28 onwards. As I conclude in Issue 12, this audit provides a reasonable basis on which to base the land

supply calculations within the plan. I also find, based on this audit, that there is not likely to be a shortfall in the five-year effective housing land supply.

41. The council explains that any loss in units at Proposal MH9 resulting from the need to accommodate the provision of a secondary school campus will be made up by the additional units (some 200) likely to be achieved at Proposal MH10. While I note the council's references to the latest planning application in this regard, the matter of the final numbers suitable for this site are also affected by the need to consider the mitigation of landscape impacts and consistency with the development brief. The council acknowledges as such and highlights that in responding to the application, Scottish Natural Heritage has subsequently raised no objection to the masterplan or the principle of the proposed development on these grounds. The council submits that sufficient flexibility exists across both sites to enable the appropriate levels of delivery on each site while accommodating the need for a new secondary school.

42. Proposal MH10 forms a logical extension to MH9 and is within walking distance of a range of local facilities within Wallyford. I am satisfied with regard to the flexibility that is afforded across both sites that in providing for the new secondary school, the total number of units allocated is appropriate. Overall, I consider that this site is suitable for inclusion as an allocation for residential development. The request for this site to revert to a strategic reserve in line with the draft proposed plan is therefore not supported.

43. While I recommend the removal of MH13 Howe Mire from the plan (paragraph 55 below), I do not consider it necessary to compensate for this loss of employment land by placing it within Proposal MH10 as suggested by Musselburgh Conservation Society and Inveresk Village Society. The conclusion in Issue 11 confirms the amount of land allocated for employment purposes in the plan is already considerably in excess of the SESplan requirement.

#### **PROP MH11: New Secondary School Establishment**

44. While I note the content of the Depute Chief Executive's report of 17 November 2015, the council makes reference to a more recent decision of the council (20 December 2016), following a statutory schools consultation, to locate the new secondary school at Wallyford. The minutes of the meeting state that all options in terms of the location of the new secondary school were considered and a location with the Wallyford area would be in line with the council's development strategy set out within the proposed plan. I see no reason to disagree with this later decision given my conclusions in relation to Proposals MH9 and MH10 above.

#### **PROP MH12: Barbachlaw, Wallyford**

45. The western part of this site received planning permission for a greyhound stadium. The steel structure for the stadium has been erected. The eastern part of this site received planning permission in principle on appeal in 2013 for housing development and car parking. This decision was subject to a condition and legal agreement to ensure provisions to put in place a binding contract to complete the stadium prior to the start of house building. A Section 75 Agreement has now been concluded which requires that no residential unit shall be occupied until the contract for the completion of the stadium development has been awarded to the chosen contractor. Planning permission (approval of matters specified in conditions) was granted in March 2017 for 94 units and the construction of relocated car parking.

46. Given the planning history associated with this site, I find it reasonable that it remains allocated for housing and for stadium use within the plan. The site can make a useful contribution towards the plan's housing requirement to 2024. While I accept that there is no certainty with regard to the delivery of the stadium, the evidence before me at this time does not suggest that it would not be financially viable meaning that housing development would take place across the whole site. Nonetheless, Proposal MH12 contains sufficient safeguards to ensure that this is not the case and for the delivery of the stadium.

**PROP MH13: Land at Howe Mire, Wallyford**

47. The unresolved representations to this proposal raise a number of concerns including:

- The appeal decision at Proposal MH12 should not justify the release of further land in this area of green belt.
- The site is visually prominent and forms part of the setting of Wallyford and Inveresk.
- The site is within the core of the Pinkie battlefield, a national Inventory site.
- New green belt landscaped boundaries would harm the sightlines of the battlefield.
- Development here would set a precedent.
- Traffic impacts.
- Lack of education capacity.
- Loss of prime quality agricultural land.

48. Historic Environment Scotland states it is difficult to see how this site can be developed consistently with Policy CH5: Battlefields as stated within the plan, given the sensitivities of the site and the level of development proposed. The sensitivities expressed by Historic Environment Scotland are now described. The Inventory of Historic Battlefields states that the battle of Pinkie was fought in the open fields spread between Inveresk, Musselburgh, Wallyford and the A1 road. This site lies within part of the land where the main engagement took place and where there is the potential for archaeological remains of the battlefield to exist. The proposal could have a significant impact on these special qualities. The site also makes a significant contribution to the modern understanding of the battlefield landscape. Given that this open area remains undeveloped, it is still possible to understand how the topography played a part in the battle. Building over the currently open fields would significantly impact on the existing battlefield landscape characteristics such that it would be contrary to Scottish Planning Policy.

49. Scottish Planning Policy paragraph 149 states that planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.

50. The Inventory boundary for the Battle of Pinkie extends as far as land to the west of Esk (Whitehill, Stoneyhill, Stoneybank and Eskview), the area around Drummohr and Morrison's Haven, the slopes and summit of Carberry Hill, the River Esk from Musselburgh to Whitecraig and lands to the east including the old bridge, Inveresk, the Carberry Road (A6124), Wallyford and Howe Mire. The Inventory entry refers to the well preserved landscape characteristics of the battlefield including the views out and relationship between the lower slopes of Falside Hill, the Howe Mire, lands to the west of the Esk and Inveresk Churchyard.

51. The promoter of this site, Sirius Sport and Leisure, has submitted further information



which provides an up to date position with regard to any applications to Historic Environment Scotland to modify the Inventory entry. The information submitted highlights ongoing research and documentary evidence supporting their argument that the battle took place to the south of the A1 road rather than within the open fields to the east of Inveresk as indicated within the Inventory.

52. I note the battlefield and heritage assessment submitted with the representation, this later submission and the ongoing survey work. I also note that the request to amend the Inventory in terms of identifying the location of the main engagement was not supported by Historic Environment Scotland. Only some typographic errors and other minor updates were agreed to.

53. The council response highlights that its Heritage Officer is in agreement with Historic Environment Scotland with regard to the main area of conflict of the battle. The council does not elaborate either its response or within the draft development brief, how the proposal will be able to meet the requirements of Policy CH5 in terms of ensuring that the overall integrity and character of the battlefield area will not be compromised. No obvious mitigation is indicated within the plan that would assist in conserving or enhancing the key landscape features of the battlefield.

54. I acknowledge that the site is located within similar distances to local facilities and services as the allocated Proposal MH9. While I note the commencement of new housing development here immediately to the east, the site at Howe Mire presents a quite different aspect in terms of the local landscape. It has a flat, open character with undefined boundaries to the south and west and provides long distance views. It also lies within the immediate foreground in views from the battlefield memorial next to Salters Road. While I accept that extensive parts of the battlefield have already been developed, housing development at the scale proposed and in this particular location would be notably conspicuous and would detract from the existing battlefield landscape characteristics. The introduction of employment uses at this location, with open views of built, commercial development, would also compromise the setting of the settlement. Significant landscape planting, necessary to define new defensible green belt boundaries around the site is referred to in paragraph 2.40 of the plan. However, in my view, such boundary treatment is unlikely to provide any sensitive form of mitigation for this scale of development.

55. While I accept the need for the loss of prime agricultural land for development where it is essential as a component of the settlement strategy, it must be balanced with other relevant factors. Development at this location would represent a significant incursion within the green belt, detract from the existing battlefield landscape and would have an adverse impact on the setting of Wallyford. I accept that traffic and education impacts arising from this development could be dealt with. However, overall, I do not consider the site is suitable as an allocation for housing and employment uses. Therefore I recommend that it is deleted from the plan.

56. I have considered the effect of deleting this proposal in terms of the housing and employment land supply identified within the plan. In Issue 11, we conclude that the amount of land allocated for employment purposes in the plan is considerably in excess of the SESplan requirement. Issue 12 considers the housing land supply position and concludes that there is sufficient land allocated within the plan (as recommended to be modified) to meet SESplan's Housing Requirement. Consequently, the removal of this site would not have a significant impact on the supply of land necessary to meet these requirements.

57. Sirius Sport and Leisure seek some amendments to the supporting text of Proposal MH13. Given my recommendations to delete the site entirely from the plan, which would include these supporting paragraphs, it is not necessary to consider this further.

#### **PROP MH14: Land at Whitecraig South**

58. The principle of releasing green belt land and identifying sites for housing within the Musselburgh cluster is responded to in Issue 2. The adoption of a compact growth strategy primarily focuses development on the main settlements within the west of the strategic development area. This is considered to maximise the use of infrastructure capacity within the west rather than require provision elsewhere. Overall, I endorse the proposed compact growth strategy. The strategy recognises the need for green belt release in certain areas and the need for mitigation to protect the character and setting of settlements by way of the proposed green network, and to avoid coalescence.

59. While I note the comments in the representation that the site to the north of Whitecraig is preferred for housing development, the plan allocates land to both the north and south of the settlement. Development at Whitecraig is seen as a way to help regenerate the community. Whitecraig contains a primary school and some local services with access to a wider range of facilities and services in Musselburgh around 3.5 kilometres away. The council refers to committed investment in new community facilities in the settlement including a new community centre, café and crèche.

60. Although close to the boundary with Midlothian Council, Proposal MH14 would not lead to coalescence with other settlements. It would be directly adjacent to the existing primary school and the proposed expansion of the school and new sports and changing facilities. Developer contributions will be sought for such facilities. The council clarifies that only pedestrian and cycle access will be taken from Whitecraig Avenue, not vehicle access. Overall, I consider that this site is suitable for inclusion as an allocation for residential development which will make a contribution to the housing requirement of the plan.

#### **PROP MH15: Land at Whitecraig North**

61. Musselburgh Conservation Society and Inveresk Village Society request that this site is removed from the plan. They take the view that this area should remain open as a green lung for Musselburgh to prevent coalescence and protect the identity and character of Inveresk.

62. The principle of releasing green belt land and identifying sites for housing with the Musselburgh cluster is responded to in Issue 2. The adoption of a compact growth strategy primarily focuses development on the main settlements within the west of the strategic development area. This is considered to maximise the use of infrastructure capacity within the west rather than require provision elsewhere. Overall, I endorse the proposed compact growth strategy. The strategy recognises the need for green belt release in certain areas and the need for mitigation to protect the character and setting of settlements by way of the proposed green network, and to avoid coalescence.

63. With regard to local traffic concerns, an assessment has been undertaken as part of the Transport Appraisal. I am satisfied that sufficient measures are proposed to deal with the additional trips on the road network generated by this proposal and the wider measures to deliver improved public transport provision and active travel within the area.

64. The council indicates that a robust landscaped boundary is to be created across the north and east of the site. This will form the new green belt boundary and the new edge to the settlement. Sufficient separation, including the presence of the A1 road, exists between the proposed new settlement edge and Inveresk so as not to cause coalescence or compromise its overall character. Therefore I consider that this site is suitable for inclusion as an allocation for residential development which will make a contribution to the housing requirement of the plan.

65. The promoter of this site, Wallace Land Investments, wants 250 units allocated on the basis that its development framework supports this number. The site capacities within the proposals within the plan are indicative and based on a nominal 30 units per hectare consistent with Policy DP3. Policy DP3 allows for densities to be higher where responding to the particular circumstances of a proposal. Accordingly, I do not consider it appropriate to increase the capacity of this allocation in advance of the detailed considerations that would take place against this policy in relation to any planning application submitted for the site. Such additional allocation of housing is also not needed in order provide for the housing requirement within the plan.

66. An amendment to the boundary of the allocation (0.1 hectare) is sought to enable access to be achieved into the site from Whitecraig Road with the required visibility splays. The council is reluctant to amend the boundary and considers it unnecessary as the location for the access can be determined once further technical work is submitted at the planning application stage. The council response does not suggest that this would prevent a suitable access into the site being achieved. Therefore it seems sensible to leave this matter for this more detailed stage.

67. In conforming to the development brief, the representation requests that this includes any agreed amendments that are to be made to the brief. The detailed content of the brief is not a matter for this examination. The principle of conforming to an adopted development brief is considered more widely in Issue 30.

#### **Policy MH17: Development Briefs**

68. MH17 requires masterplans to conform to the relevant development brief. Within Issue 30, it is acknowledged that there is inconsistency between Policy DP4: Major Development Sites (which requires only major developments to submit a masterplan) and Policy MH17 (which requires any allocated site to submit a masterplan). Policy DP4 appears to provide the approach intended by the council with regard to the submission of a masterplan. It is therefore recommended that Policy MH17 is deleted.

69. The general concerns raised over compliance with a development brief and the need for flexibility is considered further in Issue 30 under Policy DP9: Development Briefs.

#### **PROP MH18: Levenhall Links to Prestonpans: Area for Habitat Improvement**

70. The council does not consider that Scottish Wildlife Trust's request to designate a Local Nature Reserve at Levenhall Links is appropriate at this time. However it recognises the priority to ensure that suitable management is in place for protected species. I consider this matter to be more for the implementation of the plan and therefore find that no modification is necessary.

**Musselburgh Cluster Miscellaneous**

71. The Scottish Environment Protection Agency (SEPA) object to the inclusion in the plan of the sites within Table MH1 as it is not clear that they have been subject to Strategic Environmental Assessment with the same rigour as other sites and the majority have not been subject to Strategic Flood Risk Assessment.

72. Paragraph 260 of Scottish Planning Policy requires local development plans to use strategic flood risk assessment to inform choices about the location of development. The sites set out within Table MH1 were either allocated by previous local plans or form part of the established land supply. Within the plan, the council's assessment generally distinguishes between allocated sites (identified as proposals) from carry-forward sites. All however contribute to the total land supply within the plan as identified within Tables EMP1 and HOU1. Since the local plan was adopted, higher annual rainfall for East Lothian has led to the potential for increased in flood risk, and there have been legislative and regulatory changes. It is important, therefore, that the plan is informed by an up to date understanding of flood risk and that all sites to be included in the plan are suitably assessed, involving the relevant consultation authorities as necessary.

73. In response to a further information request, the council confirm that all the sites in Table MH1 are either operating employment sites or housing sites which are complete, under construction, with planning permission or the subject of a planning application. Consequently, the relevant assessments will have been undertaken and the appropriate mitigation required, where necessary. The council maintain therefore that they are not at risk from flooding.

74. While we acknowledge the council's position, this approach does not entirely reflect the intent to undertake a strategic flood risk assessment at the plan preparation stage as indicated within Scottish Planning Policy. We have therefore sought further information from SEPA. Their response indicates that a flood risk assessment is required for allocated sites MH10 and MH11 and for Brunton Wireworks in Table MH1. Paragraph 2.35 relating to MH10 already refers to the need for a flood risk assessment. I recommend that suitable references are also added into paragraph 2.36 relating to MH11.

75. With regard to the sites within Table MH1 (including Brunton Wireworks), any emerging legislative requirements, including any unknown flood risk, would involve consultation with the relevant statutory bodies at the planning application stage. Suitable policy safeguards are also contained within the plan including Policy NH11: Flood Risk. However, to ensure clarity in how the council will deal with such matters in relation to any evolving situation with the physical environment and flood risk, an amendment to paragraph 2.45 is also recommended.

76. East Lothian Developments Ltd opposition to the allocation of Goshen Farm does not comprise an unresolved representation as this site is not allocated within the plan. My response to the representation to allocate this site is dealt with in Issue 13.

77. The representation by Lisa Helbig regarding neighbour notification for Proposal MH8 is not a matter for this examination.

**Reporter's recommendations:**

Modify the local development plan by:

1. Altering the text within PROP MH1: Land at Craighall, Musselburgh to comprise separate paragraphs as follows:

“Land at Craighall is allocated for a mixed use development including 1,500 homes, around 41 ha employment land, a new local centre, a new primary school and community uses as well as infrastructure and associated works.

Approximately 21ha of land to the north west of Queen Margaret University is allocated for economic uses that support the key sectors of learning, life sciences and food and drink. The servicing of this land will be enabled by housing development on other parts of the Craighall site and this will be a subject of a legal agreement associated with the entire site.

The 55ha of land to the east of Millerhill Marshalling Yards between the freight rail loop and south of the A1 is allocated for mixed use development including circa 800 homes and around 20ha of employment land to which Policy EMP1 will apply: access to this land will be from the A1 via a modified junction with an underpass of the A1 at Queen Margaret Drive. This, in combination with existing bridges of the east coast rail line and rail freight loop, and bus access from land at Newcraighall and the transport network within the Craighall site, must significantly improve connections to the site and through it to the surrounding area, particularly for bus based public transport.

Approximately 1.5ha of land to the north west of Queen Margaret University, south of Musselburgh Station, is safeguarded as part of this proposal for any future improvement of Musselburgh rail station, which shall become more accessible and able to be better served by bus as a result of the improved connections.

The 21ha of land to the south of the A1 at Old Craighall is allocated for a mixed use, predominantly housing development which has capacity for circa 350 homes once sufficient land for the required local centre and primary school is identified.

The 15ha of land to the east of Queen Margaret University and north of the A1 is allocated for housing and has capacity for circa 350 homes: access to these sites will be from the local road network.

The 3ha of land to the north east of Queen Margaret University is allocated for mixed use development, potentially including housing and employment uses.

A comprehensive masterplan for the entire allocated site that conforms to relevant Development Brief will be required as part of any planning application for the allocated land, accompanied by a single legal agreement for the entire allocated site. A Habitats Regulation Appraisal and if necessary Appropriate Assessment of the proposal will also be necessary, in accordance with Policy NH1 of this Plan. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate.”

2. Adding a new fourth sentence to PROP MH2 as follows:

“The safeguarding of the setting of the category A listed Monkton House and category B listed Monkton Gardens should be a consideration in the development of a masterplan or proposals for this site.”

3. In paragraph 2.36, adding the following sentence at the end: “A Flood Risk Assessment will be required for this site.”

4. Deleting PROP MH13: Land at Howe Mire, Wallyford and the accompanying text in paragraphs 2.38, 2.39 and 2.40.

5. In paragraph 2.45, inserting third and fourth sentences as follows:

“Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”

6. Deleting Policy MH17: Development Briefs.

<b>Issue 4</b>	<b>Prestonpans Cluster</b>	
<b>Development plan reference:</b>	Prestonpans/Cockenzie/Port Seton/Longniddry Cluster (pgs 23-26)	<b>Reporter:</b> Jo-Anne Garrick
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Nicola Clarke (0001)                  Longniddry Community Council (0161)                  E Macdonald (0176)                  Network Rail (0181)                  Royal Society for the Protection of Birds (0185)                  Scottish Environment Protection Agency (0252)                  Wemyss and March Estate (0295)                  Hugh Crawford (0347)                  The Scottish Government/Transport Scotland (0389)                  Scottish Power Generation (0391)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This provision of the proposed LDP deal with the proposals for new allocations and committed sites for the Prestonpans Cluster (pgs 23-26)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Prestonpans Cluster Introduction</b></p> <p><u>E Macdonald (0176/2)</u></p> <p>If Prestonpans is deemed to be a focus for retail and business its facilities will have to be improved.</p> <p><u>Royal Society for the Protection of Birds (0185/5)</u></p> <p>Any development at the site of the former Cockenzie Power Station should not impact on the SPA, directly or indirectly (section 2.51 refers; the future of the site is as yet undecided).</p> <p><u>Wemyss and March Estate (0295/4)</u></p> <p>The LDP implies that platform lengthening is a firm proposal with funding committed. A more accurate representation of the role of developers and key infrastructure agencies and the importance of securing funding is required.</p> <p><u>The Scottish Government (0389/7)</u></p> <p>Paragraph 2.51 prevents uses other than those defined in National Development 3 on the former Cockenzie power station site. This does not fully accord with the aspiration NPF3 has for the site. Paragraph 1.46 of the proposed plan better reflects this position. National Planning Framework 3 (page 39) is clear that 'Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, we wish to see priority given to those which make best use of this location's assets, and which will bring the greatest economic</p>		

benefits.'

### **Prop PS1: Longniddry South**

Nicola Clarke (0001)

The proposal is not sustainable as it proposes development on some of Scotland's best quality farmland. The affordable housing will not be affordable due to the current market value of properties in Longniddry. There are no restrictions to development in the future, going right up to the A1. The infrastructure cannot cope currently. There are flooding issues at the Coal Road and the Main Road at the low rail bridge causing accidents. Longniddry car park is overflowing. Longniddry school does not have enough teachers. Short of GP provision. Impact on health and wellbeing due to the volume of housing proposed.

Longniddry Community Council (0161/3)

Concerned over the loss of productive agricultural land. Proposal PS1 is too large and would split the settlement in two parts. Reluctant support for the steading to be converted as a smaller extension of the settlement. Concern about the phasing for the provision of community facilities relative to the development, or that they will not be provided, and over their maintenance as well as the maintenance of open space. Concern over density being too high, and a less dense development with fewer homes on more land should be considered, to be more in keeping with the original Wemyss & March extension of Longniddry. Instead of a grass pitch being provided on-site, an all weather pitch should be provided within the existing park. Concern over the shared use of the existing changing facilities in the existing settlement because of the need to cross the A198. Concern is raised in respect of water and drainage facilities, the impact on the water table and on streams that flow through Longniddry, provision of superfast broadband and electricity provision (in the context of outages that have occurred, particularly in the east of Longniddry).

E Macdonald (0176/3)

Objects to PROP PS1 as East Lothian is seriously overdeveloped. A massive commuter housing coalescence from Musselburgh to Dunbar. Loss of identities of communities; Impact on tourism; Sufficient luxury homes which are wasteful of energy and encourages the use of cars; 450 houses will be separated from Longniddry by the ECML. The infrastructure of the village (school, leisure, employment) cannot support development. The rail line cannot cope with additional pressure.

### **Prop PS2: Land at Dolphingstone North**

E Macdonald (0176/4)

Objects to housing proposal PS2. East Lothian is seriously overdeveloped, a massive commuter housing coalescence from Musselburgh to Dunbar. Loss of identities of communities; Impact on tourism; Sufficient luxury homes which are wasteful of energy and encourages the use of cars. The infrastructure of the village (school, leisure, employment) cannot support development. The rail line cannot cope with additional pressure.



Scottish Environment Protection Agency (0252/13)

Considers that a Flood Risk Assessment (FRA) to accompany planning applications at this site should be included as a requirement for development of this site within PS2.

Development plans should identify site requirements to allocations where a potential flood risk has been identified (from any source) to ensure that a site specific Flood Risk Assessment (FRA) is undertaken in advance of the development. This FRA should be used to inform the siting, layout, design and capacity of development on the site in a way that avoids an increase in flood risk on and off site and ensures that there is safe dry pedestrian access and egress at times of flood.

In addition, the identification in a development plan that a FRA is required reduces the potential for additional costs, delays and uncertainties for planning applications if the need for a FRA is identified late in the process and the siting, design and layout of proposed developed has to be reviewed.

**Policy PS3: Development Briefs**Scottish Power Generation (0391/5)

Scottish Power Generation seeks clarification over the applicability or otherwise of Policy PS3 in respect of Proposal EGT1 and in respect of paragraph 2.64, namely is there or will there be a development brief prepared for the site.

**Prestonpans Cluster Miscellaneous**Scottish Environment Protection Agency (0252/2)

The representation states that although these sites in Table PS1 are not shown on the spatial strategy drawings within the PP, the majority are shown on the proposal maps which accompany the plan. SEPA have not had an opportunity to comment on these sites previously, during the preparation of this LDP, i.e. SEPA have not been provided with shapefiles which allow assessment of the sites against all relevant information held on record. It is not clear if these allocations have been through the SEA process with the same rigour as other sites and the majority have not been assessed by the SFRA and the requirement for Flood Risk Assessments (FRA) to be submitted with planning applications, where appropriate, has not been identified in the PP. As less consideration of flood risk has been given to these sites, particularly taking into account significant changes in legislation, policy and the physical environment (such as the higher annual rainfall being experienced in East Lothian) it is not possible to establish the principle of development at these sites.

Hugh Crawford (0347)

Boundary Change: the land to the east and south of the existing buildings at Seton Mains, Longniddry, is no longer part of a farm, it does not relate to the field, and is not agricultural land. Without this additional land the current houses are out of proportion to the gardens they occupy .

**Prestonpans Cluster Support**Network Rail (0181/9)

Network Rail welcomes the detailed analysis and information on the development within the cluster and how it seeks to ameliorate this through improvements, which accord with our own strategy and proposals. The cross reference to and the detailed policies set out through the Transport section of the LDP and in particular the detailed policies on improvement works and contributions required are welcomed. This forms a sound and detailed basis and one which we support.

Scottish Environment Protection Agency (0252/40)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. There are flooding issues on the Seton and Seton Dean Burns, but we do not think these are relevant to this site. The FRA should assess the risk from small watercourse and take account of any changes in hydrology as a result of the mine workings.

Wemyss and March Estate (0295/3)

Support the inclusion of Longniddy South as a mixed use proposal. A PPIp has been submitted and a further detailed planning application for the conversion of the Longniddy Farm Steadings for mixed use development is currently being prepared. It is hoped that ELC will afford due weight to the Proposed Plan as a significant material consideration when determining planning applications.

**Modifications sought by those submitting representations:**

**Prestonpans Cluster Introduction**

E Macdonald (0176/2); Royal Society for the Protection of Birds (0185/5)

No Modification sought

Wemyss and March Estate (0295/4)

Amend Paragraph 2.53 to clarify that the platform lengthening proposal is simply an aspiration at this time.

The Scottish Government/Transport Scotland (0389/7)

Page 24: paragraph 2.51 should be amended to better reflect paragraph 1.46 and National Planning Framework 3.

**Prop PS1: Longniddy South**

Nicola Clarke (0001); Longniddy Community Council (0161/3); E Macdonald (0176/3)

No Modification sought

**Prop PS2: Land at Dolphingstone North**

E Macdonald (0176/4)

No Modification sought

Scottish Environment Protection Agency (0252/13)

Considers that a Flood Risk Assessment (FRA) to accompany planning applications at this site should be included as a requirement for development of this site within PS2.

**Policy PS3: Development Briefs**

Scottish Power Generation (0391/5)

No Modification sought

**Prestonpans Cluster Miscellaneous**

Scottish Environment Protection Agency (0252/2)

SEPA objects to the inclusion of sites within Table PS1 in the LDP, without them being subject to the same process and review as all other sites to be included in the LDP.

Hugh Crawford (0347)

Request an amended settlement boundary for Seton Mains to include an area of land some 0.65 of a hectare within the settlement boundary of Seton Mains.

**Support**

Network Rail (0181/9); Scottish Environment Protection Agency (0252/40); Wemyss and March Estate (0295/3)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Prestonpans Cluster Introduction**

E Macdonald (0176/2)

Noted. **The Council submits that a modification of the LDP is not necessary.**

Royal Society for the Protection of Birds (0185/5)

Comments Noted. **The Council submits that a modification of the LDP is not necessary.**

Wemyss and March Estate (0295/4)

This is clarified in *PROP T9: Safeguarding of Land for Larger Station Car Parks (p92)* which states that land is safeguarded adjacent to Longniddry (Circa 80 spaces) station. Relevant proposals will be required to contribute to these interventions as set out in the Developer Contributions Framework Supplementary Guidance in accordance with Policy T32: Transport Infrastructure Delivery Fund and Policy DEL1: Infrastructure and Facilities Provision. Additionally PROP T9 is a Priority 2 Action in the Draft Action Programme (CD045). The Council do not see this as an aspiration but an essential intervention needed

to deliver a key proposal of the LDP. The Council submits that this is also supported by Network Rail (see representation (0181/9) below). **The Council submits that a modification of the LDP is not necessary.**

The Scottish Government/Transport Scotland (0389/7)

The Council submits that the representation does not acknowledge the 'safeguarded' status of the Cockenzie site within NPF3 for National Development 3 (CD011). The Council submits that this representation is addressed at Schedule 4 Issue 22a and within the Cockenzie Position Statement. The Council explains in Issue 22a how it has interpreted the provisions of NPF3 in this regard, and how this has shaped the policy position set out in Proposal EGT1. The Council submits that the suggested changes to the plan would be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

**Prop PS1: Longniddry South**

Nicola Clarke (0001)

In relation to the allocation of prime quality agricultural land, paragraph 80 of Scottish Planning Policy (SPP) (CD013) states "development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy....," the Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the Strategic Development Plan (SDP) (CD030). The site is within the East Lothian SDA as identified within SESplan and adjacent to a settlement that provides a range of facilities and services, including a rail station on the East Coast Main Line. Its development would therefore align with strategic policy objectives of steering new development towards the most sustainable locations within the city region. The Council considers the proposed Plan is consistent with SPP on the use of prime agricultural land. The proposed Plan requires that the applicant make provision for 25% of dwellings approved at the site to be affordable housing, in accordance with Policy HOU3 and HOU4 of the LDP. The Council will support a variety of tenures of affordable housing including, among others, social rented, mid-market rent, discounted sale and shared equity homes.

While it is accepted that the sites in the proposed plan reduces the distance between Longniddry South and the A1, it is not considered that this is of such an extent as to constitute coalescence. The approximate distance to the A1 at the closest point would be over 2000m. The distance to the Blindwells safeguard would be over 600m. The Council is also proposing to introduce a Countryside Around Town policy here to ensure that, in the longer term, separation between communities will be retained. This will be complemented by green network measures.

In relation to concerns about flooding, a Flood Risk Assessment will be required to accompany any development proposals for the site, and mitigation measures will be required if deemed necessary. In relation to impacts on Longniddry Station Car Park, the site's development shall make provision for additional station car parking and other station improvements (PROP T9 and PROP T10).

The Council has set out the need for additional capacity in infrastructure and services, including education and community services within the policies of the LDP, including Proposal CF1 and ED2. These requirements for additional capacity arise as a result of and

will be delivered in association with the new development. The associated Supplementary Guidance Developer Contributions Framework (SG) (CD063) will provide the basis to collect contributions towards the necessary supporting facilities and infrastructure capacity. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. School revenue budgets and staffing complements are set in line with the pupil roll and calculated in accordance with the approved Scheme of Delegation for Schools and the Council's devolved school management policies. Any increases in pupil rolls due to an increase in children arising from committed and planned housing in the area will be reflected within the school revenue budget and staffing complement. To service current demand for access to primary health care, provision of additional GP capacity is already planned at Prestonpans and Cockenzie/Port Seton. The key agency with the responsibility for health provision, NHS Lothian, has not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care. **The Council submits that a modification of the LDP is not necessary.**

#### Longniddry Community Council (0161/3)

In relation to the loss of productive agricultural land of Prime Quality (Class 2), SPP (para 80 CD013) is clear that the loss of such land can be accepted where it is an essential part of the settlement strategy, as is the case with the Longniddry South site (Proposal PS1). In terms of the scale of Proposal PS1, 450 homes can be accommodated on the site with the associated infrastructure and community facilities including a small local / neighbourhood centre. Key objectives of Proposal PS1 are to ensure that reasonable measures are taken to ensure the integration of the new development with the existing settlement. These include the provision of new community facilities and access routes, as well as the shared use of the existing primary school. Importantly, a development of this scale would also make best use of existing infrastructure at Longniddry Primary School where there is scope to enable the existing facility to accommodate such a scale of development. Additionally, the Council submits that as part of the Council's amendments to the Draft Proposed LDP moved by Councillor Innes and seconded by Councillor Akhtar, as agreed by the Council on the 17th November 2015, a safeguard for further housing development did not progress to the finalised proposed LDP.

In terms of concern over density being too high, the Council submits that an efficient use of land is an important planning objective. In that sense LDP Policy DP3: Housing Density is clear that 30dph net is a move towards a higher density of development at a level appropriate to the character of the area; the preamble to that policy explains (at para 7.12) why lower density levels should not be supported. Importantly, achieving such higher densities is to be a product of the design process, and designs are to respect and respond to their context.

The phasing for the provision of community facilities relative to the development, and maintenance arrangements will be addressed at project level, through the Development Management process. The Council submits that policy OS3 and OS4 provide the necessary safeguards to ensure that provision is made for satisfactory maintenance arrangements to be in place as part of any planning permission. The Council has assessed demand for sports pitches, and a grass pitch is required in association with this development to cater for a wide range of sports. Both pitches will be available for use by existing and new residents. The existing changing accommodation is to be shared between the pitches, and in times of high demand the adjacent primary school changing facilities may be made available out of school hours. This will minimise the capital and revenue

implications of providing these facilities. The Council submits that the provision of a grass pitch here is the preference since this could accommodate a wider range of formal and informal activities than synthetic surfaces. The Council has considered this in the context of its sports pitch strategy, which seeks to deliver a range of playing pitch types on a cluster basis. The Council submits that the Preston Lodge Cluster will be adequately served by pitch provision of suitable types, including the synthetic pitches available at Preston Lodge High School. The Council also submits that the plan makes provision for a new road crossing point to be delivered within Proposal CF1 of the plan, partly for the reasons given by the Community Council but also to facilitate a safe route to school (see pages 81 and para 2.59). In terms of access between the sites, pedestrian crossing points are to be provided over the A198.

As part of the project level proposals for the site, a flood risk assessment will be required, and in terms of surface water management no increase in the Greenfield run-off rate from the site will be allowed. The development will not increase the risk of flooding on or off site from any source. Scottish Water will facilitate connections to their foul drainage infrastructure at the appropriate stage. Provision of superfast broadband and electricity provision will be a matter for utilities providers, but the provision of broadband connectivity is encouraged by Policy DCN2 of the LDP. **The Council submits that a modification of the LDP is not necessary.**

E Macdonald (0176/3)

The SDP (CD030) identifies Strategic Development Areas (SDAs) to prioritise as locations to accommodate the SDPs housing and employment land requirements. The East Coast SDA follows the key transport corridor of the A1 and East Coast railway line from Musselburgh to Dunbar. While it is accepted that the allocated sites for new homes represent a significant expansion, it is considered that this scale of development was unavoidable in the context of the housing land requirements and the Compact Growth Strategy adopted for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068).

In terms of the expansion of Longniddry, key objectives of Proposal PS1 are to ensure that reasonable measures are taken to ensure the integration of the new development with the existing settlement. These include the provision of new community facilities and access routes, as well as the shared use of the existing primary school. The Council submits that it accepts that places will change as a result of development and that new development will have implications for local infrastructure; this has been fully considered and where appropriate, planned for as part of the development of the LDP. LDP Policy DEL1, and its associated Supplementary Guidance: Developer Contributions Framework (CD063) sets out where and how the necessary additional capacity within infrastructure and facilities will be provided.

The Council submits that the LDP retains sufficient land as Green Belt/ CAT that prevents coalescence of settlements and retains the separate identities of settlements. Growing our Economy - The East Lothian Economic Development Strategy 2012-22 (CD084) identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future. The local development plan's policies and proposals seek to ensure that a balance is found between encouragement of tourism, including activity based tourism (e.g. walking and cycling) and the economic benefits. Additionally, the Council's policies seek to integrate land use and transport to encourage a reduction in traffic growth, minimise the length of journeys people are obliged to make and promote sustainable



alternatives to the private car – public transport, cycling and walking.

With regards to luxury housing being wasteful of energy, Policy SEH2 in accordance with SPP requires that all new buildings must include Low and Zero Carbon Generating Technologies to meet the energy requirements of Scottish Building Standards.

In relation to impacts on the East Coast Main Line, mitigation measures are proposed including the lengthening of station platforms to accommodate longer trains, as well as the expansion of station car parks. As such, the site's development shall make provision for additional station car parking and other station improvements (PROP T9 and PROP T10). The Council submits that longer trains are to be trialled to increase capacity along the North Berwick route. This will potentially increase the capacity by a further 50% (i.e. increasing train capacities from 4 to 6 cars).

The Council has set out the need for additional capacity in infrastructure and services, including education and community services within the policies of the LDP, including Proposal CF1 and ED2. The Education Scotland Act (1980) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. Pupils from the proposed site will be accommodated in a future expansion of Longniddry Primary School and Preston Lodge High School, and Developer contributions will be sought in respect of this allocation. The Longniddry Primary School will have improved indoor sports facilities, that the public will be able to access. These requirements for additional capacity arise as a result and will be delivered in association with the new development. The associated Supplementary Guidance Developer Contributions Framework (SG) (CD063) will provide the basis to collect contributions towards the necessary supporting facilities and infrastructure capacity. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. **The Council submits that a modification of the LDP is not necessary.**

### **Prop PS2: Land at Dolphingstone North**

E Macdonald (0176/4)

The SDP identifies Strategic Development Areas (SDAs) to prioritise as locations to accommodate the SDPs housing and employment land requirements. The East Coast SDA follows the key transport corridor of the A1 and East Coast railway line from Musselburgh to Dunbar. While it is accepted that the allocated sites for new homes represent a significant expansion, it is considered that this scale of development was unavoidable in the context of the housing land requirements and the Compact Growth Strategy adopted for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth 9 (CD068). The Council submits that it accepts that places will change as a result of development and that new development will have implications for local infrastructure; this has been fully considered and where appropriate, planned for as part of the development of the LDP. LDP Policy DEL1, and its associated Supplementary Guidance: Developer Contributions Framework (CD063) sets out where and how the necessary additional capacity within infrastructure and facilities will be provided.

The Council submits that the LDP retains sufficient land as Green Belt/ CAT that prevents

coalescence of settlements and retains the separate identities of settlements. Growing our Economy - The East Lothian Economic Development Strategy 2012-22 (CD084) identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future. The Local Development Plan's policies and proposals seek to ensure that a balance is found between encouragement of tourism, including activity based tourism (e.g. walking and cycling) and the economic benefits. Additionally, the Council's policies seek to integrate land use and transport to encourage a reduction in traffic growth, minimise the length of journeys people are obliged to make and promote sustainable alternatives to the private car – public transport, cycling and walking.

With regards to luxury housing being wasteful of energy, Policy SEH2 in accordance with SPP requires that all new buildings must include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards.

In relation to impacts on the East Coast Main Line mitigation measures are proposed including the lengthening of station platforms to accommodate longer trains, as well as the expansion of station car parks. Longer trains are to be trialled to increase capacity along the North Berwick route – this will potentially increase the capacity by a further 50% (i.e. increasing train capacities from 4 to 6 cars).

The Council has set out the need for additional capacity in infrastructure and services, including education and community services within the policies of the LDP, including Proposal CF1 and ED2. The Education Scotland Act (1980) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. Pupils from the proposed site will be accommodated in a future expansion of Longniddry Primary School and Preston Lodge High School, in line with East Lothian Council's Local Development Plan Draft Developer Contributions Framework (CD063). Developer contributions will be sought in respect of this allocation. The Primary School will have improved indoor sports facilities, that the public will be able to access. These requirements for additional capacity arise as a result and will be delivered in association with new development. The associated Supplementary Guidance Developer Contributions Framework (SG) will provide the basis to collect contributions towards the necessary supporting facilities and infrastructure capacity. The Council considers that these provide an adequate framework to accommodate development without unacceptable impacts on local services and infrastructure. **The Council submits that a modification of the LDP is not necessary.**

#### Scottish Environment Protection Agency (0252/13)

SEPA's comments are essentially a refinement of advice which has previously been provided. Site PS2 already has planning permission and detailed proposals are being progressed, however, the Reporter may consider it appropriate to add text for additional clarity requiring the preparation of a Flood Risk Assessment in association with proposals for development of site within PS2. **The Council submits that a modification of the LDP is not necessary.**

#### **Policy PS3: Development Briefs**

#### Scottish Power Generation (0391/5)



The Council confirms that Policy PS3 does not apply to Proposal EGT1 because Proposal EGT1 does not state a Council intention to prepare a 'Development Brief' for the site, unlike other proposals that refer to development briefs – e.g. Proposal PS1. Any proposal intended to deliver Scotland's Third National Planning Framework (NPF3) (CD011) at this site would be considered under the Electricity Act (1989) (CD005) and the development plan would be taken into account, as would NPF3. As such, the Council would expect that a masterplan for the site would be prepared in association with such a proposal, consistent with NPF3 (page 39). Should there be a need for the Council to prepare Supplementary Guidance in accordance with Proposal EGT1, this could take the form of a masterplan, development brief or a design framework (see SPP para 57) (CD 013). For the avoidance of doubt, Supplementary Guidance prepared in respect of the Cockenzie site would be statutory, rather than non-statutory as is the case with Development Briefs which will be adopted as Supplementary Planning Guidance. **The Council submits that a modification of the LDP is not necessary.**

### **Prestonpans Cluster Miscellaneous**

#### Scottish Environment Protection Agency (0252/2)

The Council submits that PAN 1/2010 (CD016) is clear that SEA should focus on the strategic environmental effects of the plan (para 3.1) and avoid excessive data collection and descriptions of baseline data (para 5.2). The Council further submits that the sites set out in the relevant table are not allocations: this is made clear in the pre-text to the table. The LDP explains that the development of these sites in accordance with relevant LDP policies is supported in principle by the Council – i.e. not necessarily by consultees to any planning application, such as SEPA. Whilst some of the sites have been rolled forward from previous plans, the majority of the sites set out in the relevant table already have planning permission for development, and so are committed sites. In SEA terms they have been treated as such and thus as part of the baseline, in accordance with PAN 1/2010 (para 4.22) (CD016). It is important to note that this is also true of many sites where a policy reference is given. If the Reporter considers it useful, the Council could provide the relevant planning application references in respect of relevant sites. Development on some of these sites has also already commenced, but in some cases stalled, so planning permissions are being implemented or remain live. For some sites their planning permission references are shown instead of policy references. This is because some of them are within the countryside and it would be impractical in a mapping sense or in a policy/proposals sense to specifically identify those sites: yet the Council would support the principle of their development in line with LDP policies, subject to the development management process. **The Council submits that a modification of the LDP is not necessary.**

#### Hugh Crawford (0347)

The site in question was submitted to Council as part of the 'call for sites' process for the development of houses. The site was assessed as part of the MIR and was site assessed (Environmental Report- Appendix 6 Prestonpans Site Assessments p60 - PM/PP/HSG043) (CD060b). The site is not within an existing settlement. It lies adjacent to Seton Mains but is not particularly well related to existing development or integrated with the settlement. This site was not assessed as a preferable site to be allocated in the proposed LDP. The settlement boundary around the developed area of Seton Mains is defined closely around the edges of the existing properties, establishing a well-defined settlement boundary for Seton Mains. The referenced land was part of a larger agricultural field in its situation on

the southeast edge of Seton Mains. The land has historically been part of the long established south east edge beyond the well defined settlement boundary of Seton Mains. It has been an important part of the landscape setting in Seton Mains which has characteristically a tightly containing spatial relationship between the settlement layout and the agricultural edge of the settlement. Changing this part of the land to domestic garden ground in the countryside abutting the settlement of Seton Mains erodes the integrity of the historic relationship that has existed between the edge of the settlement and its setting. The form and use of the strip of land as domestic garden ground is an intrusive and incongruous encroachment beyond the well-defined edge of the settlement and as such has a harmful affect on the character and visual amenity of the landscape to the east of Seton Mains. **The Council submits that a modification of the LDP is not necessary.**

**Prestonpans Cluster Support**

Network Rail (0181/9); Scottish Environment Protection Agency (0252/40);  
Wemyss and March Estate (0295/3)

Support Noted

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Prestonpans Cluster Introduction**

2. E Macdonald identifies that if Prestonpans is to be a focus for retail and business, its facilities will have to be improved. Reference is made in the representation to its only bank branch now being closed. Policies TC1: Town Centre First Principle, TC2: Town and Local Centres) and TC3: Protection of Local Facilities, provide a framework that seek to protect Prestonpans as a vibrant town centre and that the scale of development is appropriate for the role and function of the centre. Proposal PS1 (Longniddry South) includes a requirement for the provision of a small local centre. I consider this approach is appropriate as it provides a framework to support the protection and enhancement of local services and facilities within the town and local centres. I therefore find that no modifications are necessary in response to this representation.

3. The Royal Society for the Protection of Birds state that any development at the site of the former Cockenzie Power Station should not impact on the Firth of Forth Special Protection Area. Policy NH1: Protection of Internationally Designated Sites requires that any development that is assessed by the competent authority as likely to have a significant effect on the integrity of a Natura 2000 site or Ramsar site, including proposals outside the boundary of the site, will be subject to an appropriate assessment. This approach will provide the required level of protection; therefore no modifications are recommended.

4. Wemyss and March Estate seek a modification to paragraph 2.53 of the plan to ensure clarity regarding the current position of the platform lengthening proposal at Prestonpans and Longniddry stations. Platform lengthening proposals are considered in Issue 18c: Transport: Public Transport. I agree with the conclusions within Issue 18c, therefore no modifications are recommended in response to this representation.

5. The Scottish Government object to paragraph 2.51 of the plan stating that it does not reflect the requirements of National Planning Framework 3 (NPF3). This matter is considered in Issue 22a: Energy Generation and Transmission dealing with Proposal EGT1: Land at former Cockenzie Power Station. I agree with the conclusions on the matter regarding Proposal EGT1, namely that the wording of the proposal does not accord fully with the aspiration of NPF3. Therefore a modification to paragraph 2.51 is recommended.

### **PROP PS1: Longniddry South**

6. Representations by Nicola Clarke, Longniddry Community Council and E Macdonald object to Proposal PS1 for a number of reasons, including:

- loss of prime agricultural land;
- the proposed affordable housing will not be affordable as a result of the current market value of properties in Longniddry;
- affordable housing provision should be delivered on-site not off-site;
- concern over future expansion of the site and coalescence;
- lack of infrastructure including education and health provision, road and public transport capacity, electricity, as well as water and sewerage capacity;
- flooding issues;
- lack of car parking at Longniddry station;
- lack of employment;
- the site will split the village into two parts and access to facilities will require a busy road to be crossed;
- the need for community facilities to be developed alongside the housing and need for clarity of the provision and management of green spaces;
- density levels are too high and should better reflect the existing village; and
- provision of all-weather multipurpose pitch would be more appropriate than the proposed full-sized grass football pitch. Need for clarity over changing facilities.

7. Information provided in response to a further information request has identified that the council is minded to grant planning permission in principle for the site, subject to a section 75 legal agreement.

8. Turning first to the matter of the loss of prime agricultural land, paragraph 80 of Scottish Planning Policy identifies the exceptions where development can take place on prime agricultural land, this includes where it is a component of the settlement strategy. The council submits that the allocation is necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified within the Strategic Development Plan.

9. I note that the site has been considered within the council's draft Environmental Report site assessment. The accessibility of the site via public transport to the wider city region and key employment locations is highlighted within the assessment as a positive feature of the site. I agree with the council that the site is located within a sustainable location and it

is an important component of the settlement strategy; I therefore find that the proposal accords with paragraph 80 of Scottish Planning Policy.

10. With regard to coalescence, this matter was considered as part of the site assessment process within the council's draft Environmental Report. Policies within the plan, particularly policies DC8: Countryside Around Towns and DC9: Special Landscape Areas, seek to prevent coalescence and protect community identity, now and in the future. In addition, land to the south and west of Longniddry is identified within the plan for protection under the Countryside Around Towns designation, with the objective being to conserve the landscape setting, character or identity.

11. The site assessment concludes that the development of the site would not result in settlement coalescence with any other existing settlements, although land to the south is safeguarded for an eastern extension of Blindwells new settlement. I agree with this assessment and conclude that the matter of coalescence has been appropriately assessed.

12. A number of policies within the plan will ensure the issues of density, access to services, flood risk and affordable housing are addressed as part of the consideration of a planning application. These policies include DP2: Design, DP3: Housing Density, NH11: Flood Risk, HOUS3: Affordable Housing Quota and HOU4: Affordable Housing Tenure Mix.

13. With regard to infrastructure provision, Proposal PS1 (Longniddry South) and paragraph 2.58 of the plan explain that the allocation is mixed use, which includes associated employment development, a small local centre, community facilities and infrastructure. It is also stated that Longniddry Primary School has scope for some expansion which could be made sufficient to accommodate the proposed allocation.

14. The council has identified the need for additional capacity in certain infrastructure and services and the draft Supplementary Guidance: Developer Contributions Framework has identified the necessary level of financial contributions for planned development. The plan, through Policy DEL1: Infrastructure and Facilities Provision and supported by the supplementary guidance, establishes the context for any new infrastructure that will be required whether this is to be provided on-site or off-site, and sets out the type of infrastructure for which contributions would be sought. Therefore, I am satisfied that the plan's response to the provision of infrastructure and services in relation to this proposal is appropriate.

15. Scottish Water will facilitate connection to their foul drainage infrastructure and the provision of broadband and electricity will be undertaken by utilities providers. These are not considered to be overriding issues that would prevent the proposed allocation at this time.

16. With regard to the provision of the required sports pitches, the council submits that a grass pitch is required in association with the proposed allocation to cater for a wide range of sports and that changing facilities will be shared between pitches. The information before me does not suggest this approach is inappropriate.

17. Paragraphs 3.114 and 3.116 of the plan refer to health care provision, they explain that the primary care services provided by NHS Lothian have a major role in meeting the health care needs of an increased population. The NHS board has a duty to ensure all

residents can register with a GP. The plan supports the wider provision of locally accessible health care facilities, through Policy HSC1: Health Care Sites and Proposal HSC2: Health Care Facilities Proposals.

18. With regard to public transport provision and highway capacity, a number of policies within the plan seek to locate development where it can be accessed by a means other than the private car, including Policy T1: Development Location and Accessibility. Policy T2: General Transport Impact requires that new development must have no significant adverse impact on: road safety, walking and cycling; public transport operation; the capacity of the road network; and residential amenity as a result of an increase in traffic. In relation to the impact of the proposal on car parking at Longniddry station, Proposal T9: Safeguarding of Land for Larger Station Car Parks provides for the expansion of the car park.

19. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan. For the reasons set out above, no modifications are therefore recommended in response to these representations.

### **PROP PS2: Land at Dolphingstone North**

20. E Macdonald objects to the spatial strategy and its impact on: coalescence, loss of community identity, tourism, luxury housing and energy use, increasing car based commuting and infrastructure, particularly schools, leisure, employment and rail capacity.

21. The spatial strategy of the plan focuses the majority of new development in the west of East Lothian as the most accessible part of the area and proposes to allocate sites that are or can be integrated with sustainable transport options. This approach seeks to ensure that new development will have good access via sustainable transport modes to existing or new employment locations or community facilities. The spatial approach also supports some new development in accessible parts of the east of the area, in recognition of the need and demand for new homes and economic development opportunities. I agree with the council that the spatial approach accords with the presumption in favour of development that contributes to sustainable development, as set out within Scottish Planning Policy. This matter is addressed in detail in Issue 2: Spatial Strategy.

22. With regard to coalescence, as explained in paragraph 10 above, this was considered as part of the site assessment process, in the council's draft Environmental Report. Policies within the plan seek to prevent coalescence and protect community identity. Land to the south and east of Prestonpans is identified within the plan for protection under the Countryside Around Towns designation, with the objective being to conserve the landscape setting, character or identity. In response to the impact of new development on tourism, in addition to those policies identified above, a number of policies within the plan aim to protect, conserve and enhance the natural heritage of East Lothian.

23. Policy SEH2: Low and Zero Carbon Generating Technologies requires that new buildings, with some exceptions, must include low and zero carbon generating technologies to meet the energy requirements of Scottish building standards. This approach provides a framework to seek to support the efficient use of resources in new development.

24. Accessibility by means other than the private car is an important element of the

spatial strategy, as explained in paragraph 21 above. In addition, as explained within paragraph 18, the plan contains a number of policies which seek to locate development where it can be accessed by a means other than the private car.

25. With regard to infrastructure capacity, the council has identified the need for additional capacity in certain infrastructure and services and the draft Supplementary Guidance: Developer Contributions Framework has identified the necessary level of contributions for planned development. The plan, through Policy DEL1: Infrastructure and Facilities Provision and supported by the supplementary guidance, establishes the context for any new infrastructure that will be required whether this is to be provided on-site or off-site, and sets out the type of infrastructure for which contributions would be sought. Therefore, I am satisfied that the plan's response to the provision of infrastructure and services in relation to this proposal is appropriate.

26. I am also satisfied that a robust site assessment process was undertaken and that the plan contains policies that provide an appropriate framework for decision making. I therefore recommend no modifications in response to this representation.

27. The Scottish Environment Protection Agency (SEPA) identifies the need for a flood risk assessment to accompany planning applications at the site. Whilst the site has planning permission it has not yet commenced development. Given the concerns identified and the council's acknowledgement of the flood risk issues, a modification is therefore recommended to paragraph 2.60.

### **PS3: Development Briefs**

28. PS3 requires masterplans to conform to the relevant development brief. Scottish Power Generation seek clarification over whether the requirement to prepare a development brief applies to Proposal EGT1: Land at Former Cockenzie Power Station. The council submit that Policy PS3 does not apply. Within Issue 30, it is acknowledged that there is inconsistency between Policy DP4: Major Development Sites (which requires only major developments to submit a masterplan) and Policy PS3 (which requires any allocated site to submit a masterplan). Policy DP4 appears to provide the approach intended by the council with regard to the submission of a masterplan. For clarity therefore it is recommended that Policy PS3 is deleted.

### **Prestonpans Cluster Miscellaneous**

29. SEPA object to the inclusion of all the sites within Table PS1: Prestonpans Cluster Established Housing and Employment Sites Summary, as it is not clear if they have been through the Strategic Environmental Assessment (SEA) and the majority have not been subject to Strategic Flood Risk Assessment.

30. Paragraph 260 of Scottish Planning Policy requires local development plans to use strategic flood risk assessment to inform choices about the location of development. The sites set out within Table PS1 were either allocated by previous local plans or form part of the established land supply. Within the plan, the council's assessment generally distinguishes between allocated sites (identified as proposals) and carry-forward sites. All however contribute to the total land supply within the proposed plan as identified within Tables EMP1 and HOU1. Since the local plan was adopted, higher annual rainfall for East Lothian has led to the potential for increased in flood risk, and there have been legislative and regulatory changes. It is important therefore that the plan is informed by an up to date

understanding of flood risk and that all sites to be included within the plan are suitably assessed, involving the relevant consultation authorities as necessary.

31. In response to a further information request, the council confirms that one site (West Seaside) identified within Table PS1 has not been considered as part of the Strategic Flood Risk Assessment process or subject to an up-to-date flood risk assessment as part of a planning application process. However the council further indicates that it would be prudent that this site and one further site are subject to flood risk assessment: West Seaside and Seton East Steading. The other sites in the table are either operating employment sites or housing sites which are complete, under construction, with planning permission or the subject of a planning application. Consequently, the relevant assessments will have been undertaken and the appropriate mitigation required, where necessary. The council maintains therefore that they are not at risk from flooding.

32. While we acknowledge the council's position, this approach does not entirely reflect the intent to undertake a strategic flood risk assessment at the plan preparation stage as indicated within Scottish Planning Policy. We have therefore sought further information from SEPA. Their response indicates that in the case of West Seaside, information on existing and proposed site levels and finished floor levels should be provided as part of any future planning application, to demonstrate that the site is free from coastal flood risk. With regard to Seton East Steading, an assessment of flood risk will be required as part of any future planning application.

33. With regard to sites within Table PS1 (including West Seaside and Seton East Steading), any emerging legislative requirements, including any unknown flood risk, would involve consultation with the relevant statutory bodies at the planning application stage. Suitable policy safeguards are also contained within the plan including Policy NH11: Flood Risk. However, to ensure clarity in how the council will deal with such matters in relation to any evolving situation with the physical environment and flood risk, an amendment to paragraph 2.62 is recommended.

34. Hugh Crawford seeks the inclusion of a site within the Seton Mains settlement boundary. I agree with the council that the site is not well related to existing development within the settlement, the boundary of which has been defined closely around existing properties. No modification is therefore recommended.

**Reporter's recommendations:**

Modify the local development plan by:

1. Deleting paragraph 2.51 and replacing it with the following text:

“National Planning Framework 3 recognises that the Cockenzie and Torness area is a potentially important energy hub and therefore Cockenzie is safeguarded as a site for future thermal generation. It is acknowledged within NPF3 that Cockenzie may present significant opportunities for renewable energy related investment. As a result, NPF3 expects developers, the council and the key agencies to work together to ensure that best use is made of the existing land and infrastructure in the area. In accordance with NPF3, given the particular assets of Cockenzie, the plan requires that if there is insufficient land for competing proposals, that priority is given to those which make the best use of Cockenzie's assets and which will bring the greatest economic benefits.”



2. In paragraph 2.60, inserting the following sentence at the end: "A Flood Risk Assessment will be necessary for this site."

3. In paragraph 2.62, inserting third and fourth sentences as follows:

"Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan."

4. Deleting Policy PS3: Development Briefs.



<b>Issue 5</b>	<b>Blindwells Cluster</b>	
<b>Development plan reference:</b>	Blindwells Cluster (pg 27-30)	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>E Macdonald (0176)  Network Rail (0181)  Royal Society for the Protection of Birds (0185)  Taylor Wimpey and Hargreaves Services Ltd (0232)  Scottish Environment Protection Agency (0252)  Wemyss and March Estate (0295)  Eve Ryan (0307)  Haddington and District Amenity Society (0327)  Midlothian Council (0348)  Hargreaves Services Ltd (0349)  Homes for Scotland (0353)  Alan Lindsey (0369)  Caroline Edgar (0374)  The Scottish Government/Transport Scotland (0389)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This provision of the proposed LDP deal with the proposals for new allocations for the Blindwells Cluster (pgs 27-30) PROP BW1: Blindwells New Settlement PROP BW2: Safeguarded Blindwells Expansion Area Policy BW3: Blindwells Area Design Framework	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Blindwells Cluster Introduction</b></p> <p><u>E Macdonald (0176/5)</u></p> <p>Blindwells will become another of East Lothian's disgraces. Poorly designed like Niddrie/Craigmillar/Muirhouse but with no sporting facilities/green space or quality retail. Cannot comprehend why planners are obsessed with considering areas alongside the railway are the best places to build housing. Trains only stop at stations. People have to drive to the station. Station car parks are full, creating pollution and affecting the environment. Edinburgh should not be seen as the main employment area of East Lothian.</p> <p><u>Network Rail (0181/10)</u></p> <p>Network Rail welcomes the detailed analysis and information on the development within the cluster. However, the extended Blindwells area will put pressure on use of the St Germain's level crossing and Network Rail wish that this is closed as part of the proposal is absolutely essential to shut this dangerous and unwelcome level crossing. We would welcome the text on this section and within the Transport section of the LDP being revised to make this clear.</p> <p>The cross reference to and the detailed policies set out through the Transport section of</p>		

the LDP and in particular the detailed policies on improvement works and contributions required are welcomed. This forms a sound and detailed basis and one which we support.

### **PROP BW1: Blindwells New Settlement**

#### E Macdonald (0176/6)

Objects to housing proposal BW1. East Lothian is seriously overdeveloped, a massive commuter with housing coalescence from Musselburgh to Dunbar resulting in loss of identities of communities, impact on tourism, there are sufficient luxury homes which are wasteful of energy and encourages the use of cars.

#### Royal Society for the Protection of Birds (0185/16)

No allowance has been made for environmental features and biodiversity enhancement/maintenance in the Blindwells' proposal. This and other proposed developments should include detailed proposals for biodiversity enhancement of new building projects to benefit wildlife and to make the sites more attractive for people.

#### Wemyss and March Estate (0295/2)

Note the failure to find an 'appropriate comprehensive solution' that could deliver the Council's vision for a larger single settlement at Blindwells and that this remains an aspiration. To date there has been a failure to demonstrate that Blindwells is an effective site for any development. The challenge for ELC is housing delivery and maintaining an effective land supply. The Proposed LDP is clear about the difficulty of sustaining the completion rates necessary to deliver the housing requirement set by SESplan and as such, ELC's priority must be to promote effective sites. If Blindwells is to remain then it must be supported and justified by a robust assessment demonstrating how and when it can deliver homes. ELC should consider the merits of retaining this allocation into another LDP review if an appropriate comprehensive solution is not identified within the current plan period.

#### Homes for Scotland (0353/2)

Homes for Scotland seeks an amendment to the programming of Blindwells BW1, to delay the anticipated site start there to acknowledge constraints to delivery in later years of the plan of this first phase of development.

### **PROP BW2: Safeguarded Blindwells Expansion Area**

#### Taylor Wimpey and Hargreaves Services Ltd (0232/2)

The proposed LDP sets out several infrastructure requirements for the Blindwells Development Area, for which Policy DEL1 seek both land and capital contributions. Policy T32 (and associated proposals); PROP ED3: A new secondary school and at least three primary schools; PROP CF1: new sports pitches and changing facilities; PROP HSC2: Health Care Facilities; PROP OS7: Allotments. Whilst the consortium understand that it has the responsibility to provide the necessary infrastructure to accommodate development needs, the scale and extent of development will only be confirmed through the design framework and subsequent development brief. It is not considered appropriate to prescribe the extent of required infrastructure provision for the Blindwells development area in LDP

policies and proposals without a caveat to that effect. The consortium recommends that Proposal BW2 be amended accordingly.

Eve Ryan (0307/2)

The representation objects to the proposed safeguard for Blindwells Expansion Area, Proposal BW2. This is because it is prime quality agricultural land and in the objector's view is important for recreation, migratory birds and potentially plant life. East Lothian councillors and planners need to respect the integrity of their county and not concede to the land grabbing hands of Edinburgh and its developers.

Midlothian Council (0348/3)

Midlothian Council officers consider that any new sub-regional town centre at Blindwells should be restricted to serve only that settlement. The accessibility along the A1 could draw retail trips from a wide catchment and this may have a negative effect on the network of centres identified in SDP1. Midlothian Council would wish the expansion of Blindwells to be proportionate and in tandem with the expansion of the settlement.

Hargreaves Services Ltd (0349/3)

Hargreaves supports the intention of PROP BW2 and the safeguard for an expanded development area. Hargreaves anticipates being involved in the preparation of any Design Framework in conjunction with other landowners. Given that there are several landowners involved within the site, submission of a single application and conclusion of a single legal agreement will be complicated. If there is an overarching design framework which all landowners have had input to, this would negate the need of a single application.

Caroline Edgar (0374)

Objector seeks the exclusion of Greendykes Farm from the safeguarded Blindwells Expansion Area. This is unnecessary development of prime agricultural land, and destruction of an existing farm residential community. It would also be in contradiction to previous DC1 development in the countryside policy.

The Scottish Government/Transport Scotland (0389/23)

The representation raises concerns about PROP BW1 and the terms of Policy PROP BW2. As detailed in the representation Transport Scotland is concerned that the council has included a policy in the plan to investigate the allocation of up to 6,000 additional houses with no indication of the potential impact if the site and any required transport infrastructure can be funded or delivered and by whom, or any information pertaining to timescales or phasing. Consequently, the addition of 6,000 units to the spatial strategy could have significant implications to the strategic road and rail network which have not yet been investigated or identified. This position is not in accordance with SPP, DPMTAG or Circular 6/2013.

Leaving the assessment of a large scale development to be initiated subsequent to the publication and adoption of a plan and included within Supplementary Guidance, which has the potential to formally become part of the plan without being subject to Examination, is considered to be unacceptable.

**Policy BW3: Blindwells Area Design Framework**Hargreaves Services Ltd (0349/4)

Hargreaves supports the development of a design framework for the safeguarded area subject to involvement of all landowning parties to this document.

**Blindwells Cluster Miscellaneous**Taylor Wimpey and Hargreaves Services Ltd (0232/1)

Representation submitted in respect of the Greater Blindwells Safeguard Area (Proposal BW2) on behalf of Taylor Wimpey and Hargreaves Services Ltd – i.e. the Greater Blindwells Consortium. The Consortium broadly welcomes the proposed LDP approach in respect of the Safeguarded Blindwells Expansion Area. The Consortium is committed to working together and with the Council to bring forward a new community at Blindwells comprising the allocated site (BW1) and the safeguarded expansion area (BW2). It will provide the necessary technical diligence studies and assessments to support delivery. The process for formally allocating the safeguarded land set out in Proposal BW2 is welcomed and supported by the consortium. The need for a Design Framework setting out a spatial vision and infrastructure requirements is understood. Technical work to support the development of this document is underway, although the full extent of information required and expected outcomes are not fully explained in Proposal BW2. The consortium therefore anticipates and welcome further discussion with the Council in this regard and, if necessary, amplification of the Design Framework's scope and outcomes in the LDP. Policies BW2 and BW3 put in place a requirement for a Development Brief, which will take into account the findings of the Design Framework. Once approved the Development Brief will have the effect of conferring the site with status of an allocation in the LDP. The policies and supporting text do not fully explain the anticipated scope and outcomes of the Development Brief. Again, the consortium therefore welcomes further discussion with the Council in this regard and, if necessary, amplification of the Development Brief's scope and outcomes in the LDP.

Haddington and District Amenity Society (0327/3)

Blindwells should be removed from the LDP unless its deliverability is demonstrated within a certain timescale; otherwise it should be removed from the plan. Imaginative options for other new settlements in the area are being prejudiced by Blindwells.

Hargreaves Services Ltd (0349/1)

Hargreaves Surface Mining Ltd (Hargreaves) own or control land which has been allocated for a new settlement at Blindwells in the adopted local plan 2008, and they own or are in control of additional land to the east of this allocation. Hargreaves supports the greater Blindwells allocation. Hargreaves supports the allocation of its land as a second phase of a Greater Blindwells, or as a stand alone extension of the current local plan allocation. Hargreaves is willing to work with all of those landowners who own land within the greater Blindwells area, but point out that its land only could be brought forward as an expansion of the original allocation BW1.

**Blindwells Cluster Support**Scottish Environment Protection Agency (0252/60)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. There are issues of flooding associated with the Seton Burn and it is imperative that this development does not increase the risk of flooding downstream. Groundwater flood risk could be an issue, but currently this is controlled by pumping by coal authority. FRA has to take account the hydrological changes brought about by the mining activity which includes runoff rates and groundwater. There should be no increase in runoff rates downstream. While the risk of flooding and managing surface water might be achievable at present, climate change and the reliance on a pumping strategy by a third party might challenge the sustainability of this large development in the longer term.

Hargreaves Services Ltd (0349/2)

Hargreaves supports the wording of proposals BW1, and the position that development that would jeopardise the allocation will not be supported. There is currently a live planning application supported by technical study that demonstrates the site can be delivered. It addresses the points made in Proposal BW1.

Alan Lindsey (0369/2)

Recognition that the Blindwells site is not non-viable and that it is quite possible using recognized measures to develop it economically and in a structurally sound way. If the Council wishes to attain its ill considered agreement to 10,000 houses, it should ensure brownfield sites are developed first, including the fire school site at Gullane and in particular the Blindwells site at Tranent.

**Modifications sought by those submitting representations:****Blindwells Cluster Introduction**E Macdonald (0176/5)

No Modification sought

Network Rail (0181/10)

Network Rail seeks closure of the St. Germain's level crossing as part of the Blindwells proposal. Text in the Blindwells Cluster and the Transport section of the LDP should be amended accordingly.

**PROP BW1: Blindwells New Settlement**E Macdonald (0176/6); Wemyss and March Estate (0295/2)

No Modification sought

Royal Society for the Protection of Birds (0185/16)

The representation states that proposed developments should include detailed proposals for biodiversity enhancement of new building projects to benefit wildlife and to make the sites more attractive for people.

Homes for Scotland (0353/2)

Amend Table HOU1 and Appendix 2 of Technical Note 1 to take account of more realistic programming of Blindwells BW1, acknowledging constraints to delivery in later years of the plan of this first phase of development.

**PROP BW2: Safeguarded Blindwells Expansion Area**Taylor Wimpey and Hargreaves Services Ltd (0232/2)

Amend proposal BW2 (and other consequential amendments as necessary to Policy DEL1; Table DEL1, Policy T32 (and associated proposals); ED3, CF1, HSC2 and OS7) to include a caveat that the Development Brief will specify the infrastructure requirements for the Blindwells Expansion Area.

Eve Ryan (0307/2); Midlothian Council (0348/3)

No Modification sought

Hargreaves Services Ltd (0349/3)

Modify Proposal BW2 to remove the need for a single planning application and legal agreement.

Caroline Edgar (0374)

Remove Greendykes Farm from the safeguarded Blindwells Expansion Area.

The Scottish Government/Transport Scotland (0389/23)

Policy PROP BW2 is removed or reworded. Transport Scotland welcomes the Council beginning preparatory work to investigate the viability and deliverability of allocating a further 6000 units at Blindwells. However, this work should inform the next LDP, giving sufficient time for an appropriate appraisal of the site and its impact, involving all relevant stakeholders. The potential future expansion of Blindwells is not required to satisfy the housing land requirement for this LDP and it has not been assessed in any capacity to determine its potential impacts on the strategic trunk road and rail network. SPP details that development plans should fully appraise the impact of the spatial strategy in line with DPMTAG guidance which has not been undertaken in this instance and Circular 6/2103 details that proposals of more than local impact should not be left to be included within Supplementary Guidance.

**Policy BW3: Blindwells Area Design Framework**Hargreaves Services Ltd (0349/4)



No Modification sought

**Blindwells Cluster Miscellaneous**

Taylor Wimpey and Hargreaves Services Ltd (0232/1); Hargreaves Services Ltd (0349/1)

No Modification sought

Haddington and District Amenity Society (0327/3)

Set a timescale for the development of Blindwells or delete the allocation.

**Blindwells Cluster Support**

Scottish Environment Protection Agency (0252/60); Hargreaves Services Ltd (0349/2); Alan Lindsey (0369/2)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Blindwells Cluster Introduction**

E Macdonald (0176/5)

The Council submits that SDP1 (CD030) provides a continued commitment to Blindwells as a location for a new settlement within the SDP1 spatial strategy during the SDP1 plan period and beyond (SDP1 paragraph 53 – 54). The Council further submits that the LDP must be consistent with the SDP. As background, the Main Issues Report (CD068) explains the possible strategy, policy and procedural approaches that the Council consulted on, including in relation to Blindwells (MIR pages 155 – 174). The LDP vision for Blindwells is for the new settlement to be comprehensively designed and delivered as a new mixed community. The LDP therefore identifies the Blindwells Development Area, which comprises the current allocated Blindwells site (BW1) as well as a Safeguarded Blindwells Expansion Area (BW2). The Council submits that Blindwells could provide a number of important benefits for the future of East Lothian. These benefits, and the procedural approach that the Council proposes to follow in respect of Blindwells, are described at paragraph 2.66 and 2.70 – 2.77 of the LDP. Blindwells provides an opportunity to deliver a new mixed community with new homes, including affordable homes, and employment opportunities to help encourage people to live and work within East Lothian. The location for the Blindwells new settlement is within the western and highly accessible part of the East Lothian SDA. It is here where there are also regeneration opportunities within East Lothian. Around 1,600 homes and 10 hectares of employment land are to be delivered at the current allocation (BW1). An expanded Blindwells would, in accordance with the town centre first principle, provide the scope to deliver a sub-regional town centre with an appropriate level of retail, commercial leisure / services and community facilities as well as other appropriate business and employment opportunities. There is also scope to ensure that the site is accessible via public transport, including by bus. This is particularly true in association with LDP Proposals T13 and T18, which could improve public transport provision and provide new accesses into the site from the surrounding area over the A1(T) and the East Coast Main Line. This would enhance connections and opportunities for access and public transport services to serve the site and wider area. The

Council submits that plan-wide policies apply in respect of Blindwells, such as those in respect of affordable housing (e.g. HOU3), education capacity (e.g. Proposal ED3) including commitment to carry out any necessary schools consultations as appropriate (LDP paragraph 3.89) and sports pitches and changing accommodation (Proposal CF1) and Health Care Provision (Proposal HSC2). Policies in respect of the green network (Policy DC10) and general policies on open space provision (Policies OS3, OS4 and OS7). The Council also submits that the LDP identifies where there will be a need for transport provision in association with development in the LDP area (e.g. Proposals T3, T9, T10, T13, T15, T17, T18, T19 – T28 and T32). In respect of site BW1 a masterplan is required to satisfy the adopted development framework for the site and LDP Policy DP4: Major Development Sites. A similar approach would be followed in respect of any expansion area (Proposal BW2). The Council submits that the LDP provides an appropriate policy framework to secure high quality development and design in accordance with national, regional and local planning policies. **The Council submits that no modification is necessary.**

#### Network Rail (0181/10)

The Council recognises that development proposals at Blindwells, particularly should the new settlement expand, may result in increased use of the St Germain's level crossing. However, the Council notes this is an existing situation, and that the closure of this level crossing and others such as it is a matter being considered across East Lothian and beyond. The Council submits that as part of development at Blindwells (BW1) a number of transport interventions will be sought to improve access and pedestrian and cycle links to the west so as to provide connections to the coast and other destinations. As a result, the Council does not consider it appropriate to include any additional text within the LDP seeking contributions towards the closure of the St Germain's level crossing from developers at Blindwells, particularly if this would make development at the current Blindwells allocation (BW1) or within the safeguarded Blindwells Expansion Area (BW2) conditional on Network Rail's approach here. The Council notes at this stage Network Rail has no project identified, and that the approach to St Germain's level crossing is likely to be influenced by proposals to implement a four track section of the East Coast Main Line. As such, there is currently a lack of clarity as to the ability to deliver an intervention and its costs. Any decision on the future of the level crossing is an operational decision that should be taken by Network Rail when the LDP is operative and as its own plans and strategies develop and as projects emerge over time. **The Council submits that no modification is necessary.**

#### **PROP BW1: Blindwells New Settlement**

#### E Macdonald (0176/6)

The Council submits that the SDP identifies Strategic Development Areas (SDAs) to prioritise as locations to accommodate the SDPs housing and employment land requirements. The East Coast SDA follows the key transport corridor of the A1 and East Coast railway line from Musselburgh to Dunbar. While it is accepted that the allocated sites for new homes represent a significant expansion, it is considered that this scale of development is unavoidable in the context of the SDPS Housing Land Requirements and the Compact Growth Strategy adopted for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068). In terms of Blindwells, key objectives of Proposal BW1 are described in the Council's response to representation 0176/5 provided elsewhere in this Schedule 4. The Council submits that places will change as a result of



development and that new development will have implications for local infrastructure; however, this has been fully considered and, where appropriate, planned for as part of the LDP. LDP Policy DEL1, and its associated Supplementary Guidance: Developer Contributions Framework (CD063), set out where and how the necessary additional capacity within infrastructure and facilities will be provided.

The Council submits that the LDP retains sufficient land as Green Belt and that it proposes to identify Countryside Around Town areas to prevent coalescence of settlements and to retain their separate identities as well as protect their settings.

Growing our Economy - The East Lothian Economic Development Strategy 2012-22 (CD084) identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future, and this is reflected within the LDP policies. Additionally, the Council's policies seek to integrate land use and transport to encourage a reduction in traffic growth, minimise the length of journeys people are obliged to make and promote sustainable alternatives to the private car – public transport, cycling and walking. With regards to luxury housing being wasteful of energy Policy SEH2, in accordance with SPP requires that all new buildings must include Low and Zero Carbon Generating Technologies to meet the energy requirements of Scottish Building Standards.

In relation to impacts on the East Coast Main Line railway mitigation measures are proposed including the lengthening of station platforms to accommodate longer trains, as well as the expansion of station car parks. As such, the site's development shall make provision for additional station car parking and other station improvements (LDP PROP T9 and PROP T10).

The Council has set out the need for additional capacity in infrastructure and services, including education and community services within the policies of the LDP, including Proposal CF1 and ED3. Pupils from the site will be accommodated in a future expansion of Preston Lodge High School, and developer contributions will be sought in respect of this. Cockenzie Primary School can provide a short term temporary solution for the provision of primary school capacity until a new facility is delivered on the Blindwells (BW1) site. These requirements for additional capacity arise as a result of and will be delivered in association with the new development. The associated draft Supplementary Guidance: Developer Contributions Framework (SG) (CD063) will provide the basis to collect contributions towards the necessary supporting facilities and infrastructure capacity once adopted. The Council considers that this and the will provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. **The Council submits that no modification is necessary.**

#### Royal Society for the Protection of Birds (0185/16)

The Council submits that a number of plan wide policies would apply to any proposal for the development of this and other sites. In particular, policies within the cultural and natural heritage section of the LDP highlight the importance of protecting, conserving and, where appropriate, enhancing the natural heritage. The LDP has an important role in protecting sites designated for their biodiversity or geodiversity interests at international, national or local level, with the level of protection reflecting sites' relative importance. The Plan also ensures protected species and other natural heritage interests beyond designated sites are taken into account in planning decisions, including the potential for enhancement. It should also be noted that project level environmental assessments have been carried out for proposals BW1 as part of the planning application for that development. In terms of an

expansion of Blindwells (BW2) the need for HRA has been identified in respect of proposal BW2 and should project level proposals emerge for Proposal BW2 these too would be screened for EIA at the appropriate stage. The Council further submits that the Design section of the LDP includes a number of design policies which would relate to new development proposals, in particular DP1, DP2 and DP4. These set out a number of criteria to provide for the protection, conservation or enhancement of natural heritage features where appropriate in combination with other LDP policies. The Council also intends to prepare an Area Design Framework as supplementary planning guidance, and potentially a Development Brief as statutory Supplementary Guidance in respect of BW2. Both of these documents would be subject to further planning assessments as well as consultation, including with Key Agencies and Consultation Authorities and other interested parties, before they would be adopted by the Council. As such, the Council submits that the LDP read as a whole adequately addresses the points made within this representation. **The Council submits that no modification is necessary.**

#### Wemyss and March Estate (0295/2)

The Council submits that SDP1 (CD030) provides a continued commitment to Blindwells as a location for a new settlement as part of the SDP1 spatial strategy during the SDP1 plan period and beyond (paragraph 53 – 54). The SDPs vision is for a single new settlement of 4,600 homes to be designed and delivered as a new mixed community. The SDP requires this to be confirmed through the preparation of the LDP. The Council notes that SPP (2014) (CD013) sets out that the development plan as a whole can promote new settlements (paragraph 53 – 54), including confirmation of their scale and location. Importantly, the SDP requires the LDP to require comprehensive solutions to be identified and agreed for a larger Blindwells and that the LDP define the allocation within which this will be delivered.

In this context, the Main Issues Report (CD068) explained the possible strategy, policy and procedural approaches that the Council consulted on in relation to Blindwells (MIR pages 155 – 174). The Council has taken these consultation responses into account in the preparation of the LDP. The LDP identifies the Blindwells Development Area, comprising the current allocated Blindwells site (BW1) and the Safeguarded Blindwells Expansion Area (BW2). The Council's vision for the Blindwells Development Area is to fully develop this area for a single new settlement of around 6,000 homes which is to be designed and delivered as a new mixed community (LDP paragraph 2.9 and 2.71). The Council submits that this could provide a number of benefits for East Lothian. These benefits, and the procedural approach that the Council settled on and proposes to follow in respect of Blindwells, are described at paragraph 2.66 and 2.70 – 2.77 of the LDP.

The Council submits that SDP1 (CD030) suggests that any longer term housing land requirement for the period post 2024 will likely be satisfied from known and committed sites to the extent that they cannot be developed before 2024 (SDP1 paragraph 112) (CD030). The Council submits that SDP1 specifically envisages the potential for this arising at Blindwells (SDP paragraph 53) (CD030); however, this is not the case in respect of any other sites or locations within East Lothian, including those subject to unresolved representation. The Council also notes that SDP Policy 6 states that planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan to maintain a five years' effective housing land supply at all times. The Council further notes that the pre-ambles to Policy 6 states that preventing the earlier development of sites which are 'allocated' for construction to start after 2019 could result in the unnecessary release of additional sites instead.

As such, whilst the SDP has a vision for a larger Blindwells than that which could be delivered through the BW1 allocation alone, the wider SDP policy context encourages 'flexibility' in respect of how the development of a larger Blindwells could be sought, subject to the other provisions of the SDP being satisfied – i.e. a comprehensive solution for delivery of a single larger settlement. The Council submits that its proposed policy and procedural approach in relation to the potential for a larger Blindwells seeks to facilitate this flexibility whilst preventing piecemeal proposals within the Blindwells Development Area that would result in undesirable or sub-optimal outcomes, as explained at paragraph 2.72 of the LDP.

The current Blindwells allocation (BW1) is not programmed to fully complete in the LDP period. It is programmed to start in 2020/21, and to complete beyond the plan period in 2036/37 (See LDP Technical Note 1: Appendix 2 (CD046)). This rate of programming for the current BW1 allocation is considered by the Council to be cautious and reasonable. The Council anticipates development of around 72 market homes per year (3 builders) and 25 – 50 affordable homes per year (1 – 2 providers). These are not unrealistic assumptions for a site of this size, and many committed sites or minded to grant sites make provision for programming well in excess of these levels. It is possible therefore that BW1, as with many other sites, may be built faster and yield more annual completions. The Council also submits that, subject to a comprehensive solution being found for development of a single larger new settlement (as explained at LDP paragraph 2.72) it may be possible to develop parts of the Blindwells Development Area earlier than with only a west to east phasing of development; for example, there may be scope to start developing the area from multiple points, as explained in the MIR (CD068 pages 155 – 174), and to deliver cumulatively more annual completions at the Blindwells Development Area overall.

The Council submits that paragraph 53 of SDP1 (CD030) is clear that, whilst it is not expected that any more than (i.e. not all of) the already committed 1,600 homes will be delivered at Blindwells before 2032, it may be possible to achieve additional early completions if a comprehensive solution for the whole new settlement can be found in the short to medium term. The Council's current expected contribution from Blindwells (site BW1) to the housing land supply is explained at paragraph A 1.46 of Technical Note 1: Housing Land Supply, Housing Requirements, Housing Land Requirements (CD046). For the avoidance of doubt, even without the Blindwells current allocation (BW1) between 10 – 20% generosity would exist within the LDP housing land supply based on the rate of programming for the other sites within Technical Note 1. The Council further submits that the planning application for the current BW1 allocation (application ref: 14/00768/PPM (CD159)) is close to determination by the Council. It is possible that the current allocated Blindwells site (BW1) may deliver dwelling completions within the anticipated timescales set out in Technical Note 1.

The expansion of Blindwells is at conceptual stage. The SDP instructs the LDP to require comprehensive solutions to be identified and agreed for a larger Blindwells. The Council submits that LDP1 should therefore provide an appropriate planning status to the relevant area of land to provide the necessary focus so stakeholders can coalesce around and develop the appropriate concept further and also to scope-out inappropriate approaches. This is necessary to facilitate further collaborative working and to encourage and provide confidence in the SDP vision for a larger Blindwells. This is one reason for 'safeguarding' the area of land for the expansion of Blindwells; another is to conform to the SDP by ensuring the LDP defines the area of land within which a single larger new settlement at Blindwells could be delivered (and thus also the area where development that would undermine this vision must not be permitted).

The Council submits that it would be premature for the LDP to 'allocate' the Blindwells Expansion Area at this stage since a comprehensive solution has not yet been found that defines how the development of sites BW1 and BW2 will complement one another so that there is a solution for how they can be made effective together to be developed as one – i.e. bring about the delivery of a single new settlement as required by the SDP. The Council cannot (and will not) confirm such an allocation without knowing how this outcome will be achieved. Additionally, if the Council were to allocate for development the BW2 site, and the requirements of SDP1 cannot be met as explained at paragraph 2.72 of the LDP, the Council may need to re-distribute the 'allocated' housing numbers elsewhere within East Lothian. This is the case since there is no guarantee that such an allocation of homes could be addressed by any future strategic development plan, for example by a re-distribution of housing requirements / targets across local authority boundaries.

Accordingly, the Council submits that the Safeguarded Blindwells Expansion Area (BW2) is justified in the context of the spatial strategy and policies of the SDP. It is necessary to set clear parameters that will provide the required focus to allow the larger new settlement concept to develop further and in an appropriate manner. The approach set out in the LDP is the most appropriate one to secure a positive outcome. The Council has been working collaboratively with landowners within the Blindwells Development Area. The next steps for the Council and landowners are to continue to work collaboratively and on a more formal basis with one another and the community and other stakeholders, including the Key Agencies and Consultation Authorities. This will provide a clear basis for the Council and landowners to develop the concept further and to seek opportunities to secure the necessary funding and finance to un-lock this significant new town opportunity.

The Council submits that realising such a large scale development opportunity requires a creative policy approach that stimulates, encourages and enables appropriate creativity within a clear framework of rules and governance decisions. The Council submits that this is the aim of the procedural approach set out by the LDP. Overall, the Council submits that this approach is in accordance with the two principal policies of SPP, namely Sustainability and Place-making. It is intended to facilitate the co-production of a shared vision for the future development of the Blindwells Development Area, so the long-term the benefits it can bring in future for East Lothian can be delivered. Proposal BW2 explains that this shared vision will be pursued through the preparation and adoption by the Council of the following place-making planning documents in the following sequence:

1. **An Area Design Framework/Vision for the Blindwells Development Area.** This will be non-statutory supplementary planning guidance to provide more information on the development strategy for the larger new settlement. SPP (2014)(CD013) provides a description of the role and purpose of Design Frameworks (paragraph 57) and the Council submits that the LDP sets out a good example of how this 'Tool for Making Better Places' can be positively deployed.

For the avoidance of doubt the vision for a larger Blindwells will be prepared working collaboratively with Key Agencies and Consultation Authorities as well as others, including Historic Environment Scotland and Transport Scotland, to ensure the necessary information is provided to them at the appropriate stage so they can support the vision, as explained at paragraph 2.74 of the LDP.

The purpose of this non-statutory guidance will be to agree and define how the development of sites BW1 and BW2 can complement one another so they can be designed and developed as one – i.e. bring about the delivery of a single new



settlement as required by the SDP.

Importantly, the non-statutory guidance will provide the spatial expression of the shared vision for development across the Blindwells Development Area. It will set out what type and scale of development will take place where and in what order (phasing) and on whose land, as explained at paragraph 2.73-2.74 of the LDP. The vision will include the locations and areas for housing development, commercial and business development, retail and other town centre uses as well as enabling and supporting infrastructure, including access points, routes and safeguards, and for education and community facilities. It will set out how the site can be accessed, drained and in what order enabling and supporting infrastructure will be required to allow phased development on different parts of the site on an appropriate basis.

An understanding of the land required to deliver interventions (sites / networks / routes) and likely costs for the infrastructure will also be an important output of this stage of work so agreement can be reached on the single funding and delivery mechanism required at paragraph 2.74 of the LDP. It is the Council's intention that this non-statutory vision would provide the basis for more formal collaboration and equalisation agreements between the landowning parties and set the context for detailed technical work to inform these agreements and the next stages.

It may also be that the Council and landowners choose at this stage to enter into a partnership arrangement so land for shared infrastructure will be made available at an early stage and to create a fund for the delivery of infrastructure, so there is on-going surety that the shared vision can and will be delivered over time.

2. **A Development Brief for the Blindwells Development Area.** This would be statutory Supplementary Guidance, which if adopted by the Council would become a statutory part of the LDP. If the Supplementary Guidance is adopted it would convert the Safeguarded Blindwells Expansion Area into an allocation for development and provide more detail on the delivery of the larger new settlement based on the vision set out in the non-statutory supplementary planning guidance.

SPP (2014) provides a description of the role and purpose of Development Briefs (paragraph 57) (CD013) and, together with the description set out in the LDP itself in respect of the Blindwells Development Brief, the Council submits that this adequately identifies the topics likely to be covered in the Supplementary Guidance. The Council submits that the LDP sets out a good example of how this 'Tool for Making Better Places' can be positively deployed.

The Council submits that Main Issues Report openly consulted on this procedural approach in relation to Blindwells (MIR pages 155 – 174) (CD068). The LDP is based on the preferred procedural approach set out in the MIR – i.e. that the conversion of the safeguarded land to an allocation would be triggered by the adoption of statutory Supplementary Guidance by the Council. The Council notes that neither the Scottish Government nor Transport Scotland objected to (or raised concerns about) the procedural mechanisms consulted on in relation to Blindwells at MIR stage.

The Council submits that the LDP establishes the 'main principle' of development at BW2. Proposal BW2 sets out the procedural mechanism for allowing land which is safeguarded for a specified purpose to be developed for that purpose. The LDP

defines the allocation within which a larger Blindwells will be delivered and requires comprehensive solutions to be identified and agreed for the delivery of a larger Blindwells. Put another way, the LDP withholds the allocation of the land for a larger Blindwells unless and until an agreed solution has been identified for how it will be delivered, consistent with paragraph 54 of the SDP. This approach is in accordance with paragraph 139 of Circular 6/2013: Development Planning (CD022) concerning matters that should be set out within the development plan, and not Supplementary Guidance. These key principles have been subject to consultation and will be subject to examination in accordance with Circular 6/2013 (paragraph 137).

The Council submits that if the statutory Supplementary Guidance is adopted it will become part of the Development Plan. As such, the Council submits that it is reasonable to allow its adoption by the Council to be the mechanism for allowing land which is safeguarded for a specified development to be developed for that purpose. The Council submits this is an appropriate procedural approach to follow.

The Council also submits that this approach ensures SDP Policy 6 cannot be applied prematurely to lead to undesirable outcomes. The Council further submits that it ensures there is scope to support the principle of a larger new settlement at Blindwells whilst avoiding any potential need to redistribute homes elsewhere within East Lothian because they have been 'allocated' but no agreement is reached on how a larger new settlement at Blindwells will be delivered in an appropriate way.

For the avoidance of doubt the Development Brief will be prepared working collaboratively with the Key Agencies and Consultation Authorities and others, including Historic Environment Scotland and Transport Scotland, to ensure the necessary information is provided as the guidance is developed so they can support it, as set out at LDP paragraph 2.75.

Additionally, the Council submits that before any statutory Supplementary Guidance can be adopted there are important pre-adoption procedures that must be followed. These include publication of the Supplementary Guidance for consultation, making interested parties aware of the consultation and providing them the opportunity to make comment on the draft. A description of these procedures and the consultation responses, and how they have been taken into account, must be set out for Scottish Ministers to consider. This is to be detailed in a statement provided and submitted to Scottish Ministers along with the Supplementary Guidance the Council would intend to adopt.

If Scottish Ministers are not satisfied with the content of the Supplementary Guidance they may direct that it cannot be adopted by the Council, or require that modifications to it be made before it can be adopted. The Council submits that Scottish Ministers can consider the consultation responses, including those from Key Agencies and Consultation Authorities as well as Transport Scotland and Historic Environment Scotland and control the final content of the Supplementary Guidance before it can be adopted by the Council.

The Council further submits that it has specified within the LDP a framework of policies and proposal that set out items for which financial or other contributions will be required and where key interventions will be necessary in association with development in the LDP area, including an expansion of Blindwells.

The Council submits that plan-wide policies would apply in respect of a larger

Blindwells, such as those in respect of affordable housing (e.g. HOU3), education capacity (e.g. Proposal ED3) including commitment to carry out any necessary school consultations as appropriate (LDP paragraph 3.89), sports facilities and changing accommodation (Proposal CF1) and Health Care Provision (Proposal HSC2). Policies in respect of the green network (Policy DC10) and general policies on open space provision (Policies OS3, OS4 and OS7).

The Council also submits that the LDP identifies where there will be a need for transport provision in association with development in the LDP area (e.g. Proposals T3, T9, T10, T13, T15, T17, T18, T19 – T28 and T32). In relation to Old Craighall junction the LDP identifies a need for mitigation there '*including*' that specified within Proposal T15. In respect of Proposal T17 the mitigation at trunk road interchanges is required '*as a minimum*'. The Council further submits that Policies T19, T23 and T26 all promote a '*programme*' of transport improvements and the promotion of Traffic Regulation Orders '*where necessary*' in relevant locations. The Council submits that the interventions specified within these transportation policies and proposals provides scope to review the exact interventions at these locations when the plan is operative as well as to seek contributions as appropriate from a larger Blindwells proposal. As such, as for allocated sites within the LDP, the Council submits that the key items for which developer contributions would be sought in respect of a larger Blindwells is set out within the LDP.

The Council submits that the statutory Supplementary Guidance prepared in association with Proposal BW2 would cover topics suitable for inclusion within Supplementary Guidance (Circular 6/2013: Development Planning paragraph 139) (CD022), such as the development brief and the exact levels of developer contributions or methodologies for their calculation. It is the Council's intention that the Supplementary Guidance prepared in association with Proposal BW2 would set out the details of the items for which developer contributions will be sought specifically in association with that development. The Council further submits that this could be carried out alongside a review of the Supplementary Guidance: Developer Contributions Framework, as set out at paragraph 4.10 of that draft document (CD063).

The Council submits that Proposal BW2 is clear that any proposal for the Safeguarded Expansion Area must conform to the Supplementary Guidance prepared in association with Proposal BW2 approved by the Council.

The Council submits that realising such a large scale development opportunity requires a creative policy approach that stimulates, encourages and enables appropriate creativity within a clear framework of rules and governance decisions. The Council's LDP proposes a staged and progressive pathway for this work. Clear phased outputs and agreements will be reflected in the co-production of non-statutory and then statutory planning guidance to be adopted by the Council in respect of the Blindwells Development Area.

This is required so the Council, relevant landowners and others can work together with increasing confidence to agree the solutions concerning how the entire Blindwells Development Area will be made effective for the delivery of a single larger new settlement, as required by the SDP. The Council submits that it is proposing a clear as well as legitimate procedural approach that can create the necessary confidence and clarity to deliver a larger new settlement at Blindwells.

Overall, it is the Council's intention to create an appropriate planning policy context that can attract and encourage the significant level of investment that will be required to deliver the associated long-term sustainability and place-making benefits for East Lothian. **The Council submits that no modification is necessary.**

#### Homes for Scotland (0353/2)

The current Blindwells allocation (BW1) is programmed to start in 2020/21, and to complete beyond the plan period in 2036/37 (See LDP Technical Note 1: Appendix 2) (CD046). This rate of programming for the current BW1 allocation is considered by the Council to be cautious and reasonable. The Council anticipates development of around 72 market homes per year (3 builders) and 25 – 50 affordable homes per year (1 – 2 providers). These are not unrealistic assumptions for a site of this size, and many committed sites or minded to grant sites make provision for programming well in excess of these levels. It is possible that BW1, as with many other sites, may be built faster and yield more annual completions. The Council also submits that, subject to a comprehensive solution being found for development of a single larger new settlement (as explained at LDP paragraph 2.72) it may be possible to develop parts of the Blindwells Development Area earlier than with only a west to east phasing of development; for example, there may be scope to start developing the area from multiple points, as explained in the MIR (CD068) (pages 155 – 174), and to deliver cumulatively more annual completions at the Blindwells Development Area overall. **The Council submits that no modification is necessary.**

#### **PROP BW2: Safeguarded Blindwells Expansion Area**

##### Taylor Wimpey and Hargreaves Services Ltd (0232/2)

The Council submits that SDP1 (CD030) provides a continued commitment to Blindwells as a location for a new settlement as part of the SDP1 spatial strategy during the SDP1 plan period and beyond (paragraph 53 – 54). The SDP's vision is for a single new settlement of 4,600 homes to be designed and delivered as a new mixed community. The SDP requires this to be confirmed through the preparation of the LDP. The Council notes that SPP (2014) sets out that the development plan as a whole can promote new settlements (paragraph 53 – 54) (CD013), including confirmation of their scale and location. Importantly, the SDP requires the LDP to require comprehensive solutions to be identified and agreed for a larger Blindwells and that the LDP define the allocation within which this will be delivered.

The Council submits that the scale of development promoted at Blindwells is based on the outputs from a series of 'Greater Blindwells Innovation Workshops' held between January and February 2014, reported in April 2014 (Greater Blindwells Innovative Workshops Sessions: Workbook: Summary of Event (April 2014) (CD104). These workshops were attended by a wide range of professional stakeholders from the public and private sector, including representatives from the Key Agencies, Consultation Authorities, Transport Scotland and Historic Environment Scotland as well as Taylor Wimpey and Hargreaves Services Ltd.

The Innovation Workshops were run after publication of the SDP and as the LDP MIR was being developed. The purpose of the workshops was to explore the development potential of a larger Blindwells, including options for the location and scale of a larger new settlement. The outcome of this was that the Council's expectation for the location and



scale of a larger new settlement at Blindwells is now defined by the Blindwells Development Area, comprising the current allocated site (BW1) as well as the Blindwells Expansion Area (BW2). The Council's intention is that this area be fully developed (LDP para 2.71) to deliver a single new settlement of around 6,000 homes.

In this context, the Main Issues Report (CD068) explained the possible strategy, policy and procedural approaches that the Council consulted on in relation to Blindwells (MIR pages 155 – 174). The Council has taken these consultation responses into account in the preparation of the LDP. The LDP identifies the Blindwells Development Area, comprising the current allocated Blindwells site (BW1) and the Safeguarded Blindwells Expansion Area (BW2). The Council's vision for the Blindwells Development Area is to fully develop this area for a single new settlement of around 6,000 homes which is to be designed and delivered as a new mixed community (LDP paragraph 2.9 and 2.71). The Council submits that this could provide a number of benefits for East Lothian. These benefits, and the procedural approach that the Council settled on and proposes to follow in respect of Blindwells, are described at paragraph 2.66 and 2.70 – 2.77 of the LDP.

In this context, the Council's vision for the Blindwells Development Area is to deliver a new mixed community, including provision of new education and community facilities commensurate with a settlement of this size. The Council submits that Circular 6/2013 (CD022) expects the items for which developer contributions will be sought to be set out within the development plan itself, and for the exact levels of developer contributions only to be set out in statutory Supplementary Guidance. The Council further submits that paragraph 137 of the same Circular explains that this approach should be followed so such matters can be subject to examination, if necessary.

Proposal BW2 seeks a comprehensive solution for the development of the land so safeguarded by following the processes set out by Proposal BW2, namely the preparation of:

- a. **An Area Design Framework/Vision for the Blindwells Development Area** as non-statutory supplementary planning guidance; and then
- b. **A Development Brief for the Blindwells Development Area** as statutory Supplementary Guidance. This statutory Supplementary Guidance, if adopted by the Council, would become a statutory part of the LDP. If the Supplementary Guidance is adopted it would convert the Safeguarded Blindwells Expansion Area into an allocation for development and provide more detail on the delivery of the larger new settlement based on the vision set out in the non-statutory supplementary planning guidance.

The Council's reasoning for seeking the preparation of these documents is fully explained in response to representations (0295/2) and (0389/23) set out elsewhere in this Schedule 4.

In the preparation of these documents, the LDP requires the exact scope of infrastructure and facilities to be identified working collaboratively with others, including Key Agencies, Consultation Authorities and Transport Scotland, Scottish Environmental Protection Agency, Scottish Natural Heritage, Historic Environment Scotland, Scottish Enterprise and NHS Lothian as well as Scottish Water. The Council submits that LDP Proposals ED3, CF1, HSC2 and OS7 relate to infrastructure and services that the Council and Integration Joint Board (ELC and NHS Lothian) have identified as necessary to support the development of the Blindwells Expansion Area at the scale envisioned by the Council. It is

therefore appropriate to include the need for such interventions within the LDP.

The Council submits that plan-wide policies would also apply in respect of a larger Blindwells, such as those in respect of affordable housing (e.g. HOU3), education capacity (e.g. Proposal ED3) including commitment to carry out any necessary statutory school consultations as appropriate (LDP paragraph 3.89) and sports pitches and changing accommodation (Proposal CF1) and Health Care Provision (Proposal HSC2). Policies in respect of the green network (Policy DC10) and general policies on open space provision (Policies OS3, OS4 and OS7). The Council submits that the LDP identifies where there will be a need for transport provision in association with development in the LDP area (e.g. Proposals T3, T9, T10, T13, T15, T17, T18, T19 – T28 and T32).

In relation to Old Craighall junction the LDP identifies a need for mitigation there '*including*' that specified by Proposal T15. In respect of Proposal T17 the mitigation at trunk road interchanges is required '*as a minimum*'. The Council submits that Policies T19, T23 and T26 all promote a '*programme*' of transport improvements and the promotion of Traffic Regulation Orders '*where necessary*' in relevant locations. The Council submits that the interventions specified within these transportation policies and proposals provides scope to review the exact interventions at these locations when the plan is operative as well as to seek contributions as appropriate from a larger Blindwells proposal. As for allocated sites within the LDP, the Council submits that the key items for which developer contributions would be sought in respect of a larger Blindwells should be set out by the LDP.

The Council submits that the statutory Supplementary Guidance prepared in association with Proposal BW2 would cover topics suitable for inclusion within Supplementary Guidance (Circular 6/2013: Development Planning paragraph 139), such as the development brief and the exact levels of developer contributions or methodologies for their calculation. It is the Council's intention that the Supplementary Guidance prepared in association with Proposal BW2 would set out the exact details of items for which developer contributions will be sought in association with that development. The Council further submits that this could be carried out alongside a review of the Supplementary Guidance: Developer Contributions Framework, as set out at paragraph 4.10 of that draft document.

**The Council submits that no modification is necessary.**

Eve Ryan (0307/2); Caroline Edgar (0374)

The Council submits that East Lothian must by law prepare an LDP that is consistent with the approved SDP1 (CD030). This includes a requirement to accommodate the development land requirements prescribed for East Lothian by the SDP, including consideration of how longer term development requirements might be met where relevant. In respect of Blindwells, the Council submits that the SDP signposts the potential for a future expansion of Blindwells as part of its settlement strategy, provided comprehensive solutions can be found that would deliver a single larger new settlement there. The Council submits that SDP1 provides a continued commitment to Blindwells as a location for a new settlement as part of the SDP1 spatial strategy during the SDP1 plan period and beyond (paragraph 53 – 54). The SDP's vision is for a single new settlement of 4,600 homes to be designed and delivered as a new mixed community. The SDP requires this to be confirmed through the preparation of the LDP. The Council notes that SPP (2014) (CD013) sets out that the development plan as a whole can promote new settlements (paragraph 53 – 54), including confirmation of their scale and location. Importantly, the SDP requires the LDP to require comprehensive solutions to be identified and agreed for a larger Blindwells and that the LDP define the allocation within which this will be delivered. The Council submits that

there is a strategic context for safeguarding the Blindwells Expansion Area, and for continuing to seek comprehensive delivery solutions whilst the LDP is operative that would allow the development of the land. The Council submits that this is explained within Proposal BW2, which seeks a comprehensive solution for the development of the land so safeguarded by following the processes set out by Proposal BW2, namely preparation of:

- a. **An Area Design Framework/Vision for the Blindwells Development Area** as non-statutory supplementary planning guidance; and then
- b. **A Development Brief for the Blindwells Development Area** as statutory Supplementary Guidance. This statutory Supplementary Guidance, if adopted by the Council, would become a statutory part of the LDP. If the Supplementary Guidance is adopted it would convert the Safeguarded Blindwells Expansion Area into an allocation for development and provide more detail on the delivery of the larger new settlement based on the vision set out in the non-statutory supplementary planning guidance. This would have the effect of setting aside the Policy DC1 designation.

The Council's reasoning for seeking the preparation of these documents is fully explained in response to representations (0295/2) and (0389/23) set out elsewhere in this Schedule 4. The Council submits that the LDP describes the benefits for East Lothian overall and in particular for nearby regenerating communities that would stem from the development of a larger mixed community at Blindwells. The Council submits that the LDP notes that further environmental and detailed infrastructure assessment will be required in respect of the guidance prepared in association with proposal BW2 (LDP paragraph 2.75) and that any application for the development of this land will be screened for Environmental Impact Assessment at project level. In terms of the loss of prime agricultural land, the Council submits that SPP (paragraph 80) would allow for this where it is to facilitate a component of the settlement strategy (in this case the SDPs settlement strategy). The Council submits that although Greendykes Farm is included within the safeguarded Blindwells Expansion Area an appropriate setting and suitable stand-off between existing development and new development could be provided. Such a requirement could be secured as part of the Area Design Framework and Development Brief that are to be prepared in consultation with interested parties, including local residents and the community. **The Council submits that no modification is necessary.**

#### Midlothian Council (0348/3)

East Lothian Council notes the comments from Midlothian Council in respect of a new sub-regional town centre at Blindwells, and its potential catchment as explained at LDP paragraph 2.71. East Lothian Council submits that the potential for a sub-regional town centre in association with any expansion of Blindwells new settlement was consulted on extensively through the MIR process, and there was broad support for that approach. Overall, the Council submits that its approach in respect of this matter is in accordance with the two principal policies of SPP, namely Sustainability and Place-making. The MIR (CD068) and proposed LDP are clear that one of the reasons for seeking an expansion of Blindwells is to ensure that a larger new settlement there could help bring significant economic and regeneration benefits to communities within the western former coal field of East Lothian. The introduction of a new sub-regional 'town centre' within an expanded Blindwells is an important part of that strategy. The MIR also made clear that, due to accessibility along the A1 and A720, East Lothian experiences expenditure leakage to other centres outwith East Lothian. Whilst this it to be expected in terms of the city centre, which is highest in the regional retail hierarchy, commercial centres (such as Straiton within

Midlothian and Fort Kinnaird within the City of Edinburgh Council areas) are to be treated as lower in the retail hierarchy in sequential terms than a town centre. East Lothian's existing town centres are historic in nature and well consolidated, so there is little scope within their cores to accommodate large format retail premises. This can place some communities at a disadvantage, as there has been a tendency for retail operators to locate to commercial centres (of which East Lothian has none) that have established beyond East Lothian's boundaries. As such, the establishment of a new sub-regional town centre within a larger new settlement at Blindwells provides a unique opportunity to bring significant economic and regeneration benefits as well as more jobs to a growing East Lothian in an appropriate location, to provide a wider range of goods and services closer to where people live, to reduce the need to as well as the distances than need be travelled and thus associated CO2 emissions. Providing a new vibrant core for a larger Blindwells will also be important in terms of place-making within the new settlement. The Council submits that it would be open to Midlothian Council to consider matters further during the preparation of Supplementary Guidance in respect of any expansion at Blindwells. East Lothian Council would welcome further discussion with Midlothian Council in relation to an expanded Blindwells and the opportunities it could bring for the area, including in terms of working towards the principal policies of SPP (2014) (CD013). **The Council submits that no modification is necessary.**

#### The Scottish Government/Transport Scotland (0389/23)

The Council submits that SDP1 (CD030) provides a continued commitment to Blindwells as a location for a new settlement as part of the SDP1 spatial strategy during the SDP1 plan period and beyond (paragraph 53 – 54). The SDP's vision is for a single new settlement of 4,600 homes to be designed and delivered as a new mixed community. The SDP requires this to be confirmed through the preparation of the LDP. The Council notes that SPP (2014) (CD013) sets out that the development plan as a whole can promote new settlements (paragraph 53 – 54), including confirmation of their scale and location. Importantly, the SDP requires the LDP to require comprehensive solutions to be identified and agreed for a larger Blindwells and that the LDP define the allocation within which this will be delivered.

In this context, the Main Issues Report explained the possible strategy, policy and procedural approaches that the Council consulted on in relation to Blindwells (MIR pages 155 – 174). The Council has taken these consultation responses into account in the preparation of the LDP. The LDP identifies the Blindwells Development Area, comprising the current allocated Blindwells site (BW1) and the Safeguarded Blindwells Expansion Area (BW2). The Council's vision for the Blindwells Development Area is to fully develop this area for a single new settlement of around 6,000 homes which is to be designed and delivered as a new mixed community (LDP paragraph 2.9 and 2.71). The Council submits that this could provide a number of benefits for East Lothian. These benefits, and the procedural approach that the Council settled on and proposes to follow in respect of Blindwells, are described at paragraph 2.66 and 2.70 – 2.77 of the LDP.

The Council submits that SDP1 suggests that any longer term housing land requirement for the period post 2024 will likely be satisfied from known and committed sites to the extent that they cannot be developed before 2024 (SDP1 paragraph 112) (CD030). The Council submits that the SDP specifically envisages the potential for this arising at Blindwells (SDP paragraph 53); however, this is not the case in respect of any other sites or locations within East Lothian, including those subject to unresolved representation. The Council also notes that SDP Policy 6 states that planning authorities may grant planning



permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan to maintain a five years effective housing land supply at all times. The Council further notes that the pre-ambles to Policy 6 states that preventing the earlier development of sites which are 'allocated' for construction to start after 2019 could result in the unnecessary release of additional less suitable sites instead.

As such, whilst the SDP has a vision for a larger Blindwells than that which could be delivered through the BW1 allocation alone, the wider SDP policy context encourages 'flexibility' in respect of how the development of a larger Blindwells could be sought, subject to the other provisions of the SDP being satisfied – i.e. a comprehensive solution for delivery of a single larger settlement. The Council submits that its proposed policy and procedural approach in relation to the potential for a larger Blindwells seeks to facilitate this flexibility whilst preventing piecemeal proposals within the Blindwells Development Area that would result in undesirable or sub-optimal outcomes, as explained at paragraph 2.72 of the LDP.

The current Blindwells allocation (BW1) is not programmed to fully complete in the LDP period. It is programmed to start in 2020/21, and to complete beyond the plan period in 2036/37 (See LDP Technical Note 1: Appendix 2 (CD046)). The Council also submits that, subject to a comprehensive solution being found for development of a single larger new settlement (as explained at LDP paragraph 2.72) it may be possible to develop parts of the Blindwells Development Area earlier than with only a west to east phasing of development; for example, there may be scope to start developing the site from multiple points, as explained in the MIR (pages 155 – 174), and to deliver cumulatively more annual completions at the Blindwells Development Area overall.

The Council further submits that the planning application for the current BW1 allocation (application ref: 14/00768/PPM (CD159)) is close to determination by the Council. The Council submits that paragraph 53 of the SDP is clear that, whilst it is not expected that any more than (i.e. not all of) the already committed 1,600 homes will be delivered at Blindwells before 2032, it may be possible to achieve additional early completions if a comprehensive solution for the whole new settlement can be found in the short to medium term.

The expansion of Blindwells is at conceptual stage. The SDP instructs the LDP to require comprehensive solutions to be identified and agreed for a larger Blindwells (SDP paragraph 54). The Council submits that LDP1 should therefore provide an appropriate planning status to the relevant area of land to provide the necessary focus so stakeholders can coalesce around and develop the appropriate concept further and also to scope-out inappropriate approaches. This is necessary to facilitate further collaborative working and to encourage and provide confidence in the SDP vision for a larger Blindwells. This is one reason for 'safeguarding' the area of land for the expansion of Blindwells; another is to conform to the SDP by ensuring the LDP defines the area of land (SDP paragraph 54) (CD030) within which a single larger new settlement at Blindwells could be delivered (and thus also the area where development that would undermine this vision must not be permitted).

The Council submits that it would be premature for the LDP to 'allocate' the Blindwells Expansion Area at this stage since a comprehensive solution has not yet been found that defines how the development of sites BW1 and BW2 will complement one another so that there is a solution for how they can be made effective together to be developed as one – i.e. bring about the delivery of a single new settlement as required by the SDP. The

Council cannot (and will not) confirm such an allocation without knowing how this outcome will be achieved. Additionally, if the Council were to allocate for development the BW2 site, and the requirements of SDP1 cannot be met as explained at paragraph 2.72 of the LDP, the Council may need to re-distribute the 'allocated' housing numbers elsewhere within East Lothian. This is the case since there is no guarantee that such an allocation of homes could be addressed by any future strategic development plan, for example by a re-distribution of housing requirements/targets across local authority boundaries.

Accordingly, the Council submits that the Safeguarded Blindwells Expansion Area (BW2) is justified in the context of the spatial strategy and policies of the SDP. It is necessary to set clear parameters that will provide the required focus to allow the larger new settlement concept to develop further and in an appropriate manner. The approach set out in the LDP is the most appropriate one to secure a positive outcome. The Council has been working collaboratively with landowners within the Blindwells Development Area. The next steps for the Council and landowners are to continue to work collaboratively and on a more formal basis with one another and the community and other stakeholders, including the Key Agencies and Consultation Authorities. This will provide a clear basis for the Council and landowners to develop the concept further and to seek opportunities to secure the necessary funding and finance to un-lock this significant new town opportunity.

The Council submits that realising such a large scale development opportunity requires a creative policy approach that stimulates, encourages and enables appropriate creativity within a clear framework of rules and governance decisions. The Council submits that this is the aim of the procedural approach set out by the LDP. Overall, the Council submits that this approach is in accordance with the two principal policies of SPP, namely Sustainability and Place-making. It is intended to facilitate the co-production of a shared vision for the future development of the Blindwells Development Area, so the long-term the benefits it can bring in future for East Lothian can be delivered. Proposal BW2 explains that this shared vision will be pursued through the preparation and adoption by the Council of the following place-making planning documents in the following sequence:

1. **An Area Design Framework/Vision for the Blindwells Development Area.** This will be non-statutory supplementary planning guidance to provide more information on the development strategy for the larger new settlement. SPP (2014) provides a description of the role and purpose of Design Frameworks (paragraph 57) and the Council submits that the LDP sets out a good example of how this 'Tool for Making Better Places' can be positively deployed.

For the avoidance of doubt the vision for a larger Blindwells will be prepared working collaboratively with Key Agencies and Consultation Authorities as well as others, including Historic Environment Scotland and Transport Scotland, to ensure the necessary information is provided to them at the appropriate stage so they can support the vision, as explained at paragraph 2.74 of the LDP.

The purpose of this non-statutory guidance will be to agree and define how the development of sites BW1 and BW2 can complement one another so they can be designed and developed as one – i.e. bring about the delivery of a single new settlement as required by the SDP.

Importantly, the non-statutory guidance will provide the spatial expression of the shared vision for development across the Blindwells Development Area. It will set out what type and scale of development will take place where and in what order

(phasing) and on whose land, as explained at paragraph 2.73-2.74 of the LDP. The vision will include the locations and areas for housing development, including affordable housing, commercial and business development, retail and other town centre uses as well as enabling and supporting infrastructure, including access points, routes and safeguards, and for education and community facilities. It will set out how the site will be accessed, drained and in what order enabling and supporting infrastructure will be required to allow phased development on different parts of the site on an appropriate basis.

An understanding of the land required to deliver interventions (sites / networks / routes) and likely costs for the infrastructure will also be an important output of this stage of work so agreement can be reached on the single funding and delivery mechanism required at paragraph 2.74 of the LDP. It is the Council's intention that this non-statutory vision would provide the basis for more formal collaboration and equalisation agreements between the landowning parties and set the context for detailed technical work to inform these agreements and the next stages.

It may also be that the Council and landowners chose at this stage to enter into a partnership arrangement so land for shared infrastructure will be made available at an early stage and to create a fund for the delivery of infrastructure, so there is on-going surety that the shared vision can and will be delivered over time.

2. **A Development Brief for the Blindwells Development Area.** This would be statutory Supplementary Guidance, which if adopted by the Council would become a statutory part of the LDP. If the Supplementary Guidance is adopted it would convert the Safeguarded Blindwells Expansion Area into an allocation for development and provide more detail on the delivery of the larger new settlement based on the vision set out in the non-statutory supplementary planning guidance.

SPP (2014) provides a description of the role and purpose of Development Briefs (paragraph 57) (CD013) and, together with the description set out in the LDP itself in respect of the Blindwells Development Brief, the Council submits that this adequately identifies the topics likely to be covered in the Supplementary Guidance. The Council submits that the LDP sets out a good example of how this 'Tool for Making Better Places' can be positively deployed.

The Council submits that Main Issues Report openly consulted on this procedural approach in relation to Blindwells (MIR pages 155 – 174) (CD068). The LDP is based on the preferred procedural approach set out in the MIR – i.e. that the conversion of the safeguarded land to an allocation would be triggered by the adoption of statutory Supplementary Guidance by the Council. The Council notes that neither the Scottish Government nor Transport Scotland objected to (or raised concerns about) the procedural mechanisms consulted on in relation to Blindwells at MIR stage.

The Council submits that the LDP establishes the 'main principle' of development at BW2. Proposal BW2 sets out the procedural mechanism for allowing land which is safeguarded for a specified purpose to be developed for that purpose. The LDP defines the allocation within which a larger Blindwells will be delivered and requires comprehensive solutions to be identified and agreed for the delivery of a larger Blindwells. Put another way, the LDP withholds the allocation of the land for a larger Blindwells unless and until an agreed solution has been identified for how it will be

delivered, consistent with paragraph 54 of the SDP. This approach is in accordance with paragraph 139 of Circular 6/2013 concerning matters that should be set out within the development plan, and not Supplementary Guidance. These key principles have been subject to consultation and will be subject to examination in accordance with Circular 6/2013: Development Planning (paragraph 137) (CD022).

The Council submits that if the statutory Supplementary Guidance is adopted it will become part of the Development Plan. As such, the Council submits that it is reasonable to allow its adoption by the Council to be the mechanism for allowing land which is safeguarded for a specified development to be developed for that purpose. The Council submits this is an appropriate procedural approach to follow.

The Council also submits that this approach ensures SDP Policy 6 cannot be applied prematurely to lead to undesirable outcomes. The Council further submits that it ensures there is scope to support the principle of a larger new settlement at Blindwells whilst avoiding any potential need to redistribute homes elsewhere within East Lothian because they have been 'allocated' but no agreement is reached on how a larger new settlement at Blindwells will be delivered in an appropriate way.

For the avoidance of doubt the Development Brief will be prepared working collaboratively with the Key Agencies and Consultation Authorities and others, including Historic Environment Scotland and Transport Scotland, to ensure the necessary information is provided as the guidance is developed so they can support it, as set out at LDP paragraph 2.75.

Additionally, the Council submits that before any statutory Supplementary Guidance can be adopted there are important pre-adoption procedures that must be followed. These include publication of the Supplementary Guidance for consultation and making interested parties aware of the consultation and providing them the opportunity to make comment on the draft. A description of these procedures and the consultation responses, and how they have been taken into account, must be set out for Scottish Ministers to consider. This is to be detailed in a statement provided and submitted to Scottish Ministers along with the Supplementary Guidance the Council would intend to adopt.

If Scottish Ministers are not satisfied with the content of the Supplementary Guidance they may direct that it cannot be adopted by the Council, or require that modifications to it be made before it can be adopted. The Council submits that Scottish Ministers can consider the consultation responses, including those from Key Agencies and Consultation Authorities as well as Transport Scotland and Historic Environment Scotland and control the final content of the Supplementary Guidance before it can be adopted by the Council.

The Council further submits that it has specified within the LDP a framework of policies and proposal that set out items for which financial or other contributions will be required and where key interventions will be necessary in association with development in the LDP area, including an expansion of Blindwells.

The Council submits that plan-wide policies would apply in respect of a larger Blindwells, such as those in respect of affordable housing (e.g. HOU3), education capacity (e.g. Proposal ED3) including commitment to carry out any necessary schools consultations as appropriate (LDP paragraph 3.89) and sports pitches and changing accommodation (Proposal CF1) and Health Care Provision (Proposal



HSC2). Policies in respect of the green network (Policy DC10) and general policies on open space provision (Policies OS3, OS4 and OS7).

The Council also submits that the LDP identifies locations where there will be a need for transport provision in association with development in the LDP area (e.g. Proposals T3, T9, T10, T13, T15, T17, T18, T19 – T28 and T32). In relation to Old Craighall junction the LDP identifies a need for mitigation there '*including*' that specified within Proposal T15. In respect of Proposal T17 the mitigation at trunk road interchanges is required '*as a minimum*'. The Council further submits that Policies T19, T23 and T26 all promote a '*programme*' of transport improvements and the promotion of Traffic Regulation Orders '*where necessary*' in relevant locations. The Council submits that the interventions specified within these transportation policies and proposals provides scope to review the exact interventions at these locations when the plan is operative as well as to seek contributions as appropriate from a larger Blindwells proposal. As such, as for allocated sites within the LDP, the Council submits that the key items for which developer contributions would be sought in respect of a larger Blindwells is set out within the LDP.

The Council submits that the statutory Supplementary Guidance prepared in association with Proposal BW2 would cover topics suitable for inclusion within Supplementary Guidance (Circular 6/2013: Development Planning paragraph 139) (CD022), such as the development brief and the exact levels of developer contributions or methodologies for their calculation. It is the Council's intention that the Supplementary Guidance prepared in association with Proposal BW2 would set out the exact details of the items for which developer contributions will be sought specifically in association with that development. This would be on the basis that any additional impacts and infrastructure requirements associated with an expansion of Blindwells would be considered over and above those of planned development, with the additional interventions and costs to be met by the expansion of Blindwells project identified within the Supplementary Guidance (Development Brief). The Council further submits that this could be carried out alongside a review of the Supplementary Guidance: Developer Contributions Framework, as set out at paragraph 4.10 of that draft document.

The Council submits that Proposal BW2 is clear that any proposal for the Safeguarded Expansion Area must conform to the Supplementary Guidance prepared in association with Proposal BW2 approved by the Council.

The Council submits that realising such a large scale development opportunity requires a creative policy approach that stimulates, encourages and enables appropriate creativity within a clear framework of rules and governance decisions. The Council's LDP proposes a staged and progressive pathway for this work. Clear phased outputs and agreements will be reflected in the co-production of non-statutory and then statutory planning guidance to be adopted by the Council in respect of the Blindwells Development Area.

This is required so the Council, relevant landowners and others can work together with increasing confidence to agree the solutions concerning how the entire Blindwells Development Area will be made effective for the delivery of a single larger new settlement, as required by the SDP. The Council submits that it is proposing a clear as well as legitimate procedural approach that can create the necessary confidence and clarity to deliver a larger new settlement at Blindwells.

Overall, it is the Council's intention with this approach to create an appropriate planning policy context that can attract and encourage the significant level of investment that will be required to deliver the associated long-term sustainability and place-making benefits for East Lothian. **The Council submits that no modification is necessary.**

#### Hargreaves Services Ltd (0349/3)

The Council submits that SDP1 provides a continued commitment to Blindwells as a location for a new settlement as part of the SDP1 spatial strategy during the SDP1 plan period and beyond (paragraph 53 – 54). The SDPs' vision is for a single new settlement of 4,600 homes to be designed and delivered as a new mixed community. The SDP requires this to be confirmed through the preparation of the LDP. The Council notes that SPP (2014) sets out that the development plan as a whole can promote new settlements (paragraph 53 – 54), including confirmation of their scale and location. Importantly, the SDP requires the LDP to require comprehensive solutions to be identified and agreed for a larger Blindwells and that the LDP define the allocation within which this will be delivered.

The Council submits that the scale of development promoted at Blindwells is based on the outputs from a series of 'Greater Blindwells Innovation Workshops' held between January and February 2014, reported in April 2014 (Greater Blindwells Innovative Workshops Sessions: Workbook: Summary of Event (April 2014) (CD104). These workshops were attended by a wide range of professional stakeholders from the public and private sector, including representatives from the Key Agencies, Consultation Authorities, Transport Scotland and Historic Environment Scotland as well as Taylor Wimpey and Hargreaves Services Ltd.

The Innovation Workshops were run after publication of the SDP and as the LDP MIR was being developed. The purpose of the workshops was to explore the development potential of a larger Blindwells, including options for the location and scale of a larger new settlement. The outcome of this was that the Council's expectation for the location and scale of a larger new settlement at Blindwells is now defined by the Blindwells Development Area, comprising the current allocated site (BW1) as well as the Blindwells Expansion Area (BW2). The Council's intention is that this area be fully developed (LDP para 2.71) to deliver a single new settlement of around 6,000 homes. In this context, the Main Issues Report explained the possible strategy, policy and procedural approaches that the Council consulted on in relation to Blindwells (MIR pages 155 – 174) (CD068). The Council has taken these consultation responses into account in the preparation of the LDP. The Council's vision for the Blindwells Development Area is to fully develop this area for a single new settlement of around 6,000 homes which is to be designed and delivered as a new mixed community (LDP paragraph 2.9 and 2.71).

The Council submits that this could provide a number of benefits for East Lothian. These benefits, and the procedural approach that the Council settled on and proposes to follow in respect of Blindwells, are described at paragraph 2.66 and 2.70 – 2.77 of the LDP. The Council seeks a comprehensive solution for the development of the entire Blindwells Development Area. This is clearly explained at paragraph 2.71 - 2.72, 2.74 and 2.76 of the proposed LDP. The ability to deliver a single comprehensive solution for the entire Blindwells Expansion Area that complements and does not undermine the current allocation (BW1) must be demonstrated through collaborative working on the Area Design Framework and Development Brief that, if and when approved, shall be followed by a single planning application, masterplan and legal agreement for the Blindwells Expansion Area. This procedural arrangement is essential to demonstrate that landowners are willing

to and that they must work together (and that this precondition continues when the plan is operative because of these procedural arrangements). This will ensure the landowners within the wider Blindwells Expansion Area agree how the development of sites BW1 and BW2 can complement one another so they can be designed and developed as one – i.e. bring about the delivery of a single new settlement as required by the SDP.

In this sense it is noted that representation 0232/1, submitted on behalf of all landowners within the Blindwells Development Area, including Hargreaves Services Ltd, suggests that there is willingness and an enthusiasm for such collaborative working in the interests of delivering the Council's vision for a larger Blindwells. It is therefore of some concern and frustration to the Council that there would seem to be a continued ambition for a unilateral approach in respect of certain land holdings in the area. The Council submits that the MIR made clear, as does the proposed LDP at paragraph 2.77, the likely outcome in respect of the potential for any expansion of Blindwells should the Council's vision for the entire Blindwells Development Area not be deliverable. A shared vision must be reached in the preparation of the Area Design Framework, which will be developed to consider options and to identify a preferred one for the development of the land that will progress and be refined in to a Development Brief.

Notwithstanding this, the only way the Council will have comfort that all landowners will be faithful to that shared vision is if the LDP prescribes that all relevant landowners must collaborate in the formulation of a single planning application and an associated legal agreement for the Blindwells Expansion Area. Such collaborative working will be essential here to allow solutions for shared infrastructure requirements for the larger new settlement to be fully identified and delivered, including land and capital costs to be equalised and shared on a proportionate pro-rata basis as relevant and appropriate. A key issue will be to ensure that the wider site can and will be delivered in an appropriate phased manner, and that development can be delivered as quickly as possible to justify, and to provide funding for the delivery of as well as sustain the provision of new infrastructure including education infrastructure needed in association with the Blindwells Expansion Area.

It should be noted that East Lothian Council, as Education Authority, will determine whether any additional education capacity and facilities shall be provided here as well as their operational format and the phasing and location for their provision so as to make the land effective. This will directly influence whether as well as where and when development can happen on the Blindwells Expansion Area. Confirming any such arrangements will require the Council to carry out school consultations, based on an agreed vision for the development of the wider area. This will include where new facilities need be delivered relative to housing and other development, alongside consideration of likely catchment areas and the location of facilities etc. Other examples include the provision of link roads and utilities through the site between the A198 and B6363. Ensuring that proposed networks for these can be delivered and extended (without ownership issues prejudicing the ability to achieve this) will be essential.

The Council will need certainty on all relevant matters. A single planning application and legal agreement between relevant parties will be essential to secure this certainty in association with any appropriate proposal. The ambiguity in respect of there being a shared vision and genuine appetite for shared working here eluded to within this representation underscores the need for an enabling yet cautious procedural approach on behalf of the Council in respect of the potential development of the Blindwells Expansion Area. The Council submits that it remains focused on delivering the significant economic and regeneration potential associated with its vision for a larger new settlement at

Blindwells, and that other parties should continue to share this vision.

To ensure this continues to be the case while the plan is operative and that a larger new settlement can be successfully delivered, the Council submits that a change to the plan to remove the need for a single planning application and associated legal agreement in respect of the Blindwells Expansion Area would be inappropriate. **The Council submits that no modification is necessary.**

### **Policy BW3: Blindwells Area Design Framework**

#### Hargreaves Services Ltd (0349/4)

Noted. The Council submits this point is already addressed by the LDP at paragraphs 2.73 – 2.75. **The Council submits that no modification is necessary.**

### **Blindwells Cluster Miscellaneous**

#### Taylor Wimpey and Hargreaves Services Ltd (0232/1)

The Council notes the consortiums willingness and anticipation of further discussions, including with the Council and other key stakeholders such as Transport Scotland, Scottish Environmental Protection Agency, Scottish Natural Heritage, Historic Environment Scotland, Scottish Enterprise and NHS Lothian as well as Scottish Water etc. This collaborative working will be required to prepare a Draft Area Design Framework and then a Draft Development Brief, both of which will be consulted on more widely before they will / can be approved by East Lothian Council. The Council would also request that the consortium notes the statutory adoption procedures associated with Supplementary Guidance set out at paragraph 140 – 147 of Circular 6/2013: Development Planning (CD022), as explained within the Council's response to representation 0389/23. It is the Council's view that the principles set out within those paragraphs of the Circular be followed in the preparation of these documents. The Council would also request that the consortium note the descriptions of the 'Tools for Making Better Places' set out in SPP (2014) at paragraph 57 and in the table following that paragraph. The Council submits that this, and the outputs from collaborative working, will inform the scope and exact level of detail expected in relation to these documents. The Council's response to representation (0389/23) also provides further information in respect of this representation. **The Council submits that no modification is necessary.**

#### Haddington and District Amenity Society (0327/3)

The Council submits that it has made its position on Blindwells clear throughout the process of preparing the LDP. An entire section of the MIR was dedicated to that development opportunity. The Council also wants to see development progressing on the site faster, but economic conditions and the strength of the housing market have slowed the rate at which this site has progressed towards development.

Nonetheless, the site is able to be made effective. It now has new owners who have submitted fresh proposals for development which are being considered by the Council. The Council further submits that the planning application for the current BW1 allocation (application ref: 14/00768/PPM) (CD0159) is close to determination by the Council. It is possible that the current allocated Blindwells site (BW1) may deliver dwelling completions within the anticipated timescales set out in Technical Note 1.

Additionally, landowners within the wider safeguarded area are collaborating with the Council to bring forward technical work to demonstrate how a comprehensive solution that allows the development of sites BW1 and BW2 to complement one another so that there is a solution for how they can be made effective together to be developed as one – i.e. bring about the delivery of a single new settlement as required by SDP1 (CD030).

The Council submits that the proposed LDP signposts where additional strategic scale development may occur within East Lothian, subject to the scale and nature of any strategic development requirements for East Lothian set by a review of the SDP (LDP paragraphs 2.11, 2.84 - 2.85, 2.114, 2.132, 2.154). The Council submits that no change to the plan is necessary. **The Council submits that no modification is necessary.**

Hargreaves Services Ltd (0349/1)

Noted, but the Council seeks the full development of the Blindwells Development Area, not its partial development as set out at paragraph 2.71 of the LDP. See also response to representation (0349/3). **The Council submits that no modification is necessary.**

### **Blindwells Cluster Support**

Scottish Environment Protection Agency (0252/60); Hargreaves Services Ltd (0349/2); Alan Lindsey (0369/2)

Support Noted

### **Reporter's conclusions:**

#### **Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

#### **Blindwells Cluster Introduction**

2. E Macdonald comments generally concern the allocation of Blindwells and I deal with their specific comments under PROP BW1: Blindwells New Settlement below.

3. The modification sought by Network Rail is to include reference to the closure of the St Germain's level crossing within the part of the plan dealing with the Blindwells Cluster and transport. At paragraph 4.25 of the plan, it already refers to the potential to remove St Germain level crossing to improve safety on the East Coast Main line once a vehicular and pedestrian overbridge is provided at Blindwells. PROP T13 identifies the need for further assessment of the proposal for an overbridge along with the potential alignment of a new four track section of rail track, a new rail station and car park.

4. The council's response does not consider it appropriate to secure developer contributions towards the removal of the level crossing as it relates to an existing situation and no project is identified. However, Network Rail's request appears to be more to



establish the principle that the closure of the level crossing will take place. In Issue 18a: Transport General, as a statutory consultee, we acknowledge that Network Rail will be consulted upon planning matters relevant to rail infrastructure, including level crossings. Network Rail will also be ultimately responsible for deciding whether to close the level crossing. As the plan is to be read as a whole I do not consider it necessary to include further references to a project which the plan acknowledges is still to be assessed and is dependent on external funding and support. Therefore, no modification is recommended.

### **PROP BW1: Blindwells New Settlement**

5. E Macdonald's concerns relate to the specific location choice for Blindwells, the overall scale of housing proposed within the plan, coalescence of communities, impacts on tourism and energy usage. I note that the representation by Haddington and District Amenity Society objects to the allocation of Blindwells unless a timescale can be confirmed. Wemyss and March Estate's representation also concerns what they term 'the council's failure to find an appropriate comprehensive solution for the Blindwells area' and questions whether the allocation (BW1) should remain within the plan.

6. SESplan supports the development of a new settlement at Blindwells and the 1,600 dwellings already committed in Proposal BW1. The vision in SESplan is for a settlement of 4,600 dwellings and it is expected that the local development plan will require comprehensive solutions to be identified that will deliver the whole settlement and define the allocation within which it will be delivered. The council highlights that a planning application has been submitted for BW1 and that it is minded to grant planning permission in principle subject to a Section 75 legal agreement. The site is located within the strategic development area and would align with SESplan's requirements and the spatial strategy of the proposed plan. The proposed development would also utilise a former opencast coal area. The Strategic Environmental Assessment of this site (CD60e) indicates that there are no major physical constraints to developing the site, which has been carried forward from the adopted local plan. Given the conclusions reached in the assessment and the progress made with the current application, I am satisfied that Proposal BW1 is suitable for inclusion as an allocation for mixed use and that the residential and employment allocations will help to meet the land requirements identified in the plan.

7. The council refers in its response that proposal BW1 is programmed to start in 2020/21. This is consistent with the programming start date within the 2017 housing land audit and provides confirmation of the timescale as requested by Haddington and District Amenity Society. As discussed in Issue 12: Planning for Housing, this latest audit has been agreed by Homes for Scotland. The modification requested by Homes for Scotland essentially relates to Table HOU1 of the plan which I consider in Issue 12.

8. Royal Society for the Protection of Birds raises concerns that there is a lack of references to biodiversity enhancement/maintenance within the Blindwells proposal. The council response highlights various plan-wide policies that deal with the protection and enhancement of natural heritage. Policies NH1 to NH5 of the plan and the criteria within policies DP1, DP2 and DP4, provide sufficient measures to ensure biodiversity is fully assessed on specific sites and as part of the design process. As the plan is to be read as a whole, I do not consider it necessary to include detailed proposals on this matter within Proposal BW1 itself. Therefore, no modification is recommended in response to this representation.

**PROP BW2: Safeguarded Blindwells Expansion Area**

9. Paragraph 2.9 of the plan indicates that the vision of the council is to expand Blindwells further east to a size of around 6,000 homes with more employment land and other mixed land uses including a sub-regional town centre. A comprehensive solution with appropriate phasing and timing of development and provision of infrastructure, services and facilities, is considered essential to deliver the council's vision for a larger new settlement.

10. SESplan supports the development of a new settlement at Blindwells. The vision is for a settlement of 4,600 dwellings and it is expected that the local development plan will require comprehensive solutions to be identified that will deliver the whole settlement and define the allocation within which it will be delivered.

11. The plan sets out the process by which the Blindwells Expansion Area is intended to be brought forward. The plan confirms in paragraph 2.72 that a comprehensive solution for a larger Blindwells has not yet been found however the council remains committed to try and secure such a solution for the whole area encompassed by Proposals BW1 and BW2 referred to as the Blindwells Development Area. A Design Framework (as referred to in Policy BW3) is to be prepared by the council as non-statutory supplementary guidance to provide the context for engaging and collaborating with relevant landowners, key agencies and other stakeholders. Following this, if a comprehensive solution involving the relevant landowners can be agreed and is accepted by the council, it will prepare a Development Brief. The council states that the adoption of the brief as statutory Supplementary Guidance would then confirm the allocation of Proposal BW2 within the plan. This will allow a single planning application accompanied by a single masterplan and Section 75 legal agreement to be prepared.

12. Proposal BW2 attempts to cover the scenario described above however the plan acknowledges in paragraph 2.77, that if comprehensive solutions cannot be found within a reasonable timeframe, the concept of expanding Blindwells may need to be deleted from the spatial strategy.

13. Transport Scotland raises concerns that the proposal could have significant implications for the strategic road and rail network. They consider that the assessment of the expansion of Blindwells, which then has the potential to become part of the plan through supplementary guidance, should not be left subsequent to the plan's adoption. I agree with Transport Scotland's position on this, the reasons for which are set out in paragraphs 14 to 19 below.

14. Circular 6/2013: Development Planning sets out the circumstances where supplementary guidance is appropriate. Whereas a development brief is a suitable topic for supplementary guidance, any development proposal of more than local impact is not. In the case of Proposal BW2, the overall scale of development indicated is clearly of more than local impact. Section 27(2) of The Town and Country Planning (Development Planning) (Scotland) Regulations 2008, requires supplementary guidance to be limited to the provision of further information or detail in respect of policies or proposals set out in the plan. The council does not agree that BW2 should be allocated at this time and I agree that it should remain safeguarded. Essentially however, the council intends to use supplementary guidance to confirm the allocation of the site retrospectively after the plan has been adopted. Such an approach would not be consistent with the circular or the above regulations.

15. The Strategic Environmental Assessment includes a site assessment which takes in the whole of proposals BW1 and BW2. It is noted that the whole site is located within the strategic development area and generally aligns with SESplan's requirements. It would also utilise a former opencast coal area. Although no major physical constraints to development are highlighted, the assessment acknowledges that it has not yet been established whether there is sufficient infrastructure capacity to serve the development and what the timescales would be for achieving this.

16. The council argues that Proposal BW2 establishes the main principle of the development and this has been subject to consultation and will be subject to examination. It also states that the plan sets out the items for which financial or other contributions will be required and where key interventions will be necessary in association with the expansion of Blindwells. While I note that some of the matters such as school provision, new sports pitches, changing facilities and primary health care (PROP ED3, CF1, HSC2), have initially been considered by the council in anticipation of Proposal BW2, Transport Scotland highlights that the Transport Appraisal work does not include the potential for the full 6,000 units at Blindwells.

17. An updated Transport Appraisal and additional modelling (updated DPMTAG Report) has now been completed as discussed in Issues 18a, 18b, 18c and 18d. The updated assessment indicates that the full build-out of Blindwells, which may be delivered beyond the lifespan of this plan, will require further mitigation at Bankton junction with possible requirement for enhancement of the A198 and Meadowmill Roundabout. The overall assessment suggests that the council has given some consideration to this issue and the plan recognises the likelihood of certain interventions in relation to the expansion of Blindwells. While we accept the contextual value of this new evidence, we do not agree that additional mitigation measures should be added to the plan as suggested by the council and highlighted in Issues 18a and 18d. Broad consideration has been given to the mitigation measures associated with the full build-out of Blindwells, however the evidence suggests that the most detailed consideration to date has been given to the implications of Proposal BW1. Therefore, I do not accept the council's general argument that the key interventions are sufficiently advanced and specified within the plan to justify the allocation of BW2.

18. While I acknowledge the council's readiness to progress the Blindwells Development Area if a comprehensive solution can be agreed, I do not consider it necessary to make provision within the plan for allocating the whole site at this time. The housing land requirement for the plan focuses on the period to 2024. Beyond 2024, while accepting that certain sites will continue, including BW1, the council asserts that this is a matter for the next strategic development plan; a position I agree with in Issue 12. I also note that SESplan does not expect any more than the 1,600 dwellings already committed to be delivered prior to 2032, although if a comprehensive solution can be found, additional earlier completions may be possible. However, even if such a solution is agreed, SESplan expects that completions will be over the period 2019 to 2024 at the earliest. According to the latest housing land audit (2017), Proposal BW1 is likely to contribute 291 units by 2024. It is not possible to know at this stage over what period Proposal BW2 may be able to contribute. While the plan seeks to identify a longer term position with regard to Blindwells, within Issue 12 I find that sufficient land is allocated within the plan (as recommended to be modified) to meet the requirement identified by SESplan. Therefore provision for the allocation of additional sites is not required.

19. Overall, I do not support the confirmation of the allocation of the site through



supplementary guidance as suggested by the plan. Such an approach would not be consistent with the aforementioned circular or regulations and is not supported by the evidence presented. Therefore, I recommend that all references within Proposal BW2 to adopted supplementary guidance confirming the allocation of the safeguarded Blindwells Expansion Area should be deleted. This also includes similar statements made in Policy BW3 and paragraphs 2.9, 2.75, 2.80, 2.81 and 3.36 of the plan.

20. I acknowledge SESplan's vision for a new larger settlement at Blindwells. I also accept that retaining a safeguarded status for BW2 would assist negotiations in finding a comprehensive solution for the entire Blindwells Development Area. Therefore, I find there to be compelling arguments for Proposal BW2 to remain safeguarded while these solutions are investigated and I recommend that it remains as such in the plan. It would then be for a future review of the local development plan to confirm or not the allocation of the site.

21. Some of the representations made under this issue are concerned regarding the loss of prime agricultural land and the loss of biodiversity on the site. Specific objection is raised to the inclusion of Greendykes Farm within the area of BW2. While I note these concerns, Proposal BW2 is to safeguard the area only and my conclusions outlined above recognise that further assessment would be required to establish the site as an allocation within the plan. My recommendations seek to clarify this matter and as such, negate the need for any further modifications in response to these representations.

22. Taylor Wimpey and Hargreaves Services Ltd seek amendments to BW2 to include a caveat that the development brief (rather than the local development plan) will specify the infrastructure requirements for the expansion area. They also comment under the miscellaneous section of this issue that amplification of the anticipated scope and outcome of the development brief is required. Hargreaves Services Ltd further requests that the need for a single planning application and legal agreement is removed from BW2 given that there will be an overarching design framework which all landowners will have an input to.

23. As I have concluded above, and within Issue 31: Delivery, the interventions for which and locations where developer contributions will be sought, should be clearly set out in the plan. The exact levels of developer contributions or methodologies for their calculation are matters for supplementary guidance providing there is an appropriate context or 'hook' to link it to the plan. As highlighted above, the plan recognises that various interventions are likely required to deliver certain infrastructure relating to BW2. However, the development of a comprehensive solution which would assist this process and further refinement of the specific interventions is still required. Circular 6/2013 suggests that in order for supplementary guidance to deal with detailed matters there must first be sufficient clarity or context for this within the plan; the principle should not be first established in supplementary guidance. Therefore, I do not recommend the introduction of a caveat as suggested.

24. I note that the purpose of the proposed development brief (which would follow the publication of a design framework) includes detailing the delivery mechanisms for the provision of shared infrastructure including areas of land to which the associated legal agreement would relate. Ordinarily, a development brief would come after or alongside the allocation of a site within the plan. Elsewhere within the plan, development briefs are intended as supplementary planning guidance (non-statutory) in relation to allocated sites.

25. In this case, my recommendations set out at paragraphs 19 and 20 above would ensure Proposal BW2 remains safeguarded as part of this plan. As stated within Circular 6/2013, although a development brief can be supplementary guidance, an appropriate context for it should be provided in the plan. Given that BW2 is to remain safeguarded and not allocated, I do not consider that a sufficient hook exists within the plan to establish the development brief as supplementary guidance. Therefore, I recommend such references are deleted from BW2. I also recommend that references within Proposal BW2 which lend support to any proposal conforming to the brief, along with any required assessments, should also be deleted. Similarly, I recommend deleting those statements which endorse the submission of a single masterplan and legal agreement as such statements are not necessary at this stage.

26. Midlothian Council's concerns relate to the potential loss of retail trips from other centres if a sub-regional town centre is established in association with the expansion of Blindwells. The plan refers at various places (paragraphs 2.9, 2.10 and 2.71) to a sub-regional town centre as part of BW2 and that it would be of a scale that would serve surrounding communities. Proposal BW1 is expected to provide a local centre. A local centre is defined in the glossary of the plan as a local shopping centre. No glossary definition is provided for the proposed sub-regional town centre. The network of centres set out in SESplan defines Edinburgh City Centre as a regional town centre and Livingston as a sub-regional (or strategic) town centre serving the SESplan area along with Kirkcaldy, Dunfermline and Glenrothes. Other town centres are to be identified within local development plans.

27. The council's response indicates its intention to establish a new sub-regional town centre to bring significant economic and regeneration benefits and to provide a wider range and choice of goods closer to where people live, reducing the need to travel outwith the area. I have not been made aware of any evidence produced in support of the plan which has assessed the overall capacity and impact of such an approach on the existing network of centres. Technical Note 3: Planning for Town Centres and Employment (CD48), while summarising the mixed response to the Main Issues Report on this matter, provides no further detail. While I am not dismissing the potential for the establishment of a town centre to be explored, the scale of such a centre is a matter for the allocation of BW2 and therefore in the context of a future local development plan. In the absence of any strategic context provided by SESplan to establish another sub-regional town centre, I recommend that the reference to 'sub-regional' in paragraphs 2.9, 2.10 and 2.71 is deleted from the plan.

### **PROP BW3: Blindwells Area Design Framework**

28. Proposals BW2 and BW3 refer to the preparation of a design framework to provide a vision for the new settlement. It will be led by the council and provide the basis on which to determine whether a comprehensive solution for the development exists. Ensuring such a solution exists would be consistent with SESplan and is intended to be a prerequisite to the preparation of the development brief. Ensuring all landowning parties are involved in this framework is a matter for the council to deliver. Therefore I am unable to recommend any modification to deal with this.

### **Blindwells Cluster Miscellaneous**

29. The matters raised by Taylor Wimpey and Hargreaves Services Ltd are responded to in paragraphs 23 and 24 above.

30. The matter raised by Haddington and District Amenity Society is responded to in paragraph 7 above.

**Reporter’s recommendations:**

Modify the local development plan by:

1. In paragraph 2.9, deleting the text “sub-regional” within the third sentence.
2. In paragraph 2.9, deleting the penultimate sentence.
3. In paragraph 2.10, deleting the text “sub-regional” within the last sentence.
4. In paragraph 2.71, deleting the text “sub-regional” within the second sentence.
5. In paragraph 2.75, deleting the text “and would be adopted by the Council as Supplementary Guidance” in the third sentence.
6. In paragraph 2.75, deleting the last two sentences.
7. Amending the third paragraph of PROP BW2 to read:

“If a comprehensive solution for the development of the entire area is found, it will be detailed in a Development Brief. This brief will also detail the delivery mechanisms for the provision of shared infrastructure as necessary to enable an appropriate phasing and timing of development, including the identification of areas of land to which the associated legal agreement would relate. The preparation of this brief will be led by the Council working collaboratively with others, including relevant landowners, the Key Agencies and other stakeholders.”

8. Deleting the entire fourth paragraph within PROP BW2: Safeguarded Blindwells Expansion Area commencing: “Once such Supplementary Guidance has been adopted by the Council, this will confirm the allocation of the safeguarded Blindwells Expansion Area...”

9. In paragraph 2.80, amending the last sentence to read:

“For the avoidance of doubt, this non-statutory supplementary planning guidance will be additional to the Development Framework already adopted for Proposal BW1.”

10. In paragraph 2.81, deleting the following text from the last sentence:

“which if adopted by the Council as Supplementary Guidance, would confirm the allocation of the safeguarded Blindwells Expansion Area to contribute to the development of a larger new settlement as Blindwells.”

11. Amending the second sentence of Policy BW3: Blindwells Area Design Framework to read:

“For the avoidance of doubt, this non-statutory supplementary planning guidance will be additional to the Development Framework already adopted for Proposal BW1.”

12. In paragraph 3.36, deleting the third sentence commencing: "However, if such a solution is found as this LDP is operative...."

<b>Issue 6</b>	<b>Tranent Cluster</b>	
<b>Development plan reference:</b>	Tranent Cluster- p.31-37	<b>Reporter:</b> Jo-Anne Garrick
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Linda Moonie (0009)                  Andrew Plenderleith (0012)                  Graeme Chatham (0019)                  Mr &amp; Mrs C Allan (0022)                  Gordon Kerr (0033)                  A Kerr (0046)                  Rhona &amp; Neil McIntyre (0047)                  Lindsey Bamber (0050)                  Hew Balfour (0057)                  Richard Atkins (0076)                  Mr &amp; Mrs Elaine Ritchie (0082)                  Kenneth Ritchie (0093)                  Glenn &amp; Avril Thomson (0108)                  Bankpark Residents Association (0114)                  Harriet Morrison &amp; Francis Kelly (0127)                  Suzanna Hamilton (0130)                  PE Grant (0132)                  Walker Group (0138)                  Chris Davidson (0142)                  Jacob Manning (0143)                  Fiona Mclean (0144)                  Margaret Clark (0150)                  Mr &amp; Mrs T Hepburn (0147)                  Anthony Burnet (0173)                  Highland Residential Developments (0174)                  Andrew Thomson (0177)                  Grant Middleton &amp; Aileen Burnett (0178)                  Kevin McCulloch (0179)                  Candy Hatherley (0182)                  Alistair &amp; June Duff (0191)                  William Crawford (0198)                  Hamilton Farming Enterprises Ltd (0199)                  Paul Jaworski (0203)                  Messrs R and A Kennedy (0205)</p>	<p>Gladman Scotland (0207)                  Messrs R &amp; A Kennedy (0208)                  Balfour Beatty (0209)                  Rebecca Salt &amp; Michael Simpson (0225)                  Messrs R and A Kennedy &amp; Omnivale (0227)                  Clive Lucas (0240)                  Sally Lucas (0241)                  Scottish Environment Protection Agency (0252)                  Omnivale Ltd (0268)                  Elsie Cachet (0319)                  Alistair Kettles (0320)                  Haddington and District Amenity Society (0327)                  Taylor Wimpey (0328)                  Adrian Kidd (0329)                  Humbie, East and West Saltoun and Bolton Community Council (0332)                  Karting Indoors Ltd (0342)                  Alistair Beck (0352)                  Gill Highet (0358)                  David Thomson (0360)                  Chris Crosby (0366)                  Alexis Inglis (0376)                  Chris &amp; Joy Clark (0377)                  Balfour Beatty (0384)                  Persimmon Homes (0397)                  Fiona Docherty (0411)                  Sam Mutters (0415)                  Rob Moore (0418)                  Michael Buchanan (0427)                  Linda Kelly (0421)                  Kevin Reid (0442)</p>	
<b>Provision of the development plan to which the issue relates:</b>	<p>PROP TT1 – Housing at Windygoul South, Tranent                  PROP TT2 – Windygoul Primary School Expansion Land                  PROP TT3 – Employment at Windygoul South, Tranent                  PROP TT4 – Lammermoor Terrace, Tranent                  PROP TT5 – Bankpark Grove, Tranent                  PROP TT7 - Macmerry North                  PROP TT9 - Gladsmuir East                  PROP TT10 - Limeyards Road, Ormiston</p>	

	<p>PROP TT11 - Elphinstone West          PROP TT12 - Woodhall Road, Wester Pencaitland          PROP TT13 – Lempockwells, Wester Pencaitland          PROP TT14 – Park View, Easter Pencaitland          PROP TT15 - Humbie North          PROP TT16 - East Saltoun          POL TT17 - Development Briefs</p>
<b>Planning authority's summary of the representation(s):</b>	
<p><b>Tranent Cluster Strategy Map</b></p> <p><u>Walker Group (0138/3)</u></p> <p>The term "mixed use" is used throughout the LDP and Main Strategy Diagram lists it separately from housing and employment. Clarification of what exactly is meant by mixed use is required. Given that PROP TT3 to the west of TT1 is an employment site it is not envisaged that TT1 will include employment uses within it and the proposed school expansion site TT2 is identified separately. This site was promoted for and should be identified as a housing site.</p> <p><u>Karting Indoors Ltd (0342/2)</u></p> <p>Map change in support of representation to change the use of the present Karting Indoors Ltd facility to an employment/roadside services use.</p> <p><u>Chris &amp; Joy Clark (0377/1)</u></p> <p>The area of land allocated for housing in Humbie – PROP TT15 should be reduced in size from 1.7ha to 0.5ha</p> <p><b>Tranent Cluster Introduction - pg 32</b></p> <p><u>Walker Group (0138/4)</u></p> <p>Tranent Town Centre will continue to be the focus for active land uses in the cluster including retail, commercial and business uses therefore why is PROP TT1 identified for "mixed uses"? The Walker group is fully supportive of the allocation of PROP TT1 for housing and to accommodate the expansion of Windygoul Primary School. Walker Group supports the future Tranent Eastern by-pass and a link road between the B6371 and the B6414 through sites PROP TT1 and PROP TT3 but that provided the link is not prejudiced, PROP TT1 should be treated independently of PROP TT3. Acknowledges that access arrangements should have regard to planned development such as Blindwells (PROP BW1) but it would be unreasonable to prevent the consideration of an eastern by-pass arrangement on the grounds that it might prejudice scheme (PROP BW2) given that there is no guarantee that it will come forward. PROP BW1 is not anticipated to come forward before 2020/2021. The timescale for the safeguard area must be 10-15 years away.</p> <p><u>Karting Indoors Ltd (0342/3)</u></p> <p>The land to the north of the A1 Gladsmuir Junction is located at a highly accessible location of the SDA and on the strategic road network of the A1. The site should be recognised as suitable location for employment/roadside service use and should be</p>	

identified as such on the Tranent cluster map.

**PROP TT1 – Housing at Windygoul South, Tranent**

Andrew Plenderleith (0012/1) Richard Atkins (0076/1) Harriet Morrison & Frances Kelly (0127) Chris Davidson (0142) Kevin McCulloch (0179) Adrian Kidd (0329) David Thomson (0360/1) Alexis Inglis (0376) Fiona Docherty (0411/1) Walker Group (0138/5) Messrs R and A Kennedy (0205/1) Messrs R and A Kennedy (0208/1) Messrs R and A Kennedy & Omnivale (0227/1) Omnivale Ltd (0268/3)

- An additional 550 houses is excessive
- Identity of Tranent will be eroded
- Loss of settlement edge
- Overdevelopment of the area
- Erosion of greenbelt
- Loss of prime agricultural land
- Existing residents of nearby steading development should be provided with enhanced infrastructure such as road connections, mains drainage and gas distribution.
- Impact on local biodiversity
- Poor public transport links that need improved
- Infrastructure cannot cope upgrading of the road network is required
- Road traffic congestion in and around Tranent will be exacerbated by the increased traffic resulting from new development
- Road safety will be compromised especially around Tranent town centre and schools
- need for a relief road to support new development
- The additional traffic would exacerbate traffic congestion and existing air quality issues in Tranent
- Devaluation of property due to:
- Loss of view from existing properties
- Disruption and noise from the construction period
- Destruction of the countryside setting of nearby steading development
- Proximity to social housing
- development impacting on amenity of area
- Impact on infrastructure:
- Impact on local schools with additional demand for places and the deterioration of the resultant learning environment
- Impact on local health service with increased demand
- Impact on leisure facilities
- Landscape impacts
- Development should be directed to Blindwells

Andrew Plenderleith (0012/1)

Raised concerns about the further erosion of the greenbelt and the overdevelopment of the area.

Richard Atkins (0076/1)

East Lothian Council needs to ensure that each of its settlements including Tranent

maintains a strong identifiable edge between the settlement and the countryside. Further development southwards will remove that cohesive settlement boundary. There is considerable traffic pressure on Tranent High St which can only be increased by further development and can only be addressed by an east-west relief road. PROP TT1 would result in a loss of view from existing properties and destroy the countryside setting of Carlaverock Farm Cottages. Therefore Residents of Carlaverock Farm Steading should be provided with enhanced infrastructure such as road connections, mains drainage and gas distribution.

Harriet Morrison & Frances Kelly (0127)

Tranent High Street and surrounding approach roads are grid locked at peak times and an additional 1000 plus cars will add to the problem. With another 2000 plus residents in the new homes is the health centre going to cope. How will the primary school cope with an extra 1000 children? There will be an impact on existing homes and surrounding area - the peace and quiet of the area and the beautiful views will be taken away and decrease the value and saleability of homes. If development goes ahead existing residents should be included in mains gas and underground electricity cabling, mains drainage and road re-surfacing. Will the new houses have a substantial tree belt between them and the farm, farm houses and research centre?

Chris Davidson (0142)

Object to the proposal because: Loss of view, disruption and noise from the construction of the houses and once they are occupied, devaluation of property. There will be issues with capacity at the school and with the road infrastructure around the school at drop off and pick up times. By increasing the size of the school children's education and learning experience would be hampered. Healthcare and leisure facilities in Tranent will not be able to cope with demand. New development should be directed to Blindwells and other new towns rather than expanding existing towns.

Kevin McCulloch (0179)

The proposal will result in a large increase in the amount of traffic in and around Tranent where the road network is already under pressure and particularly in the Windygoul area. High rise and high density building would not be appropriate for a small town. Trees lost to facilitate the expansion of the school should be replaced.

Adrian Kidd (0329)

Had been advised in 2009 by developer that no further building would take place for at least 18 years. The existing infrastructure - road network, and access - is not sufficient and the volume of traffic entering and leaving Tranent will increase. This will be a road safety issue given the proximity of the site to the school. This increase in road traffic will also increase in emissions and will exacerbate the existing problem of air quality on Tranent High Street. The increase in houses will also place greater demand on primary and secondary schools. The GP practice is at capacity how will it cope with increased demand. The site is prime agricultural land and development of it will impact on wildlife in the area.

David Thomson (0360/1)

Objects to the proposal because: Loss of view and proximity to social housing may devalue



property, increase in traffic, disruption and noise from the construction of the houses would impact quality of life of existing residents. There will be an increase in the volume of traffic around the school.

Alexis Inglis (0376)

An additional 550 homes is excessive which the Tranent infrastructure cannot accommodate. The roads are already under pressure with long queues on Edinburgh Road and on the High Street. There will be road safety issues around the primary school with the risk of accidents increasing. There will be capacity issues at Ross High and with the Health Centre which is already oversubscribed. The increase in traffic through Tranent will exacerbate existing air quality issues in Tranent.

Fiona Docherty (0411/1)

Facilities in Tranent are already stretched to capacity. It is difficult to access sports facilities for children. The services and shops are inadequate. Public transport is poor and improvements are needed to the A1 link prior to any increase in housing.

Walker Group (0138/5)

It is not clear what is meant by "an appropriate higher density". Windygoul South is a residential site located on the urban edge of the town and an appropriate density would have regard to its urban edge location.

The Windygoul South site is only required to deliver housing. PROP TT2 site will include community uses including the full sized grass pitch with changing facilities as part of the expansion of Windygoul Primary School. Windygoul South should be identified as a housing site.

Messrs R and A Kennedy (0205/1)

Allocation of this site is supported if it is combined with TT3 into a single mixed use allocation.

Messrs R and A Kennedy (0208/1) & Messrs R and A Kennedy & Omnivale (0227/1)

Proposal TT1 should be deleted from the proposed LDP.

Omnivale Ltd (0268/3)

Objects to the allocation of this site. This allocation would generate additional traffic movements through Tranent that would exacerbate existing air quality issues in Tranent.

**PROP TT2 – Windygoul Primary School Expansion Land**

Walker Group (0138/6)

The Walker Group is concerned that the area required for safeguarding is not specified in the proposal. The SG Developer Contributions Framework states that the additional campus land at Windygoul total requirement is 1.124ha. This should be clarified in the text for PROP TT2.

Fiona Docherty (0411/2)

The school has already been extended twice since it opened. Numbers at the school are very large and there is a risk of the numbers becoming overwhelming from a management point of view and for the children in the school. A better is to build a new school would be a more acceptable option.

**PROP TT3 – Employment at Windygoul South, Tranent**

Messrs R and A Kennedy (0205/2) David Thomson (0360/2)

- Loss of view will devalue property
- Disruption from increase in traffic – noise, dust- will impact on quality of life
- No need for further employment land as there is a lack of demand – land at Macmerry industrial estate and Elphinstone Road have not been utilised
- Combine TT1 with TT3 to make one allocation

Messrs R and A Kennedy (0205/2)

Allocation of this site is supported but should be combined with TT1 into a single mixed use allocation.

David Thomson (0360/2)

Objects to the proposal because - Loss of view would devalue his property. Siting employment uses adjacent to residential property will cause significant disruption from increase in traffic, disruption, dust and noise to quality of life of existing residents. Questions the need to identify land for employment uses as existing buildings in Tranent, and land at Macmerry Industrial Estate and on Elphinstone road have not been utilised which indicates lack of demand.

**PROP TT4 – Lammermoor Terrace, Tranent**

Persimmon Homes East Scotland (0397/2)

Support inclusion of site in plan but proposes that the number of units on the site should be increased from 120 to 180 as the site area is not 4 ha but 4.65ha but which would give a housing density of 38 units/ha.

**PROP TT5 – Bankpark Grove, Tranent**

Kenneth Ritchie (0093) Bankpark Grove Residents Association (0114) & Mr & Mrs T Hepburn (0147/3)

- Roads at Bankpark Crescent and Bankpark Grove not designed to accommodate additional houses
- Additional houses will exacerbate existing congestion in Tranent
- Increase in traffic is a concern especially onto Edinburgh Road via Bankpark Crescent
- Visibility at access point is poor
- If a new access road is formed along Brickworks Road this will harm the character, landscape and the natural heritage of the area.

- Impact on local school
- Impact on local health facilities
- Ownership of perimeter wall needs established as it is jointly owned
- The area of open space at Bankpark Crescent and Bankpark Grove is not public and is privately owned
- Old mine workings are prevalent
- Existing residents will suffer loss of views

Kenneth Ritchie (0093)

The allocation of the site will require a new access road to be built. This would harm the beauty of the area as it is likely to be along Brickworks Road which would have to be made into a two way road causing damage to the natural heritage of the area. There would be a dramatic rise in traffic near to Bankpark Brae which is used by dog walkers, children and families which would cause concerns. This development would put pressure on the local schools and health centres. Clarification would be needed regarding the ownership of the north perimeter wall surrounding the farmer's field at the Glebe which is jointly owned by residents and the Church of Scotland.

Bankpark Grove Residents Association (0114)

The preferred route is stated as from Bankpark Gove via Bankpark Crescent and there is reference to public open space. This open space is not public. It is a private park which belongs to the 69 proprietors of Bankpark Grove/Crescent. To gain access to the park to the site from Bankpark Crescent would require any developer to purchase a portion of this park. A further 80 houses would double the traffic using the only access from Edinburgh Road via Bankpark Crescent. This junction is already under significant strain and can be difficult to exit. The proposal will make the road very busy and the junction at the proposed access point has poor visibility.

Mr & Mrs T Hepburn (0147/3)

The roads of Bankpark Crescent and Bankpark Grove were not designed to accommodate the volume of traffic associated with the additional 80 houses. The increase in traffic poses a road safety issue. Additional building and associated traffic management systems e.g. traffic lights will exacerbate congestion in Tranent. The residents of Bankpark own the land to the west of the proposed site. Old mine workings are prevalent in the area and mitigation of these could affect the water table. Existing residents will lose the view from their houses.

**PROP TT7 - Macmerry North**

Linda Moonie (0009) Rhona & Neil McIntyre (0047) Mr & Mrs Elaine Ritchie (0082) Glenn & Avril Thomson (0108) William Crawford (0198) Balfour Beatty (0209/2) Kevin & Ina Reid (0442)

- How will village accommodate an additional 150 new homes – lack of infrastructure
- Issues with local road network especially around Tranent High St.
- Impact on road safety especially around the school - Existing access at Greendykes Road onto the estate from the A199 is close to Macmerry Primary school a better access should be found.
- Concern about volume of traffic using Chesterhall Avenue

- Impact on schools,
- Impact on GP facilities
- Loss of landscape strip and impact on habitat and wildlife
- Ownership of landscape strip
- Loss of privacy
- Loss of safe play area
- Lack of GP facilities
- Loss of privacy, security issues and noise nuisance from pedestrians and cyclists
- Location of affordable housing in relation to current residential housing could cause issues of privacy, security issues and noise nuisance
- Children play on the cul-de-sac at Chesterhall Avenue
- No detailed layout is available for comment
- Impact on the policing of the area
- Shop cannot cope
- Increase size of site and number of units from 150 – 200 units

Linda Moonie (0009)

Concerned regarding development of site due to loss of landscape strip between back garden and site which provides a natural habitat for wildlife and gives privacy to garden and safe environment for children to play in back garden. Concerned about impact of development on transport and on GP facilities in the area.

Rhona & Neil McIntyre (0047)

They are concerned that the village cannot accommodate an additional 150 new homes and there will be a considerable impact on schools, road safety, especially around the school, on the policing of the area, on GP and medical facilities, shop and other community facilities and on the sewage of the area. If the cul-de-sacs at Chesterhall Ave are to be used as a means of access into the site, what compensation will be given to the residents who own the strip of land over which that access would have to cross?

Mr & Mrs Elaine Ritchie (0082)

Concerned that the village cannot accommodate an additional 200 new homes and there will be a considerable impact on the village. The infrastructure cannot cope. The primary school is already at capacity, the shop is not competitive, GPs services are unable to cope with demand, the road network is already under pressure and there are already issues entering and leaving Tranent High Street. The use of a small cu-de-sac for pedestrians and cyclists would cause a loss of privacy, security and noise nuisance to existing residents. Locating affordable housing close to current residential housing would cause disturbance noise, pollution and security issues.

Glenn & Avril Thomson (0108)

Have issues with the use of the two cul-de-sacs within Chesterhall Avenue to allow access to the site due to concerns about safety of young children who play on the cul-de- sac. Were told by developers that future development would not be accessed from the cul-de-sac. Object to the loss of the landscape strip that runs the length of the west site of the existing development and which is owned by residents.

William Crawford (0198)

The exit and entry roads are not adequate for development and potentially dangerous especially around the primary school. An alternative exit should be found. Additional vehicles using Chesterhall Avenue will be a road safety risk to the children who play on that street.

Balfour Beatty (0209/2)

Increase size of site and increase number of units on the site from 150 to 200 homes.

Kevin & Ina Reid (0442)

Site access - Understand that the access to the new 150 home site is through the two spur roads at either end Chesterhall Avenue. Concerned for the volume of traffic both in the construction phase and on completion resident vehicles which is going to use both spurs as a consequence of this extension. The present cul-de-sac environment is greatly valued by the many families with young children living here who are concerned for safety. The existing entrance at Greendykes Road onto the estate from the A199 is close to a bend opposite Macmerry Primary School and is hazardous. Bringing more traffic from the additional homes to this junction will only increase the likelihood of an accident. Suggest that access to the new development is from the Old Smithy Mews end of the proposed site where line of sight both ways on the A199 is significantly better. Have not been able to find a detailed layout of the proposed site and would like to see the outline plans in order to comment in more detail on the layout of the houses and any children's play facilities, greenbelt screening etc. Is this presently available and if so how can it be accessed? Only purchased this home in July and it would appear from chatting to neighbours that this the only address in and around No 17 Chesterhall Avenue that received the consultation letter - why have neighbours not received a mail shot? Seek to engage positively in the consideration of site access and resident safety for this proposal but would oppose the development should an alternative site access route not be seriously considered at this important early planning consultation stage.

**PROP TT9 - Gladsmuir East**

Gill Highet (0358) Balfour Beatty (0384/2)

- New access should be created at east end of village
- No requirement for a masterplan for a 20 unit development

Gill Highet (0358)

Support the plan on the condition that a new access is created at the east end of the village that can accommodate the heavy plant that will be required in the construction period and the additional traffic that will accrue from the creation of the 20 new homes.

Balfour Beatty (0384/2)

Support the inclusion of the site in the LDP but they are not convinced that for a 20 unit development a masterplan will offer any substantive benefits over a design statement supporting a planning application and requests that the Council reconsider the requirement to provide a masterplan for all allocated site and accepts that a more proportionate and equally effective design response for smaller sites can be achieved through the submission of a Design Statement.

**PROP TT10 - Limeylands Road, Ormiston**

Walker Group (0138/7)

This site is a committed site which has detailed planning consent.

**PROP TT11 - Elphinstone West**

Rob Moore (0418/2)

Has raised some questions with the developer regarding this site. These have been re-directed to ELC. Some of these questions cannot be answered by ELC as they are specific to the development of the site; However where possible answers have been provided to the questions relevant to the LDP those were:

- Integration of development into the surrounding landscape
- Developer contributions sought from the site
- Building on prime agricultural land
- Impact on historic environment
- Affordable housing likely
- Noise and disturbance
- Road safety
- Air quality
- Utilities provision
- Broadband connectivity
- Impact on healthcare
- Provision of play/leisure facilities
- Landscaping
- Destruction of mature woodland

**PROP TT12 - Woodhall Road, Wester Pencaitland**

Suzanna Hamilton (0130) P E Grant (0132) Jacob Manning (0143/1) Margaret Clark (0150) Alistair Kettles (0320/1) Linda Kelly (0421)

- Noise nuisance from additional housing and vehicles
- Loss of amenity through overlooking, loss of privacy and loss of light
- Impacts on the conservation area
- Impacts on natural heritage and biodiversity
- Loss of prime agricultural land
- Contrary to paragraphs 29, 40, 79, 80, 137 and 143 of SPP 2014
- Road network cannot cope – crossing of Tyne
- Road safety issue as children play

Suzanna Hamilton (0130)

The proposed development will increase noise due to the additional 16 houses and associated vehicles which will impact on existing residents. There will be overlooking, loss of privacy and loss of light. The development of the field will affect the conservation area and its setting and also the natural heritage and biodiversity of it affecting species that use it. There will be a loss of prime agricultural land. The proposal is not in accordance with paragraphs 29, 40, 79, 80, 137 & 143 of SPP 2014.

P E Grant (0132)

The proposed development will increase noise due to the additional 16 houses and associated vehicles which will impact on existing residents. There will be overlooking, loss of privacy and loss of light. The development of the field will affect the conservation area and its setting.

Jacob Manning (0143/1)

Object to the proposals due to impact on the small village: the road network cannot cope especially at existing bottlenecks at Tyneholm Cottage and the crossing to the River Tyne. The increase in traffic will cause a road safety issue for children playing in the street especially at Woodhall Road. Development should be directed to Blindwells and away from existing villages.

Margaret Clark (0150)

Concern about size of houses that will be constructed and in particular at what height? There will be a loss of light to my property and therefore to my residential amenity. Will this set a precedent for further expansion? The scale is out of keeping with the site and will detract from the area.

Alistair Kettles (0320/1)

With the increase to 55 houses and the 2 other new housing announcements for Pencaitland; i.e. Woodhall Road and Lempockwells Road; another almost 200 additional houses in a village with next no committed public amenity alongside is a real concern. No difficulty with the concept of additional housing within Pencaitland provided amenity provision can be demonstrated, necessary road safety measures achieved and a high standard primary school maintained.

The introduction of Vinefields, The Green and Millway brought little additional amenity and the thought of another large tranche of housing without demonstrated thought of social infrastructure is alarming; another heartless dormitory village in East Lothian?

Linda Kelly (0421)

Doesn't want to see proposal go ahead which will be at the back of her house. No information on style of housing that will be built which would cause overlooking and overshadowing of existing houses, there will be increased noise and dust from increased traffic which will impact on amenity of existing residents, there are existing parking issues that need addressed, there will be road safety issues for children playing in the street and at the junction, the footpaths are in need of repair and are not gritted in the winter, development could prevent extension of existing houses due to impact on new houses, the roads are not suitable for an increased number of cars to use them or for construction traffic, concerns over occupants of new houses, the landowner is not aware of this proposal and some neighbours were not neighbour notified.

**PROP TT13 – Lempockwells, Wester Pencaitland**

Jacob Manning (0143/2) Gladman Scotland (0207/2) Alistair Kettles (0320/2)

- Impact on local road network
- Road safety issue
- Impact on local facilities

Jacob Manning (0143/2)

Object to the proposals due to impact on the small village: the road network cannot cope especially at existing bottlenecks at Tyneholm Cottage and the crossing to the River Tyne. The increase in traffic will cause a road safety issue for children playing in the street. Development should be directed to Blindwells and away from existing villages.

Alistair Kettles (0320/2)

With the increase to 55 houses and the 2 other new housing announcements for Pencaitland; i.e. Woodhall Road and Lempockwells Road; another almost 200 additional houses in a village with next no committed public amenity alongside is a real concern. No difficulty with the concept of additional housing within Pencaitland provided amenity provision can be demonstrated, necessary road safety measures achieved and a high standard primary school maintained.

The introduction of Vinefields, The Green and Millway brought little additional amenity and the thought of another large tranche of housing without demonstrated thought of social infrastructure is alarming; another heartless dormitory village in East Lothian?

Gladman Scotland (0207/2)

Support the allocation of the site in the proposed LDP but request that in line with the MIR and with a subsequent appeal decision the number of units proposed should be increased from 115 to 120 units.

**PROP TT14 – Park View, Easter Pencaitland**

Graeme P Chatham (0019) Jacob Manning (0143/3) Paul Jaworski (0203) Alistair Kettles (0320/3)

- Insufficient drainage capacity
- Impact on local road network especially at the crossing of the Tyne & at junction of the A6093
- Road safety issues
- Development out of scale and character with village
- Impacts on the conservation area and historic landscape

Graeme P Chatham (0019)

The representee has concerns regarding the ability of the site to accommodate 55 new houses because of flooding issues as the drainage system of the area is outdated.

Jacob Manning (0143/3)

Object to the proposals due to impact on the small village: the road network cannot cope especially at existing bottlenecks at Tyneholm Cottage and the cross into of the River Tyne. The increase in traffic will cause a road safety issue for children playing in the



street. Development should be directed to Blindwells and away from existing villages.

Paul Jaworski (0203)

This would be an overdevelopment of the site and out of scale with existing housing in the conservation area. It would be damaging and incongruous with the surrounding historic landscape. The housing and associated footpaths would impact on privacy and amenity and cause noise nuisance. There are issues with the access into to the site and with the drainage of it. There is poor visibility at junction of the A6093 with an access lane between 6 & 7 Park View.

Alistair Kettles (0320/3)

With the increase to 55 houses and the 2 other new housing announcements for Pencaitland; i.e. Woodhall Road and Lempockwells Road; another almost 200 additional houses in a village with next no committed public amenity alongside is a real concern. No difficulty with the concept of additional housing within Pencaitland provided amenity provision can be demonstrated, necessary road safety measures achieved and a high standard primary school maintained.

The introduction of Vinefields, The Green and Millway brought little additional amenity and the thought of another large tranche of housing without demonstrated thought of social infrastructure is alarming; another heartless dormitory village in East Lothian?

It appears the Council has acquired additional land at Parkview? At what cost and what assurance can be delivered that an excambion arrangement has not been made with adjacent landowners to enable further development in the Parkview facility. The crossroads junction of the A6093 with the B6355 has poor visibility. What impact will the additional cars generated from the 55 new houses have on that junction? Has this been assessed and costed to make the junction safe?

**TT15 - Humbie North**

Lindsey Bamber (0050) Fiona Mclean (0144) Humbie, East and West Saltoun and Bolton Community Council (0332/1) Alistair Beck (0352/1) Chris & Joy Clark (0377/2) Haddington and District Amenity Society (0327/4)

- Lack of public consultation and no clear justification for site being chosen
- Residents concerns not considered
- Landowner has not agreed to sell land
- Prime agricultural land
- Access through Kippithill not appropriate – children play on it
- No public transport and therefore an increase in traffic - additional traffic would put children pedestrians and cyclists at risk
- Emergency vehicles could be prevented from access
- New access to west of site should be identified
- Devaluation of properties
- Impacts on school
- Impacts on GP practice
- Insufficient drainage capacity.
- Stress to existing residents

- Site excessive in size and should be reduced to 0.5ha
- Design of new development should reflect that of character of village

Lindsey Bamber (0050)

The proposed access through Kipitthill is unworkable. The additional vehicle movements over an already congested access road would be a risk to pedestrians, private vehicles, ELC utility vehicles and emergency services. The landowner would facilitate access from the west side of the site as an alternative.

Fiona Mclean (0144)

Humbie not consulted on through the MIR. The landowner does not want to sell the land and concerns raised by residents have not been taken into account. There is no public transport to the village and new residents will rely on private cars which will cause an increase in traffic and pollution. The access to the site is not acceptable for a building site or for a scheme which will double the size of the village. The proposed access road is currently used by children for playing on and development will make it less safe for pedestrians going to and from the school and football pitch. The development will change the dynamics of the village. The proposal will devalue existing property prices. On what basis was this site chosen over others? What impact will development have on the school and the disruption expanding the school would cause? The GPs surgery is under pressure and how will emergency services cope with additional demand. The sewage network at Humbie is beyond capacity already. Development will cause significant stress to residents.

Humbie, East and West Saltoun and Bolton Community Council (0332/1)

Raises concerns about the LDP. Concerns of residents have not influenced the Council's proposals. TT15 is excessive relative to the size of the existing village. Concerns over growth in population. Access through Kippithill is already congested due to resident's parked cars, and the proposal would add additional 40-50 cars thereby increasing the risk to vehicles and pedestrians. New developments should be subject to the same constraints as existing properties such as building height. Adequate parking is essential given absence of public transport.

Alistair Beck (0352/1)

Object to inclusion of site in LDP. Site assessment does not identify it as being suitable for residential development. No justification for site selection or how the development will integrate with the existing village. The landowner has not agreed to make the land available for development. No assurance given that the maximum number of houses would be twenty. The access to the site is inadequate to provide safe passage to residents' vehicles. Need assurance that existing services and infrastructure can cope.

Chris & Joy Clark (0377/2)

Twenty houses as proposed through TT15 is excessive. Reducing the size of the site to 0.5ha would mitigate the negative impacts and provide for proportionate expansion. Reasons for objections: The land proposed for development is prime agricultural land, a locally and globally scarce and non renewable resource. The site assessment does not identify this site as being suitable for development, the scoring of the environmental assessment was on balance negative, too many houses for the village and rate of

expansion excessive - 70% in 7 years, the views of the villagers has been disregarded.

Haddington and District Amenity Society (0327/4)

The proposed expansion of Humbie should be reduced in size.

**PROP TT16 - East Saltoun**

Mr & Mrs C Allan (0022) Gordon Kerr (0033) A Kerr (0046) Anthony J Burnet (0173) Andrew Thomson (0177) Grant Middleton & Aileen Burnett (0178) Candy Hatherley (0182) Alistair & June Duff (0191) Rebecca Salt & Michael Simpson (0225) Clive Lucas (0240) Sally Lucas (0241) Elsie Cachet (0319) Humbie, East and West Saltoun and Bolton Community Council (0332/2) Alistair Beck (0352/2) Chris Crosby (0366) Sam Mutters (0415) Michael Buchanan (0427)

- Scale, massing and density of development a concern – 50-70% increase
- Impact on the conservation area and nearby listed buildings
- No explanation of why this site was selected
- Loss of prime agricultural land
- Impact on schools – primary school has no room to expand and more pupils will need bussed to secondary school.
- No public transport so will increase road traffic and parking demand
- Road network cannot cope – Accidents at junction with Burnet Crescent
- Impact on air quality
- Poor road links to A1 and A68
- Location of access into development close to a busy junction so a safety risk
- Infrastructure cannot cope
- No employment opportunities
- No public facilities – shop, gas mains, public transport, medical facilities & community facilities, poor mobile phone and internet connections (new properties should be heated by heat pumps as no gas mains)
- Development should be directed to larger settlements with those facilities
- New houses must fit into the streetscape of the area with appropriate boundary treatments
- Change to the dynamics of the village
- Site not marketable
- Impacts on neighbouring properties – loss of privacy, daylight and impact on local business.
- Localised flooding issues
- Existing views lost and properties devalued
- Some new homes may be holiday homes
- Development conflicts with National Policy where there is a presumption against development in the countryside.

Mr & Mrs C Allan (0022)

Concerns regarding ability of village to accommodate 75 new houses due to:

1. Impact on school which has no room to expand
2. No regular public transport to East Saltoun,
3. Lack of public amenities such as shops, broadband or other facilities

4. Road safety/traffic – Gifford to Pencaitland (B6355 assumed)
5. Road safety/traffic/access – Burnet Crescent (East Saltoun assumed)
6. Preference for avoiding over-sized houses which do not match the appearance of others in the village
7. Land earmarked at West Crescent?
8. Will the water/sewage drains cope?
9. Preference for set-back of houses from road and for hedgerows to be preserved rather than walls/fencing erected

Gordon Kerr (0033)

Objects to PROP TT16. Size of development is too large for village – increase of 50%. Effect on existing services such as schools, drainage, road safety, and going against principle of the conservation village.

A Kerr (0046)

Objects to PROP TT16 for extension of the village due to the scale (doubling the existing village) and also the conservation area. Infrastructure would not cope with additional people:

1. School capacity
2. Drainage/sewers
3. Public transport
4. Shops and public amenities
5. Wildlife (owls and bats)
6. Ambience of village

Would development not be classed as a blot on landscape? High standards are required by planners. Increase in road traffic in rural area.

Anthony J Burnet (0173)

Increasing the village by almost 70% will dramatically change its character and conflicts with National Policy. The village has no facilities - gas mains supply, shop, poor mobile phone coverage, no public transport and no medical facilities. The school would not cope with increased demand. The site assessment did not score this site highly. The development of the field will result in the loss of prime agricultural land.

Andrew Thomson (0177)

Doubling the size of the village without any consideration of impacts on education, health, leisure and social life is not acceptable to existing residents. Local road network cannot cope.

Grant Middleton (0178)

Object to proposal because:

1. No public transport so any new development will create additional traffic - a minimum of two cars per household as to get to work/social/leisure activities
2. Other than the school there are no amenities in the village. How will those on lower incomes who would occupy the affordable housing be able to access employment

opportunities services?

3. Loss of prime agricultural land and the impact on endangered wildlife species which are native to the village such as bats and hedgehogs.
4. The change to the dynamics of the village due to the increase in size. Development should be directed to larger settlements with proper facilities and transport links.

Candy Hatherley (0182)

Object to the proposal as the village has no infrastructure or facilities to support new housing, there is no public transport and the additional traffic will impact on the narrow street. There will be a loss of prime agricultural land. The school cannot cope with additional demand.

Alistair Duff (0191)

The location of the proposed development on higher ground levels will be intrusive to existing neighbouring properties and result in a loss of daylight. There is an existing business in East Saltoun which deals with horses on site and development of PROP TT16 will impact on this. There are localised flooding issues that development of the site will exacerbate. The location of the proposed play park development is in close proximity to a busy junction and would be a road safety issue due to the unsafe crossing point.

Rebecca Salt & Michael Simpson (0225)

Objects to PROP TT16 for 75 houses. Proposal for Dryden Field is inappropriate, impractical and unmarketable. Environment Report only shows 3 green scores out of 19. Why has site been included when it failed most of the selection criteria? There are more appropriate sites in other areas of the country. Key objections based on material considerations:

- Visual appearance of proposed development, relationship to surroundings, massing and density are not appropriate, scale (70% increase in size of remote village with site being elevated and exposed)
- Setting of Listed Buildings and Conservation Area which contravenes character statement for village (two storey buildings not in keeping with village changing its character and interest)
- Transport and access: public transport is inadequate and East Saltoun does not benefit from proposed rail and road network improvements, commuter village with high car usage, road safety issues at Spilmersford Bridge and crossroads near Saltoun House, traffic volumes, carbon emissions
- Site suitability: inadequate infrastructure in terms of education, medical and community facilities
- Deliverability: unmarketable location, people want good local amenities, broadband and transport links
- Environmental impacts: loss of prime agricultural land compounded by increased carbon emissions from doubling traffic, light pollution and street lighting

Clive Lucas (0240)

Objects to PROP TT16 for 75 houses. Proposal fails to meet SEA criteria, overwhelming effect of 75 houses on rural conservation area, infrastructure, and loss of prime agricultural land.

1. Suitability  
MIR did not include site as preferred or reasonable alternative.
2. Infrastructure  
Gas, broadband mobile signal, water and sewage
3. Transportation  
Rural bus service and no direct route to Edinburgh  
Occupants of affordable housing would have to rely on public transport  
Congestion on rural roads (including pick-up and drop-off at East Saltoun Primary School), and damage to environment
4. Population  
Increase in over 75s so would be better served by living close to facilities (medical and shops)
5. SPP 2014  
Contrary to Promoting Rural Development, Policy Principles, paragraph 75, paragraph 79 and paragraph 80.

Sally Lucas (0241)

The MIR stated that Dryden Field is not a viable site. East Lothian is being asked to allocate a disproportionate number of houses compared to the rest of Scotland, which will destroy the historic conservation village. Some of the 75 houses will be for holiday homes so how can this meet any kind of housing shortfall. Loss of prime agricultural land. There is no public transport and other than a small school no facilities. Where will new residents work? How will they get to work or to the doctor? There will be a reliance on cars. There is a more appropriate site behind the school that is more appropriate for development or direct development to Blindwells. The site has not been part of any full Environment Assessment. Request for bat survey.

Elsie Cachet (0319)

Scale of development unrealistic and would double the population of the village. There is no infrastructure to support development - poor public transport, play areas, mobile and internet connections? How would road safety be addressed on the busy country roads? How will the school cope with additional demand?

Humbie, East and West Saltoun and Bolton Community Council (0332/2)

Have concerns about the LDP. Dismay that concerns of residents have not influenced Council's proposals. PROP TT16 at East Saltoun is excessive in size. There is no explanation as to why this site was selected and what alternatives were considered. Scale of development is large relative to the size of the village and with the 75 houses would mean the village growing by 50% in a short period of time. The houses would be away from community facilities such as the church and the school and locating them on land at West Crescent may be a better location. New development should be subject to design policies to ensure development reflects existing built form and safeguards the conservation area in the village. Need to ensure sufficient parking is provided to accommodate cars as there is no public transport to serve the village.

Alistair Beck (0352/2)

Object to inclusion of site in LDP. Site assessment does not identify it as being suitable for residential development. No rustication for site selection or how the development will

integrate with the existing village.

Chris Crosby (0366)

No doctor within 6 miles and there is an ageing population - poor location for 75 new homes. More people commuting to Edinburgh - There are poor road links to the A1 and A68 and this proposal will increase the strain on the local road network, homes will not be affordable to young couples. No local facilities - school that cannot easily be expanded, is poorly served by public transport. East Saltoun is conservation area. A smaller scale development more in keeping with the existing village would get more support from local residents; it would also be more sustainable and marketable. In the absence of gas mains new homes should be heated by heat pumps.

Sam Mutters (0415)

Seventy five houses would by almost doubling the size of the village overwhelm it and is not appropriate. This development would change the character of this rural conservation area which conflicts with National Policy guidance where there is a presumption against new housing in the countryside. The village has very limited bus service and not other transport links which will mean people will have to have cars which will increase the traffic issues and the air quality will decrease. There are no shops, pubs or other facilities for people to use. The land is prime agricultural land and developing this will reduce the land and would affect the views of the hills and surrounding area. There will be other impacts from this large development such a noise, air quality (from cars and fires/fuel being burned) and more pedestrian traffic going to and from the school. There are no employment opportunities within the village. The site was not identified as being suitable for development within the MIR. Trees planted to the east site of the village would not compensate for development from views from within the village. There is no sewage capacity within the village and this needs to be considered by Scottish Water. Holiday properties are proposed for some of the sites which are not appropriate. A better solution would be to build a new village within East Lothian away from East Saltoun as there are no facilities there to support development.

Michael Buchanan (0427)

Objects to PROP TT16 at Dryden Field, East Saltoun. The proposal would be built on greenfield land which should be a last resort. The density of the housing would be high. Increasing the population of the village with only a small school by 75% is not fair. Pupils will have to travel by bus/car to secondary schools (in Haddington and beyond). Loss of views and de-valuing existing properties. Increase of at least 150 cars will have environmental impact. Existing properties will lose views and be de-valued. Road safety for pedestrians at B6355. SEA states site is not viable (scores 5 out of 19).

**POL TT17 - Development Briefs**

Hamilton Farming Enterprises (0199)

The Council's site Development Briefs are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the planning process, a degree of flexibility is necessary. Accordingly, compliance with the Development Brief should incorporate some flexibility. Amend the wording of Policy TT17 to state "As part of any planning application for any

allocated site, comprehensive masterplan solutions for the entire allocated site must be submitted. Proposed masterplans should generally conform to the relevant Development Brief prepared for the site.

#### Balfour Beatty (0384/3)

We are not convinced that for a 20 unit development a masterplan will offer any substantive benefits over a design statement supporting a planning application. In the circumstances we would request that the Council reconsiders the requirement in Policy PS3 to provide a masterplan for all allocated sites, and accepts that a more proportionate and equally effective design response for smaller sites can be achieved through the submission of a Design Statement submitted in support of a planning application. Delete para. 2.99 "The masterplan for the site must integrate the development with the village and the surrounding landscape" and replace with "The design statement submitted with the planning application must ensure integration of the development with the village and the surrounding landscape can be achieved.

#### Persimmon Homes East Scotland (0397/3)

It remains unclear as to whether the Draft Development Brief Supplementary Planning Guidance published for consultation along with the proposed plan will be adopted alongside the Plan. Suggest the wording of Policy TT17 should be amended to remove the absolute obligation for the requirement to conform to the development brief.

#### **Tranent Cluster Miscellaneous**

##### Scottish Environment Protection Agency (0252/3)

The representation states that although these sites in Table TT1 are not shown on the spatial strategy drawings within the PP, the majority are shown on the proposal maps which accompany the plan. SEPA have not had an opportunity to comment on these sites previously during the preparation of this LDP, i.e. SEPA have not been provided with shape files which allow assessment of the sites against all relevant information held on record. It is not clear if these allocations have been through the SEA process with the same rigour as other sites and the majority have not been assessed by the SFRA and the requirement for Flood Risk Assessments (FRA) to be submitted with planning applications, where appropriate, has not been identified in the PP. As less consideration of flood risk has been given to these sites, particularly taking into account significant changes in legislation, policy and the physical environment (such as the higher annual rainfall being experienced in East Lothian) it is not possible to establish the principle of development at these sites.

##### Alistair Kettles (0320/4)

There is an inconsistency within the LDP draft Action Programme wherein the stated education costs and proportionality for the Woodhall site's 16 houses and the Parkview site's 55 houses are the same amounts. Concerned about the cumulative impact on the village primary school from 186 houses allocated.

Supports concept of additional housing in Pencaitland provided amenity provision can be demonstrated, necessary road safety measures achieved, and a high standard primary school maintained.



**Tranent Cluster Support**

Gladman Scotland (0207/1)

Supports inclusion of PROP TT13 in the LDP.

Walker Group (0138/1)

Supports inclusion of PROP TT1 in the LDP.

Highland Residential (0174)

Supports inclusion of PROP TT11 Elphinstone West in the LDP

Hew Balfour (0057/1)

Supports inclusion of PROP TT15 Humble North in the LDP.

Taylor Wimpey (0328)

Supports inclusion of PROP TT7 Macmerry North in the LDP.

Persimmon Homes East Scotland (0397/1)

Supports inclusion of PROP TT4 Lammermoor Terrace in the LDP.

Balfour Beatty (0384/1)

Supports inclusion of PROP TT9 Gladsmuir East in the LDP.

Scottish Environment Protection Agency (0252/41)

Scottish Environment Protection Agency support the inclusion of PROP TT8 Macmerry Industrial Estate in the LDP and the requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site to assess the risk of surface water flooding.

Scottish Environment Protection Agency (0252/42)

Scottish Environment Protection Agency support the inclusion of PROP TT3 SW Windygoul in the LDP and the requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site to assess the risk of surface water flooding. The risk shown on the SEPA maps is just at very small pockets and this source of flood risk may not be a significant issue.

Scottish Environment Protection Agency (0252/43)

Scottish Environment Protection Agency support the inclusion of PROP TT1 Windygoul South in the LDP and the requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site to assess the risk of surface water flooding.

Scottish Environment Protection Agency (0252/44)

Scottish Environment Protection Agency support the inclusion of PROP TT4 Lammermoor Terrace in the LDP and the requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. A small watercourse could be culverted along the eastern boundary of the site. The location and flood risk should be assessed and no development should develop above the culvert.

Scottish Environment Protection Agency (0252/45)

Scottish Environment Protection Agency support the inclusion of PROP TT5 Bankpark Grove in the LDP and the requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. There is a small watercourse along the eastern boundary of the site which may pose a risk of flooding to the development site and it should be assessed, particularly as it is culverted beneath Dovecot Brae/Brickworks Road.

Scottish Environment Protection Agency (0252/46) (0252/47) (0252/48) (0252/49)

Scottish Environment Protection Agency support the inclusion of PROP TT7 Macmerry North, PROP TT9 Gladsmuir East, PROP TT10 Tynemount West, PROP TT11 Elphinstone West in the LDP and the requirement for a Flood Risk Assessment (FRA) to accompany the planning application to assess the risk of surface water flooding.

Scottish Environment Protection Agency (0252/50)

Scottish Environment Protection Agency support the inclusion of PROP TT12 Woodhall Road in the LDP and the requirement for a Flood Risk Assessment (FRA) to accompany the planning application to assess the risk of surface water flooding. A small watercourse is located along eastern boundary and appears to be culverted. The FRA should assess the risk of flooding and route of the culvert.

Scottish Environment Protection Agency (0252/51)

Scottish Environment Protection Agency support the inclusion of PROP TT13 Lempockwells Road in the LDP and the requirement for a Flood Risk Assessment (FRA) to accompany the planning application. There is a history of pluvial flooding on Huntlaw Road with runoff from farm field entering the road and threatening properties. A basic FRA was submitted in support of the 2014 application but it did not determine the functional floodplain. The FRA should determine the functional floodplain. Although no surface water flood risk is shown on the SEPA maps, the FRA should assess this risk in light of the historic information.

**Modifications sought by those submitting representations:**

**Tranent Cluster Strategy Map**

Walker Group (0138/3)

Change the proposal TT1 from a mixed use site to identify Windygoul South as a housing site.

Karting Indoors Ltd (0342/2)

Land to the north of the A1 at Gladsmuir Junction currently occupied by Raceland Karting should be identified as a specific development proposal for roadside services within the Tranent Cluster.

Chris & Joy Clark (0377/1)

The area of land allocated for housing in Humbie - TT15 should be reduced in size from 1.7ha to 0.5ha on the Tranent Cluster Map.

**Tranent Cluster Introduction - pg 32**

Walker Group (0138/4)

Replace the first sentence of Para 2.91 with "The opportunity for or provision of a link road between the B6371 and the B6414 must not be prejudiced through the development of either of these sites."

Karting Indoors Ltd (0342/3)

Land to the north of the A1 at Gladsmuir Junction currently occupied by Raceland Karting should be identified as a specific development proposal for roadside services within the Tranent Cluster together with the inclusion in table TT1 (pg 37).

**PROP TT1 – Housing at Windygoul South, Tranent**

Walker Group (0138/5)

1. Delete "Higher" from page 33 para. 2.90 line one (higher density);
2. Replace para. 2.91 on page 33 with the following wording "The opportunity for or provision of a link road between the B6371 and the B6414 must not be prejudiced through the development of either of these sites":
3. From the PROP TT1 Windygoul South proposal on page 33 delete "mixed use" and replace with "housing" :
4. On Page 33 In the final sentence of PROP TT1 – Windygoul South add "road" before "transport network" and
5. Delete "and on air quality as appropriate".

Messrs R and A Kennedy (0208/1) Messrs R and A Kennedy & Omnivale (0227/1), Omnivale Ltd (0268/3) David Thomson (0360/1)

Delete PROP TT1 – Windygoul South from the LDP.

Messrs R and A Kennedy (0205/1)

Combine PROP TT1 and TT3 – the wording of PROP TT1 Housing at Windygoul South should be altered to add in the second line after the words "circa 550 homes" the words "approximately 8.6 ha of employment land". Delete TT3 and the re numbering of other allocations would also be required.

Fiona Docherty (0411/1)

Reduce the number of houses proposed on site.

Andrew Plenderleith (0012) Richard Atkins (0076/1) Harriet Morrison & Frances Kelly (0127) Chris Davidson (0142) Kevin McCulloch (0179) Adrian Kidd (0329) David Thomson (0360/1) Alexis Inglis (0376)

No modification proposed but it is suggested these representations seek the deletion of the site from the LDP.

**PROP TT2 – Windygoul Primary School Expansion Land**

Walker Group (0138/6)

Para: 2.92 after "land within the site" add "measuring 1.124 ha". Within PROP TT2 after "Windygoul Primary School campus" add "measuring 1.124 ha".

Fiona Docherty (0411/2)

Windygoul Primary school should not be extended.

**PROP TT3 – Employment at Windygoul South, Tranent**

Messrs R and A Kennedy (0205/2)

Wording of PROP TT1 Housing at Windygoul South should be altered to add in the second line after the words "circa 550 homes" the words "approximately 8.6 ha of employment land". The re numbering of other allocations would also be required.

David Thomson (0360/2)

Delete proposal from LDP.

**PROP TT4 – Lammermoor Terrace, Tranent**

Persimmon Homes East Scotland (0397/2)

Increase number of units from 120 to 180 as the site area is not 4 ha but 4.65ha but which would give a housing density of 38 units/ha.

**PROP TT5 – Bankpark Grove, Tranent**

Kenneth Ritchie (0093) & Mr & Mrs T Hepburn (0147/3)

No modification proposed but it is suggested these representations seek the deletions of the site from the LDP.

Bankpark Grove Residents Association (0114)

An alternative access route on the north side of the site would be preferable.

**PROP TT7 – Macmerry North**

Linda Moonie (0009) Rhona & Neil McIntyre (0047) Mr & Mrs Elaine Ritchie (0082) Glenn & Avril Thomson (0108) Kevin & Ina Reid (0442)

No modification proposed but it is suggested these representations seek the deletion of the site from the LDP.

Balfour Beatty (0209/2)

Increase size of site and increase number of units on the site from 150 to 200.

William Crawford (0198)

An alternative access point be found away from the primary school.

Balfour Beatty (0209/2)

Support the allocation of the site but request that the defined site boundary be amended to include the full extent of the land subject to the site assessment. This revised boundary better reflects the existing natural and built form in the area and represents a deliverable residential proposal with the LDP timescale. The number of units proposed should be increased from 150 to 200.

**PROP TT9 – Gladsmuir East**

Gill Highet (0358)

The creation of a new vehicular access at the east end of the village for the development.

Balfour Beatty (0384/2)

Delete para. 2.99 "The masterplan for the site must integrate the development with the village and the surrounding landscape" and replace with "The design statement submitted with the planning application must ensure integration of the development with the village and the surrounding landscape can be achieved.

**PROP TT10 - Limeylands Road, Ormiston**

Walker Group (0138/7)

Delete: "Any new proposals for the site must include a comprehensive masterplan for the entire area that conforms to the Council's Development Brief and integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities and on air quality as appropriate."

**PROP TT11 - Elphinstone West**

Rob Moore (0418/2)

No modification sought.

**PROP TT12 - Woodhall Road, Wester Pencaitland**

Suzanna Hamilton (0130)

Removal of PROP TT12 from plan.

P E Grant (0132)

Removal of PROP TT12 from plan.

Alistair Kettles (0320/1)

No modification sought.

Linda Kelly (0421)

Doesn't want to see PROP TT12 in LDP.

Jacob Manning (0143/1) Margaret Clark (0150) Alistair Kettles (0320/1)

No modification proposed but it is suggested this representations seeks the deletion of the site from the LDP.

**PROP TT13 – Lempockwells Road, Wester Pencaitland**

Gladman Scotland (0207/2)

Support the allocation of the site in the proposed LDP but requests that in line with the MIR and with a subsequent appeal decision, the number of units proposed should be increased from 115 to 120 units.

Alistair Kettles (0320/2)

No modification sought.

Jacob Manning (0143/2)

No modification proposed but it is suggested this representations seeks the deletion of the site from the LDP.

**PROP TT14 - Park View, Easter Pencaitland**

Graeme P Chatham (0019) Jacob Manning (0143/3) Paul Jaworski (0203)

No modification proposed but it is suggested this representations seeks the deletion of the site from the LDP.

Alistair Kettles (0320/3)

No modification sought.

**TT15 - Humbie North**

Alistair Beck (0352/1) Humbie, East and West Saltoun and Bolton Community Council (0332/1)

No modification proposed but it is suggested this representations seeks the deletion of the site from the LDP

Lindsey Bamber (0050)

An alternative access identified to the west of the site.

Fiona Mclean (0144)

Site removed from LDP.

Chris & Joy Clark (0377/2)

Reduce the size of the site from 1.7ha to 0.5ha.

Haddington and District Amenity Society (0327/4)

Reduce the size of the site from 1.7ha to 0.5ha.

**PROP TT16 - East Saltoun**

Mr & Mrs C Allan (0022) Gordon Kerr (0033) A Kerr (0046) Anthony J Burnet (0173) Andrew Thomson (0177) Grant Middleton & Aileen Burnett (0178) Candy Hatherley (0182) Alistair & June Duff (0191) Rebecca Salt & Michael Simpson (0225) Clive Lucas (0240) Sally Lucas (0241) Elsie Cachet (0319) Humbie, East and West Saltoun and Bolton Community Council (0332/2) Alistair Beck (0352/2) Sam Mutters (0415) Michael Buchanan (0427)

No modification proposed but it is suggested this representations seeks the deletion of the site from the LDP

Chris Crosby (0366)

Reduce the number of houses on the site by 20.

**POL TT17 – Development Briefs**

Hamilton Farming Enterprises (0199)

Amend the wording of Policy TT17 to state “As part of any planning application for any allocated site, comprehensive masterplan solutions for the entire allocated site must be submitted. Proposed masterplans should generally conform to the relevant Development Brief prepared for the site.”

Persimmon Homes (0397/3)

Amend wording of TT17 to allow a degree of flexibility.

Balfour Beatty (0384/3)

Delete para. 2.99 "The masterplan for the site must integrate the development with the village and the surrounding landscape" and replace with "The design statement submitted with the planning application must ensure integration of the development with the village and the surrounding landscape can be achieved."

**Tranent Cluster Miscellaneous**

Scottish Environment Protection Agency (0252/3)

SEPA objects to the inclusion of sites within Table TT1 in the LDP, without them being subject to the same process and review as all other sites to be included in the LDP.

Alistair Kettles (0320/4)

No modification sought.

**Tranent Cluster Support**

Walker Group (0138/1); Highland Residential (0174); Hew Balfour (0057/1); Taylor Wimpey (0328); Persimmon Homes East Scotland (0397/1); Balfour Beatty (0384/1); Scottish Environment Protection Agency (0252/41)(0252/42)(0252/43) (0252/44)(0252/45) (0252/46)(0252/47) (0252/48) (0252/49)(0252/50)(0252/51)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Tranent Cluster Strategy Map**

Walker Group (0138/3)

The term mixed use used in respect of proposed site allocations within the plan is applied where more than one land use other than housing is proposed. This normally applies where there is housing, employment, retail or community uses intended for one site. There may be situations where the application of that term may be reviewed. In this respect the Council notes the Walker Group's concerns in respect of Proposal TT1. The Council submits that this term was applied to that site to reflect that an expansion of Windygoul Primary School is proposed, but accepts that the primary school site is separately defined by Proposal TT2. As such, the Reporter might think greater clarity would result from describing Proposal TT1 as a housing allocation only. However, the Council considers that the 'mixed use' term can apply to Proposal TT1 without prejudicing a residential development on the site as proposed, so submits that a modification of the LDP is unnecessary both in terms of the TT1 description and the expansion of the term mixed use within the glossary of the LDP. **The Council submits that no modification of the LDP is necessary**

Karting Indoors Ltd (0342/2)

The land that is the subject of this representation is located within the countryside north of the A1 Gladsmuir Junction and as such is designated as Policy DC1. Currently operating



on the land is an indoor go-cart racing business which was granted planning permission for that use in December 1990. Policy DC1: Rural Diversification would allow for development in the countryside including changes of use of existing buildings where it is for:

- a) agriculture, horticulture, forestry infrastructure or other countryside recreation, or
- b) other businesses that have an operational requirement for a countryside location including tourism and leisure

Given the above and also the location of the land in close proximity to the A1, the Council submits that Policy DC1 would, in principle, allow for the change of use of that existing business to a roadside services use and for employment uses appropriate to that countryside location. A proposal for such a use could be considered through the Development Management process. The Council submits that as there is a need to safeguard the area from wider inappropriate employment uses, there is no requirement to modify the plan and to specifically allocate that area as roadside services/ employment uses, or to identify it as a proposal within the Tranent Cluster and on the Tranent Cluster map. **The Council submits that no modification of the LDP is necessary**

Chris & Joy Clark (0377/1)

PROP TT15 is understood to be in two ownerships. The owner of the northern part of the site which is rectangular in shape has however confirmed that they are willing to see the site developed for residential use. It is not necessary for landowners to give approval for a site to be allocated through the LDP. However, with regards to the development of a site and the submission of planning applications, matters relating to land ownership would be for the applicant to resolve. **The Council submits that no modification of the LDP is necessary**

### **Introduction to Tranent Cluster pg 32**

Karting Indoors Ltd (0342/3)

The Council submits that the Raceland Karting site is currently proposed to be included within the Proposal BW2: Safeguarded Blindwells Expansions Area (Proposals Map Inset Map 7) and within Policy DC1: Rural Diversification (Proposals Map Inset Map 3). Applying Policy DC1 and Proposal BW2 together would not presume against the continued operation of the existing facility or an appropriate expansion of it, subject to satisfying PROP BW2 provision that such a proposal would not undermine the ability to expand Blindwells. Similarly, uses that could be supported in principle under Policy DC1 would also be acceptable on the site, subject to PROP BW2. Whilst in respect of roadside services a case might be made that a location adjacent to a trunk road interchange such as this is a justification for a countryside location, the Council submits that the nature of such a proposal and its associated impacts are unknown. This would need to be fully understood before it could be included within the plan as a proposal, including the assessment of the site in terms of SEA and HRA and the ability to demonstrate consistency with SPP 2014 paragraphs 282 and 290 (CD 013). The Council considers there to be adequate existing provision of roadside facilities and lorry parking eight miles to the west of the Raceland Karting site at Old Craighall Services, Musselburgh. Given the complexity and detailed design required in respect of such facilities, particularly in light of the need to ensure access via the Gladsmuir interchange for any expansion of Blindwells would not be undermined, the Council submits that any such proposal would best be addressed at project level through the Development Management process, and considered in the context of Proposal BW2. It should be noted that Transport Scotland would be a key consultee in respect of any proposals. **The Council submits that no modification of the**

**LDP is necessary****PROP TT1 – Housing at Windygoul South, Tranent**Walker Group (0138/5)

It is stated in the LDP in paragraph 2.90 that PROP TT1 Windygoul South should be developed at an *appropriate higher* density to the 30 dph stipulated as a minimum for new housing developments in Policy DP3: Housing Density of the LDP. The justification for this is because this site will facilitate the further expansion of Tranent. Therefore given its location in relation to the southern edge of Tranent, the site brief prepared for that site (CD 061) identified an area within it where it would be possible to accommodate higher density housing without it compromising the character and appearance of that development. In line with SPP 2014 (CD 013) this would make efficient use of the land and allow for the provision of a range of higher density house types on the site that cannot be provided elsewhere in East Lothian. Therefore the Council submits that removal of the word “higher” from para. 2.90 is not justified.

The Council accepts that PROP TT1: Windygoul South will deliver housing. However, PROP TT1 is inter-related with PROP TT2 and a comprehensive Masterplan is required for the entire site including both the housing and Windygoul Primary School expansion land.

**The Council submits that no modification of the LDP is necessary**

Walker Group (0138/4) Messrs R and A Kennedy (0208/1) Messrs R and A Kennedy & Omnivale (0227/1) Omnivale Ltd (0268/3)

The land of PROP TT1 (Housing: Windygoul South) and PROP TT2 (Employment Windygoul South) are in separate ownership. There have been difficulties in securing the cooperation and joint working with the two landowners to ensure a single land allocation for mixed uses at Windygoul. Without such cooperation and joint working, the construction of a distributor road linking the B6414 (Elphinstone Road) with the B6371 (Ormiston Road) through both PROP TT1 and PROP TT2 could not be guaranteed. If the allocation of PROP TT1 was dependent on the provision of that distributor road then without it the site PROP TT1 would have been constrained and could not be supported within the LDP. As an alternative to PROP TT1, Messrs R and A Kennedy have promoted land in their ownership to the east of Tranent for housing (see\_0227/2/NEWSITES & 0208/3/SITES/NEWSITE for 850 or 500 houses and for 200 houses on the east side of Tranent, and 0268/3/SITES/PROP/TT1 - Deletion of PROP TT1). The Council submits that PROP TT1 is the logical extension to Tranent and furthermore can be suitably and viably accessed and serviced. The Council does not support the proposed New Site at Tranent East and does not consider that the provision of a distributor road around the south of Tranent is required at this time.

Whilst the provision of the distributor road is desirable, this does not prevent the allocation of PROP TT1 as a housing site as it is possible to provide two other points of access – one from the B6371 Ormiston road and the other from Brotherstone Way. The access from Brotherstone Way would allow access onto Edinburgh Road via Elphinstone Road from the site, without having to drive through Tranent Town Centre.

The landowners - Messrs R and A Kennedy – promoted land for employment purposes prior to the drafting of the Main Issues Report (MIR) (CD 068). This land is now allocated as PROP TT2. In terms of location and accessibility, the Council agree that the site has

merit as an employment site and it is therefore supported through the LDP. **The Council submits that no modification of the LDP is necessary**

Omnivale Ltd (0268/3)

The Council does not accept that all traffic from PROP TT1 will necessarily use Tranent High Street as alternative routes are possible. It is noted that a link road through PROP TT3 is to be secured through the LDP, whilst this may not necessarily come forward at the same time as all the development at PROP TT1, when it is secured traffic will be able to access the B6414 (Elphinstone Road) from Windygoul South. The access from Brotherstone Way would also provide in the short term a route to the A199 (Edinburgh Road) removing the need to pass through the town centre. Furthermore, the Council does not accept that there will necessarily be an adverse impact on air quality within Tranent Town Centre.

The LDP acknowledges that air quality is an important element to be addressed in the LDP. Air Quality Technical Note (CD 057) advises that modelling in Tranent indicates that there is no exceedence of air quality objective in Tranent currently. However, it is acknowledged that additional trips generated by traffic originating from proposed new sites may impact on air quality. However Policy T26 of the LDP supports a programme of transport improvements at Tranent Town Centre, which together with PROP T27 - Tranent Town Centre Improvements and T28 Junction Improvements at Elphinstone Road and Edinburgh Road would mitigate the additional traffic and improve traffic flow through the town. Policy T26, PROP T27 and PROP T28 address transport issues within Tranent High Street that the Council submits will have benefits not only for traffic flow but also for air quality. The Council submits that the proposed expansion towards the east of Tranent on land owned by the representee would place its own pressures on traffic flow at Tranent, including additional traffic load on Bankton Interchange. Development of this site could also have consequential impact on Tranent Town Centre. **The Council submits that no modification of the LDP is necessary**

Messrs R and A Kennedy (0205/1)

The land of PROP TT1 (Housing: Windygoul South) and PROP TT2 (Employment Windygoul South) are in separate ownership. There have been difficulties in securing the cooperation and joint working with the two landowners to ensure a single land allocation for mixed uses at Windygoul. Without such cooperation and joint working the construction of a distributor road linking the B6414 Elphinstone Road with the B6371 (Ormiston Road) through both sites PROP TT1 and PROP TT2 could not be guaranteed. If the allocation of PROP TT1 was dependent on the provision of that distributor road then without it the site PROP TT1 would have been constrained and could not be supported within the LDP. As an alternative to PROP TT1 Messrs R and A Kennedy have promoted land in their ownership to the east of Tranent for housing (see\_0227/2/NEWSITES, & 0208/3/SITES/NEWSITE for 850 or 500 houses & for 200 houses on the east side of Tranent, and 0268/3/SITES/PROP/TT1 - Deletion of PROP TT1).

Whilst the provision of the distributor road is desirable, this does not prevent the allocation of PROP TT1 as a housing site as it is possible to provide two other points of access – one from the B6371 Ormiston road and the other from Brotherstone Way. The access from Brotherstone Way would allow access onto Edinburgh Road via Elphinstone Road from the site, without having to drive through Tranent Town Centre.

The landowners - Messrs R and A Kennedy – promoted land for employment purposes prior to the drafting of the Main Issues Report (MIR). This land is now allocated as PROP TT2. In terms of location and accessibility, the Council agree that the site has merit as an employment site and it is therefore supported through the LDP. **The Council submits that no modification of the LDP is necessary**

## Transport

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent by-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

In addition the TA suggests that queuing on Birsley Road and Elphinstone Road would be significantly improved by adding a left turn filter to the existing signal at the A199 Bridge St with Birsley Road which again would improve traffic flow through the town. Accordingly PROP T28 of the LDP supports this. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD 063). Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.  
**The Council submits that no modification of the plan is necessary.**

Andrew Plenderleith (0012) Richard Atkins (0076/1) Harriet Morrison & Frances Kelly (0127) Chris Davidson (0142) Kevin McCulloch (0179) Adrian Kidd (0329) David Thomson (0360/1) Alexis Inglis (0376) Fiona Docherty (0411/1)

### **Expansion of settlement**

The LDP acknowledges on p12 that East Lothian's six main towns and smaller settlements have their own distinct identities. Their historic character means they are well consolidated with few remaining urban brown-field re-development opportunities. This means a significant amount of greenfield prime agricultural land has been allocated to meet the SDP's requirements (CD 030). Expansion of existing settlements is promoted where infrastructure solutions have been found and where landscape capacity allows. This can be achieved at PROP TT1 in Tranent. The LDP has within it a suite of Design Policies

DP1-DP5 against which all development proposals will be assessed. Development proposals will be of a high standard and will ensure appropriate and sympathetic development that safeguards the settlements to which they will be attached. The Council submits that the development southwards would retain a cohesive settlement boundary for Tranent, and that the development of TT1 and TT3 will provide a new landscaped edge to the town between Elphinstone Road and Ormiston Road. **The Council submits that no modification of the plan is necessary.**

## Transport

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

In addition the TA suggests that queuing on Birsley Road and Elphinstone Road would be significantly improved by adding a left turn filter to the existing signal at the A199 Bridge St with Birsley Road which again would improve traffic flow through the town. Accordingly PROP T28 of the LDP supports this. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD 063). Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to

facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;

- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. **The Council submits that no modification of the plan is necessary.**

### **Loss of view**

The Council acknowledges that the setting of properties in the countryside such as Carlaverock Farm Cottages will be affected by new development, but in the context of the compact spatial strategy and the overall housing requirement for East Lothian it considers that Windygoul South is an appropriate location to expand Tranent. Development of the proposed site at PRO TT1 will be subject to Design policies DP1-DP5 in the Proposed Plan which should ensure that they will be of a high quality design and therefore minimise any concerns about loss of amenity for adjoining properties. **The Council submits that no modification of the plan is necessary.**

### Devaluation of property

The devaluation of properties is not a material planning consideration relevant to the preparation of the LDP. **The Council submits that no modification of the plan is necessary.**

### Noise and disruption

The conditions would be prepared in conjunction with the Council's Environmental Health section and would apply the national standards on noise and air quality to the construction phase of the development. Any breaches can be addressed through the planning process. Issues relating to post construction noise and air quality, and breaches of national standards, can also be addressed through liaison with Environmental Health. The Council appreciates the developments will create change but does not expect national standards on noise and air quality to be breached. Monitoring of nitrogen dioxide will continue. **The Council submits that no modification of the plan is necessary.**

### Information passed from developers

Information passed on from developers is not a material consideration relevant to the preparation of the development plan. **The Council submits that no modification of the plan is necessary.**

### Education

The Local Authority has a number of statutory duties in relation to the provision of education for eligible pre-school children, primary and secondary school age children (including those with additional support needs) in its area. These are outlined in the Developers Contribution Framework SPG (CD 063) but include:

- i) Section 1 of the Education (Scotland) Act 1980 (CD 004) requires authorities to secure for their area adequate and efficient provision of school education:
- ii) Section 17 of the Education (Scotland) Act 1980 requires authorities to provide sufficient accommodation in schools and other educational establishments under their management:
- iii) The School Premises (General Requirements and Standards) (Scotland) Regulations 1967 (CD 010) which sets out standards in relation to the minimum requirements for school sites, playing field and educational accommodation, including ancillary accommodation such as kitchen premises and sanitary facilities.

These will ensure that the learning environment created in expanded schools will not be detrimental to a child's learning experience.

It is acknowledged in the LDP and associated documents that there is a need for significant additional education capacity at primary and secondary level to support new housing development in the Tranent cluster. The cumulative impact of the proposed sites will require further expansion of Windygoul PS including its campus. Ross HS will also be expanded. The proposed housing site at Windygoul South PROP TT1 will provide additional campus land for this facility so it can expand to meet demand and to enable the provision of capacity to accommodate other proposed sites in the schools catchment area. Developer contributions will be sought to fund the required additional capacity at Windygoul Primary School and Ross High School. Windygoul Primary school currently has capacity for c. 758 primary pupils in 26 classes and this roll is anticipated to grow to require 35 classes over time. Careful consideration will be given to the design of any expansion to



ensure that it configured to suit the scale of the school and provide the best environment for children's learning experiences. This will also consider the need for safe routes to the school from new and existing development to ensure that vehicle use is minimised and walking and cycling is encouraged. There will be additional indoor sport facilities at the new school which will be available for community use.

The projected peak roll for Windygoul Primary School is in keeping with the projected rolls for other primary schools elsewhere within East Lothian. East Lothian Council has experience of operating and managing a primary school of a similar size to the projected peak roll of Windygoul Primary School. The composition of the senior leadership and management team will reflect the size of the school roll ensuring collaborative leadership at all levels. The leadership team will foster collaborative leadership to develop a shared vision for change and improvement which is meaningful and relevant to the context of Windygoul Primary School and its growing community. School revenue budgets and staffing complements are set in line with the pupil roll and calculated in accordance with the approved Scheme of Delegation for School and the Council's devolved school management policies. Any increases in pupil rolls due to an increase in children arising from committed and planned housing in the area will be reflected within the school revenue budget and staffing complement. **The Council submits that no modification of the plan is necessary.**

### **Sports facilities**

The Council submits that the Tranent cluster is adequately catered for in terms of indoor hall, wet and synthetic pitch provision based on existing infrastructure. The additional housing will require additional grass sports pitch and changing provision. Consequently there is a requirement for developer contributions to be sought for and additional sports pitch and changing facilities from developers of PROP TT1. **The Council submits that no modification of the plan is necessary.**

### **Health care and GP provision**

The key agency with the responsibility for health provision, NHS Lothian, was consulted throughout the LDP preparation process. They acknowledged that Tranent Medical Practice is the largest in East Lothian but has sufficient capacity to accommodate growth resulting from committed development. There is not however capacity to meet demand from the proposed developments including that at TT1 which will create additional pressure. Any additional capacity will be met by expansion of the existing medical facility. Consequently the LDP safeguards land to the west side of the existing medical facility for this purpose. The Council continues to work with NHS Lothian on healthcare capacity across East Lothian to resolve issues. **The Council submits that no modification of the plan is necessary.**

### **Direct development elsewhere**

In order to meet the housing requirement of 10050 homes for East Lothian by 2024 (CD 030) each of the 6 settlements of East Lothian including Tranent are subject to housing and employment proposals. In addition PROP BW1 of the LDP proposes 1600 and employment uses at Blindwells with PROP BW2 safeguarding land for further expansion in the future. **The Council submits that no modification of the plan is necessary.**

### Prime agricultural land

In relation to paragraph 80 of Scottish Planning Policy 2014 (CD 013), which states “*development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...*”, the Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the SDP. The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. The Council considers the Proposed Plan is consistent with Scottish Planning Policy on the use of prime agricultural farmland for producing a development strategy. Where possible, brownfield sites have been proposed for allocation (including NK6). Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Draft Environmental Report (CD 060c) undertaken in the preparation of the LDP. Prime agricultural farmland, as with Green Belt land, is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing all of these factors is required and the Council considers the sites allocated in the Proposed Plan required to meet identified strategic requirements is the best available given the restricted availability of suitable sites. **The Council submits that no modification of the plan is necessary.**

### Air quality

The LDP acknowledges that air quality is an important element to be addressed in the LDP. Air Quality Technical Note 12 (CD 057) advises that modelling in Tranent indicates that there is no exceedence of air quality objective in Tranent currently. However, it is acknowledged that additional trips generated by traffic originating from proposed new sites may impact on air quality. However Policy T26 of the LDP supports a programme of transport improvements at Tranent Town Centre, which together with PROP T27 - Tranent Town Centre Improvements and T28 Junction Improvements at Elphinstone Road and Edinburgh Road would mitigate the additional traffic and improve traffic flow through the town. Monitoring of nitrogen dioxide will continue. **The Council submits that no modification of the plan is necessary.**

### Infrastructure

The Council submits that whether mains drainage and/or gas networks can be extended to existing properties is not a matter for the LDP, though it is possible that a road connection to the new development could be provided. **The Council submits that no modification of the plan is necessary.**

### Design – density and trees

The LDP does not propose any high rise development. Housing development would be limited to a maximum of three storey dwellings. Housing density is addressed through Policy DP3 with 30 dph being the average density to be achieved. It is possible to achieve

this density through building forms which are common to East Lothian. This is however a product of the design process which will be addressed at project level through the Development Management process. The LDP has a policy (NH8: Trees and Development) and this in conjunction with the Draft Development Briefs will be considered at project level regarding the retention and/or replacement of any trees. **The Council submits that no modification of the plan is necessary.**

#### **Reduction in size of site**

No evidence has been produced to convince the Council as Planning Authority that the area of land should be reduced in size. **The Council submits that a modification of the LDP is not necessary.**

Harriet Morrison & Frances Kelly (0127), Chris Davidson (0142), Adrian Kidd (0329) & Alexis Inglis (0376)

Pupils from the proposed site will be accommodated in a future expansion of Windygoul Primary School and Ross High School. Developer contributions will be sought in line with East Lothian Council's LDP Draft Developer Contributions Framework (CD 063). **The Council submits that no modification of the LDP is necessary**

#### **PROP TT2 – Windygoul Primary School Expansion Land, Tranent**

Walker Group (0138/6)

The Council submits that the LDP identifies a need for additional campus at Windygoul Primary School within Proposal ED4, and this is reflected in Proposal TT1. The Council further submits that the necessary area and configuration of campus land is identified on the Proposals Map (Inset Map 35). The Council can confirm that this area is the 1.24 hectares required. **The Council submits that no modification of the LDP is necessary**

Fiona Docherty (0411/2)

Windygoul Primary School is the appropriate setting to provide this additional capacity, and another new school is not required at this moment in time in Tranent. The projected peak roll for Windygoul Primary School is in keeping with the projected rolls for other primary schools elsewhere within East Lothian. East Lothian Council has experience of operating and managing a primary school of a similar size to the projected peak roll of Windygoul Primary School. The composition of the senior leadership and management team will reflect the size of the school roll ensuring collaborative leadership at all levels. The leadership team will foster collaborative leadership to develop a shared vision for change and improvement which is meaningful and relevant to the context of Windygoul Primary School and its growing community. School revenue budgets and staffing complements are set in line with the pupil roll and calculated in accordance with the approved Scheme of Delegation for Schools and the Council's devolved school management policies. Any increases in pupil rolls due to an increase in children arising from committed and planned housing in the area will be reflected within the school revenue budget and staffing complement.

The Draft Developer Contributions Framework (CD 063) outlines on P.3 the responsibilities the Council has as the provider of education for eligible children in its area. This includes balancing the requirement of the Council to secure for their area adequate and efficient

provision of school education, but also ensuring that best value is achieved in the delivery of those services. As the existing primary school at Windygoul cannot in its present form absorb the demand that will be generated from the new houses built at PROP TT1 Windygoul South then additional classroom and general purpose accommodation is required. In terms of both capital costs and in terms of the running cost the most efficient way of providing that new accommodation is to extend Windygoul Primary School. The school which was built in 2007 has been designed to allow additional classrooms to be added to it to accommodate additional demand as Tranent as a settlement expands. The school presently has 26 classrooms. It is proposed to add a further 9 classrooms to accommodate the additional pupils generated from the new houses. The Council has carefully considered the reasons put forward but remains of the view that the school can be extended. **The Council submits that no modification of the LDP is necessary**

### **PROP TT3 – Employment at Windygoul South Tranent**

#### Messrs R and A Kennedy (0205/2)

The land of PROP TT1 (Housing: Windygoul South) and PROP TT2 (Employment Windygoul South) are in separate ownership. There have been difficulties in securing the cooperation and joint working with the two landowners to ensure a single land allocation for mixed uses at Windygoul. Without such cooperation and joint working the construction of a distributor road linking the B6414 Elphinstone Road with the B6371 (Ormiston Road) through both sites PROP TT1 and PROP TT2 could not be guaranteed. If the allocation of PROP TT1 was dependent on the provision of that distributor road then without it the site PROP TT1 would have been constrained and could not be supported within the LDP. As an alternative to PROP TT1 Messrs R and A Kennedy have promoted land in their ownership to the east of Tranent which they also own for housing (see\_0227/2/NEWSITES, & 0208/3/SITES/NEWSITE for 850 or 500 houses & for 200 houses on the east side of Tranent, and 0268/3/SITES/PROP/TT1 - Deletion of PROP TT1). The Council submits that PROP TT1 is the logical extension to Tranent and can be suitably accessed and serviced. The Council does not support the proposed New Site at Tranent East and does not consider that the provision of a distributor road around the south of Tranent is required at this time. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

Whilst the provision of the distributor road is desirable, this does not prevent the allocation of PROP TT1 as a housing site as it is possible to provide two other points of access – one from the B6371 Ormiston road and the other from Brotherstone Way. The access from Brotherstone Way would allow access onto Edinburgh Road via Elphinstone Road from the site, without having to drive through Tranent Town Centre.

The landowners - Messrs R and A Kennedy – promoted land for employment purposes prior to the drafting of the Main Issues Report (MIR) (CD 068). This land is now allocated as PROP TT2. In terms of location and accessibility, the Council agree that the site has merit as an employment site and it is therefore supported through the LDP.

The SDP (CD 030) acknowledges that LDPs should respond to the diverse needs and locational requirements of different sectors by ensuring that there is a generous range and choice of employment sites which are highly accessible to communities across the

SESplan area (SDP para. 93). The Council submits that with adequate landscape treatment on the edges of both the planned employment and planned housing allocations, the two uses on their separate areas of land can coexist. **The Council submits that no modification of the LDP is necessary**

David Thomson (0360/2)

### **View**

The right to a view and the devaluation of a property are not material planning considerations. However the Design Policies (DP1-DP9) of the Plan will ensure that new development is of a form, size and scale appropriate to its context. **The Council submits that no modification of the LDP is necessary**

### **Impact on quality of life**

Issues relating to noise, dust and disruption during construction can be addressed through conditions on any planning permissions. The conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on noise and air quality to the construction phase of the development. Any breaches can be addressed through the planning and enforcement process. Issues relating to post construction noise and air quality, and breaches of national standards, can be addressed through Environmental Health legislation. The Council appreciates developments will create change but does not expect national standards on noise and air quality to be breached. **The Council submits that no modification of the LDP is necessary**

### **Transportation and air quality**

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and

a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

In addition the TA suggests that queuing on Birsley Road and Elphinstone Road would be significantly improved by adding a left turn filter to the existing signal at the A199 Bridge St with Birsley Road which again would improve traffic flow through the town. Accordingly PROP T28 of the LDP supports this. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

The LDP acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being, as well as environmental protection. The main source of air pollution in East Lothian is emissions from road traffic. An Air Quality Management Area (AQMA) was declared in Musselburgh High Street in November 2013 due to annual mean levels of nitrogen dioxide resulting from road traffic emissions; an Action Plan has been prepared and was published in February 2017 (CD 088). Air quality continues to be monitored at other locations, including Tranent High Street, though National Air Quality Standards are currently met in these other locations. The Council submits that the relevant measures are in place and these together with Policy NH12: Air Quality and the adopted Air Quality Management Plan for Musselburgh High Street, will ensure that the management of pollution from traffic is addressed satisfactorily. **The Council submits that no modification of the LDP is necessary**

### **Need for employment site**

The Council submits that the majority of land in existing industrial areas including Macmerry Industrial Estate and Elphinstone Road Industrial Estate is in employment use. It is accepted that from time to time a vacancy may arise within these established areas. However, as the SDP (CD 030) acknowledges, LDPs should respond to the diverse needs and locational requirements of different sectors by ensuring that there is a generous range and choice of employment sites which are highly accessible to communities across the SESplan area (para. 93). The Council submits that a range of employment sites are required within the cluster area to meet future employment needs. **The Council submits that no modification of the LDP is necessary**

The representation refers to vacant properties within Tranent town centre. Of those specifically mentioned, properties in the Civic Square area may be required to meet the terms of PROP T27; the former Tranent Infant School, a Listed Building, is proposed for conversion to elderly persons housing; Fa'side Lodge has now been demolished pending redevelopment as affordable housing. **The Council submits that no modification of the LDP is necessary**

### **PROP TT4 – Lammermoor Terrace Tranent**

#### Persimmon Homes (0397/2)

The LDP allocates appropriate and sufficient land to meet the SDP requirements (CD 030) and does so in line with its compact growth strategy. No further housing land is required, at Macmerry or anywhere else. The impact of increasing the size of the site from 150 – 200 units has not been consulted on. Therefore there is no indication whether or not such an increase in the number of units could be accommodated by local infrastructure and in particular on the local road network and on the local primary school. Any increase on this would have to be tested to fully assess the impact.

In relation to density, para. 7.14 states that: "*Certain locations may be developed at higher density, provided all relevant local plan policies can be satisfied.*" The LDP therefore

makes provision for higher density development with the level of 30 dph being an average which should be achieved in order to reflect the character of settlement within East Lothian. Detailed design and justification for density above this level would be subject to appropriate assessment through the Development Management process. The Council submits that a modification of the LDP cannot be made at this time until the implications of such an increase in number on the site are fully assessed but that LDP policies allow for increased numbers if the context is appropriate. **The Council submits that no modification of the LDP is necessary**

### **PROP TT5 – Bankpark Grove, Tranent**

Kenneth Ritchie (0093) Bankpark Grove Residents Association (0114) Mr & Mrs T Hepburn (0147/3)

#### **Transportation**

The Development Brief (CD 061) prepared for this site indicates that vehicular access should be taken from Bankpark Grove via Bankpark Crescent. Alternative access could be taken from Dovecot Brae. These details will be finalised through the Development Management process. Concerns raised in respect of environmental impact on Brickworks Road and surrounding area will be assessed in the light of proposed access arrangements. Likewise, the matter of right of access/ownership of land in and around the site would be a matter to be resolved in relation to any permission granted through the Development Management process. Development will be subject to Design Policies DP1-DP5 of the proposed LDP which should ensure that design of development including access roads will be of a high quality. Detailed matters such as site access (including visibility splays) will be assessed as a Development Management consideration. This process will minimise the impact of development on the landscape of the area. The relevant Transport policies – Policies T1 & T2 - of the Plan will ensure that all new development including PROP TT5 is: (a) located where sites can be safely accessed and where development will have no significant adverse impact on road safety, including the safety of those walking or cycling in the vicinity, and (b) has no significant adverse impact on residential amenity as a consequence of an increase in traffic.

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD 063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:



- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

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In addition the TA suggests that queuing on Birsley Road and Elphinstone Road would be significantly improved by adding a left turn filter to the existing signal at the A199 Bridge St with Birsley Road which again would improve traffic flow through the town. Accordingly PROP T28 of the LDP supports this. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a

Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. **The Council submits that no modification of the plan is necessary.**

### Health

The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan. Tranent Medical Practice is the largest in East Lothian. It has sufficient capacity to accommodate growth resulting from committed development. However it is acknowledged that the cumulative impact of the proposed housing developments in the Tranent cluster will create additional pressure. Any additional capacity requirements will be met by expansion of the existing facility, and land is safeguarded to the west side of the existing medical facility for this purpose. **The Council submits that no modification of the plan is necessary.**

### Education

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. Officers from the Council's Education Service and Property Services have been consulted throughout the LDP preparation process and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The assessment, as set out in the Developer Contributions Framework Supplementary Guidance (CD 063), confirms that the projected pupils arising from the houses built at Bankpark Grove can be accommodated within the available capacity at pre-school and primary school level at Sanderson's Wynd Primary School. Ross High School requires to be expanded to increase its capacity to accommodate the projected secondary-aged pupils arising from planned and committed housing in the Tranent cluster including this site. In line with East Lothian Council's LDP Draft Developer Contributions Framework, Developer contributions will be sought to fund the required additional capacity for secondary-aged pupils at Ross High School. The developer of PROP TT5 shall make contributions towards the enhancement of community sports facilities at Polson Park on a pro-rata basis with the site at PROP TT4 (Lammermoor Terrace). **The Council submits that no modification of the plan is necessary.**

### Ownership of Land

It would be for the developer to secure the right to develop any land not in their ownership including rights for vehicular and pedestrian access prior to development commencing. That is a private, legal matter for the prospective developer. **The Council submits that a modification of the LDP is not necessary.**

### Mine workings

It is accepted that mine workings exist in the area and the implications of dealing with that

will require to be properly assessed, by way of a ground conditions or other report, at planning application stage. **The Council submits that no modification of the plan is necessary.**

### Loss of views

The loss of private views is not a material planning consideration. **The Council submits that no modification of the plan is necessary.**

### PROP TT7 – Macmerry North

Linda Moonie (0009) Rhona & Neil McIntyre (0047) Mr & Mrs Elaine Ritchie (0082) Glenn & Avril Thomson (0108) William Crawford (0198) Balfour Beatty (0209/2) Kevin & Ina Reid (0442)

### Retention of landscape strip

The landscape strip to the rear of Chesterhall Avenue is unlikely to be affected in that it does not lie within the proposed boundary PROP TT7, however, in relation to a possible access point from Chesterhall Avenue to the site, there may be minor loss of part of the landscape strip to provide an access link, though the primary point of access will be from the A199. The LDP has within it a suite of Design Policies DP1-DP9 against which all development proposals will be assessed to ensure they will be of a high standard and will ensure appropriate and sympathetic development that safeguards the settlements to which they will be attached. Policy DP4 Major Development Sites is relevant to this site and requires the submission of a masterplan for the development which will include details of landscaping. Furthermore DP9 requires that development conforms to the Development Brief prepared for PROP TT7 (CD 061) which will ensure that design of development will be of a high standard. Policy DP2 requires all proposals to safeguard the privacy and amenity of existing residents and is a key consideration in the planning and layout of new development. Development proposals will be assessed against Policy DP2 at the planning application stage. **The Council submits that no modification of the plan is necessary.**

### Biodiversity

All sites were assessed for Strategic Environmental Assessment (CD 060d) and screened for Habitats Regulations Assessment (CD 043). This site did not raise any issues of protected species on the site. The site was assessed to understand its potential impact on a range of environmental topic areas including biodiversity, flora and fauna and human health if it were developed (Site Assessments Tranent: Windygoul South) (CD 060c). The Council took the decision to allocate the site at its meeting on 17 November 2015 having had regard to the site assessments. **The Council submits that no modification of the plan is necessary.**

### Transport

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to

identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD 063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

In addition the TA suggests that queuing on Birsley Road and Elphinstone Road would be significantly improved by adding a left turn filter to the existing signal at the A199 Bridge St with Birsley Road which again would improve traffic flow through the town. Accordingly PROP T28 of the LDP supports this. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network

interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. **The Council submits that no modification of the plan is necessary.**

### Health

The key agency with the responsibility for health provision, NHS Lothian, was consulted throughout the LDP preparation process. It has acknowledged that Tranent Medical Practice which serves Macmerry is the largest in East Lothian but has sufficient capacity to accommodate growth resulting from committed development. However there is not capacity to meet demand from the proposed developments including that at TT8 which will create additional pressure. Any additional capacity will be met by expansion of the existing medical facility. Consequently the LDP safeguards land to the west side of the existing medical facility for this purpose. **The Council submits that no modification of the plan is necessary.**

### Education

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. Officers from the Council's Education Service and Property Services have been consulted throughout the LDP preparation process and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The assessment, as set out in the Developer Contributions Framework Supplementary Guidance (CD 063), confirms that additional capacity will be required at Macmerry Primary School to accommodate the projected pupils arising from committed and planned housing in the Macmerry catchment area. In line with East Lothian Council's LDP Draft Developer Contributions Framework, Developer contributions will be sought to fund the required additional capacity for pupils at Macmerry Primary School including any necessary campus land expansion. Contributions may also be required towards other facilities or infrastructure, such as open space. Developer contributions will be sought to

fund the required additional capacity at Ross High School to accommodate the projected secondary-aged pupils arising from planned and committed housing across the Tranent cluster. The developer contributions framework is based on the provision of 150 houses. Any increase on this would have to be tested to assess whether there is potential for further expansion at Macmerry Primary School and Ross High School to accommodate the additional houses. In subsequent discussions with landowner East Lothian Council understands the developer wishes to proceed on the existing basis of 150 units. **The Council submits that no modification of the plan is necessary.**

### Infrastructure

Scottish Water have been consulted during the preparation of the LDP and have not raised any issues with capacity. Castle Moffat Water Treatment Works and Edinburgh PFI Waste Water Treatment Works both have available capacity (CD 060d). The policing of the area is a matter for Police Scotland and not a material consideration in the preparation of a LDP. The matter of ownership of land is a private legal matter and is for the prospective developer to resolve. It is acknowledged there are limited public amenities in Macmerry. However with the growth in population of the settlement it is possible that increased demand would encourage additional business opportunities. **The Council submits that no modification of the plan is necessary.**

### Development proposals

There is no planning application currently being considered for this site. It is a preferred site within the Tranent Cluster area for development in the future. If a planning application is submitted, then detailed plans will be available to view on Council's website, and statutory neighbour notification will be carried out and the public will have an opportunity to comment on the proposals. The Council does not accept that locating affordable housing close to existing housing would cause noise, disturbance, pollution and security issues. Issues relating to amenity will be satisfactorily addressed through the Development Management process, in accordance with Policy DP2. **The Council submits that no modification of the plan is necessary.**

### Neighbour notification

In accordance with circular 6/2013: Development Planning (CD 020), the Council notified the owners, lessees or occupiers of sites which the proposed plan specifically proposed to be developed. It also notified the owners, lessees or occupiers of land neighbouring sites which the proposed plan specifically proposed to be developed. This included residents (within the statutory distance) of Chesterhall Avenue, Old Smithy Mews, Station Row, Mountfair Gardens, St Germain's Terrace, Mountfair Place and Main Road. **The Council submits that no modification of the LDP is necessary.**

### Balfour Beatty (0209/2)

The LDP allocates appropriate and sufficient land to meet the SDP requirements (CD 030) and does so in line with its compact growth strategy. No further housing land is required, at Macmerry or anywhere else. The impact of increasing the size of the site from 150 – 200 units has not been consulted on. Therefore there is no indication whether or not such an increase in the number of units could be accommodated by local infrastructure and in particular on the local road network and on the local primary school. The developer contributions framework is based on the provision of 150 houses. Any increase on this

would have to be tested to assess whether there is potential for further expansion at Macmerry Primary School and Ross High School to accommodate the additional houses. In subsequent discussions with landowner East Lothian Council understands the developer wishes to proceed on the existing basis of 150 units. In relation to density, para. 7.14 states that: “*Certain locations may be developed at higher density, provided all relevant local plan policies can be satisfied.*” The LDP therefore makes provision for higher density development with the level of 30 dph being an average which should be achieved in order to reflect the character of settlement within East Lothian. Detailed design and justification for density above this level would be subject to appropriate assessment through the Development Management process. **The Council submits that a modification of the LDP is not necessary.**

### **PROP TT9 - Gladsmuir East**

#### Balfour Beatty (0384/2)

Scottish Planning Policy (SPP) 2014 (CD 013) sets out in paragraph 57 (and associated diagram) the “*Tools for Making Better Places*” to guide the quality of development to promote positive change. Materplans are among the range of tools available and can describe and illustrate how a proposal will meet the vision and how it will work on the ground. PAN 83 (CD 019a) provides comprehensive guidance on the aims of a masterplan, how to create them, how they are processed by decision makers, and how they can best be implemented.

The masterplan approach is highly beneficial for relevant stakeholders including landowners, developers, consultants, and in particular the community in which the proposed development site sits. This is largely due to the collaborative nature of masterplans where local communities can gain a better understanding of how a design has been arrived at, but also to allow them to shape and influence the design in a way which meets local needs and aspirations.

The masterplan can also provide developers with greater clarity when submitting planning applications. In particular they can give developers greater certainty that relevant site specific matters have been addressed, and that local communities directly affected by development are satisfied that local needs have been considered and addressed in relation to the integration of a development. For decision makers, the masterplan also provides a visual aid in making an assessment of a proposal in relation to the Development Brief (CD 061), and also to achieving core design principles of distinctiveness, welcoming, safe and pleasant, adaptability, easy to get to/move around, and resource efficient.

The Council submits that the requirement for a masterplan is site specific and the use of such an approach is not merely restricted to larger development sites. Whilst the scale of development is a factor to consider, it is also highly dependent upon the location and context of the development site. In this instance, it is considered that the existing settlement of Gladsmuir would significantly benefit from the masterplan approach considering the benefits to all parties and the comprehensive nature when weighed against other design approaches.

The requirement for a masterplan for PROP TT9 is a positive approach and would allow for higher quality sustainable design, contributing to the achievement of the principal policies of ‘Sustainability’ and ‘Placemaking’ within SPP. **The Council submits that no modification of the LDP is necessary**

Gill Highet (0358)

The details of how the site will be accessed will be approved at planning application stage and is not identified in the LDP. However the Development Brief (CD 061) prepared for this site at Gladsmuir indicatively shows a new vehicular access being created to the east side of the village which will allow vehicles to access the site without having to go through the existing village, with a shared use path for walking and cycling being created off an existing access at Lamington Road into the site. All proposals will have to accord with relevant policies of the LDP including Policy T2 General Transport Impact to ensure that sites can be safely and conveniently accessed by pedestrian, cyclists and motor traffic and that there will be no significant adverse impacts on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic and the residential amenity as a consequence of an increase in motorised traffic. **The Council submits that no modification of the LDP is necessary**

**PROP TT10 - Limeylands Road, Ormiston**Walker Group (0138/7)

The Council acknowledges the comment regarding the committed site granted planning permission in principle through an appeal decision. PROP TT10 is an allocation within the proposed LDP which is an expansion of the land allocated under the current East Lothian Local Plan 2008. PROP TT10 represents a logical westwards expansion of the village, and the site is required in order to meet the housing need and to maintain an effective 5 year housing land supply. Should alternative proposals emerge, a masterplan for the whole allocated site will be required in order to ensure that the development integrates into the surroundings. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

**The Council submits that no modification of the LDP is necessary.**

**TT11 - Elphinstone West**Rob Moore (0418/2)

The representee has raised a number of questions in respect of the development of the site. Those questions are in respect of the development of the site that can only be answered by the developer. However in answer to the other matters raised, the following responses are provided:

**Expansion of settlement**

The LDP has allocated a range of sites based on the housing land requirement and the need to maintain an effective 5 year housing land supply (CD 039). SESplan requires that the SDA is prioritised and the LDP has been developed based on a compact spatial strategy which focuses development in the west of East Lothian. The area of land allocated under PROP TT11 is considered a sustainable location and a logical extension to the village of Elphinstone. The Council submits that the allocation of this land will contribute to the housing need, and could bring associated social, economic and environmental benefits to the existing village, contributing to vitality and viability in the



longer term.

At Paragraph 3.72 on pg 74 of the proposed LDP it is acknowledged that new housing development will generate demand for education, community, health and social care services and for the provision of more capacity throughout East Lothian. As part of the strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area. The spatial strategy distributes development to locations where such capacity exists or can be provided. Expansion of existing settlements is promoted where infrastructure solutions have been found and where landscape capacity allows. Most development is directed to existing settlements including modestly growing appropriate smaller settlements where new development could help ensure continued or new access to local services and facilities. The LDP acknowledges on p12 that East Lothian's six main towns and smaller settlements have their own distinct identities. The LDP acknowledges on P137 para 7.1 that new development affects everyone. However all new development must accord with SPP 2014 (CD 013) which has two principal policies - one of Sustainability and another on Placemaking. These principal policies aim to create high quality places by requiring a design led approach to new development. The LDP has an important role in delivering the Placemaking design agenda by setting a local policy context for improving design quality. This will require developers to prepare masterplans and design statements for sites. The design statements should explaining the design approach and solutions how issues would be addressed including how sites will fit with and integrate with existing settlements. **The Council submits that no modification of the plan is necessary.**

### **Affordable housing provision**

The LDP seeks to address affordability in its spatial strategy, policies and proposals, taking into account local characteristics and the need for affordable housing. This is done in line with SPP 2014 (CD 013) and the findings of the SESplan Housing Need and Demand Assessment (HNDA) (CD 032). The LDP and Local Housing Strategy are also aligned. The LDP sets out the planning policy approach for increasing the supply of affordable housing in the area. The SESplan HNDA provides the analysis of housing need and demand in East Lothian and it has been signed off by the Scottish Government as robust and credible. Developers will be expected to work in partnership with the Council, and where relevant with RSLs, to ensure housing needs are met including in terms of tenure and house type and size. The Council has approved supplementary planning guidance to assist with the implementation of this policy. Policy HOU3 of The Proposed Plan requires 25% of all of the number of houses consented to be affordable housing, for developments of five or more houses. The Council will support a variety of tenures of affordable housing including, among others, social rented, mid-market rent, discounted sale and shared equity homes. For the market housing the Council expects a variety of house types with different prices to be available. The approach to delivering affordable housing must be agreed with the Council. These discussions will be informed by current assessment of the type and location of affordable housing required. **The Council submits that no modification of the plan is necessary.**

### **Prime agricultural land**

In relation to paragraph 80 of Scottish Planning Policy 2014 (CD 013), which states "*development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...*", the Council considers the

allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the SDP. The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. The Council considers the Proposed Plan is consistent with Scottish Planning Policy on the use of prime agricultural farmland for producing a development strategy. Where possible, brownfield sites have been proposed for allocation (including NK6). Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Draft Environmental Report (CD 060d) undertaken in the preparation of the LDP. Prime agricultural farmland, as with Green Belt land, is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing all of these factors is required and the Council considers the sites allocated in the Proposed Plan required to meet identified strategic requirements is the best available given the restricted availability of suitable sites. **The Council submits that no modification of the plan is necessary.**

### **Biodiversity**

All sites were assessed for Strategic Environmental Assessment (CD 060d) and screened for Habitats Regulations Assessment (CD 043). This site did not raise any issues of protected species on the site. The site was assessed to understand its potential impact on a range of environmental topic areas including biodiversity, flora and fauna and human health if it were developed (Site Assessments Tranent: Elphinstone West) (CD 060d). The Council took the decision to allocate the site at its meeting on 17 November 2015 having had regard to the site assessments. **The Council submits that no modification of the plan is necessary.**

### **Developer contributions**

The Council has set out the implementation requirements for new development in Policy DEL1 and the associated Developer Contributions Framework Supplementary Guidance (SG) (CD 063) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. The developer contributions framework is based on the provision of 80 houses. Any increase on this would have to be tested to assess whether there is potential for further expansion at Elphinstone Primary School and Ross High School to accommodate the additional houses. **The Council submits that no modification of the plan is necessary.**

### **Education**

The developers of PROP TT11 shall make contributions £5,875.00 per house towards the expansion of Elphinstone Primary School, including any necessary campus land expansion. The developer of this site shall make contributions towards the off-site enhancement of Elphinstone playing field changing facility as well as provide facilities for

vehicle turning and parking for the sports facility on the Elphinstone West site. Contributions may also be required towards other facilities or infrastructure, such as open space (CD 063). **The Council submits that no modification of the plan is necessary.**

### **Open space/play space provision**

Policy OS3 Minimum Open Space Standard for New General Needs Housing and Development and OS4 Play Space Play Space Provision in new General Needs Housing of the LDP lay out the requirements for open space and play provision in housing development General Needs Housing Development. **The Council submits that no modification of the plan is necessary.**

### **Transport**

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD 063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify

interventions at Meadowmill roundabout to help facilitate this;

- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

In addition the TA suggests that queuing on Birsley Road and Elphinstone Road would be significantly improved by adding a left turn filter to the existing signal at the A199 Bridge St with Birsley Road which again would improve traffic flow through the town. Accordingly PROP T28 of the LDP supports this. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. **The Council submits that no modification of the plan is necessary.**

### **Air quality and noise**

Issues relating to noise and air quality during construction can be addressed through conditions on planning applications. The conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on noise and air quality to the construction phase of the development. Any breaches can be addressed through the planning process. Issues relating to post

construction noise and air quality, and breaches of national standards, can also be addressed through Environmental Health legislation. The Council appreciates the developments will create change but does not expect national standards on noise and air quality to be breached. **The Council submits that no modification of the plan is necessary.**

### Health care

The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan. Tranent Medical Practice is the largest in East Lothian. It has sufficient capacity to accommodate growth resulting from committed development. However not the proposed developments including that at TT11 which will create additional pressure. Any additional capacity will be met by expansion of the existing facility. Consequently land is safeguarded to the west side of the existing medical facility for this purpose. **The Council submits that no modification of the plan is necessary.**

### Digital communication

The LDP at Para 1.40 states "High speed digital networks (240mb and above) are programmed for expansion across almost all of East Lothian by 2018. This means that 90% of properties will be served by this broadband speed and all remaining ones (likely to be in the countryside) are programmed to have at least 2mb provision in the same period." Policy DCN2: Provision for Broadband Connectivity in New Development of the LDP requires Development proposals of 5 or more homes, or proposals for employment generating uses with a floor area of 100m<sup>2</sup> or larger, shall as part of the development make provision for deliverable opportunities for digital infrastructure to the proposed new homes or business premises as relevant, particularly provision for ducting and fibre or wiring for broadband connectivity. **The Council submits that a modification of the LDP is not necessary.**

### Historic environment

The Council acknowledges that the Listed former ecclesiastical building is situated opposite the PROP TT11, although it is not within the boundary of this allocation. A planning application has been submitted for development at this site (16/00970/PM) which is currently being considered. The indicative masterplan for this site (CD 158) shows that the dwellings positioned closest to the Listed Building will be significantly set back from the highway and also include planting on the southern side of the site. These aspects are considered to retain the character of the setting and any views to and from the building. Whilst the full impact will be assessed through the Development Management process, the allocation of PROP TT11 is not considered to significantly impact upon the character or setting of this Listed Building. **The Council submits that no modification of the plan is necessary.**

### Utilities

Matters relating to power and water supply are not issues for the LDP. Scottish Water has confirmed that the site can be supplied with water from Castle Moffat WTW. **The Council submits that no modification of the plan is necessary.**

## Woodland

The Council submits that there should be no significant destruction of mature woodland as part of the development of the site. The draft Development Brief (CD 061) allows for connections to footpaths within the woodland to the east of the site but this should not require the felling of trees. **The Council submits that no modification of the plan is necessary.**

### PROP TT12 - Woodhall Road, Wester Pencaitland

Suzanna Hamilton (0130) P E Grant (0132) Margaret Clark (0150) Jacob Manning (0143/1) Alistair Kettles (0320/1), Linda Kelly (0421)

## Transportation

The Council submits that new development should provide in full for the parking requirements of that development, but is not required to resolve any existing parking issues. The relevant Transport policies – Policies T1 & T2 - of the LDP will ensure that PROP TT12 is: (a) located where sites can be safely accessed and where development will have no significant adverse impact on road safety, including the safety of those walking or cycling in the vicinity, and (b) has no significant adverse impact on the residential amenity as a consequence of an increase in traffic. Any development proposals would be subject to Design Policies DP1-DP5 of the Proposed LDP which should ensure that design of development including access roads and parking are sufficient and of a high quality. Detailed matters such as site access (including for construction) and visibility will be assessed at the time of a planning application.

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD 063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

In addition the TA suggests that queuing on Birsley Road and Elphinstone Road would be significantly improved by adding a left turn filter to the existing signal at the A199 Bridge St with Birsley Road which again would improve traffic flow through the town. Accordingly PROP T28 of the LDP supports this. Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for individual planning proposals when deemed necessary.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that

support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

The Plan acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being, as well as environmental protection. The main source of air pollution in East Lothian is emissions from road traffic. An Air Quality Management Area (AQMA) was declared in Musselburgh High Street in November 2013 due to annual mean levels of nitrogen dioxide resulting from road traffic emissions; an Action Plan has been prepared and was published in February 2017 (CD 088). Air quality continues to be monitored at other locations, including Tranent High Street, though National Air Quality Standards are currently met in these other locations. The Council submits that the relevant measures are in place and these together with Policy NH12: Air Quality and the adopted Air Quality Management Plan for Musselburgh High Street will ensure that the management of pollution from traffic is addressed satisfactorily.

Matters including road/footway maintenance and gritting are dealt with by ELC Road Services and are not part of the LDP. **The Council submits that no modification of the plan is necessary.**

### Noise

Issues relating to noise during construction can be addressed through conditions on planning applications as part of the Development Management process. Any conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on noise to the construction phase of the development. Any breaches of these can be addressed through the planning/enforcement process. The Council appreciates that the development will create change including some additional traffic. However, the issue of noise would be assessed during the detailed planning application process. Through consultation with the Council's Environmental Health section, noise would be assessed as part of the material planning considerations, together with requirements for any mitigation. The Council does not however expect national standards on noise to be breached. The Council does not consider that there would be a significant adverse effect on existing residential areas from the increased traffic that would arise from this development. **The Council submits that no modification of the plan is necessary.**

### Amenity and design

Issues of residential amenity such as overlooking, overshadowing, privacy, loss of light and future extensions to existing dwellings are matters considered through the Development Management process as part of an assessment of a detailed planning application. In relation to the design, orientation, size and height of dwellings for the site, a Draft Development Brief (CD 061) has been prepared and will be finalised after the Examination, and all proposals will be subject to assessment against Design Policies DP1-DP5 through the planning application process. The Council submits that the size of site, which is for only 16 houses, is an appropriate scale of site for the village. Because of its location generally in a less prominent area of Pencaitland the Council submits that its development will not detract from the area.

PROP TT12 has been identified within the proposed LDP 2016 as being suitable for circa.



16 dwellings. The LDP Environmental Report Appendix 7 - Tranent Area (CD 060d) identified the relevant constraints for this site including both physical (infrastructure) and environmental (landscape, cultural and heritage). The Draft Development Brief has however indicated that a hedgerow would be required along the western boundary, thereby creating a strong edge. The Council submits that the site as allocated is intended to be a standalone site and the Council does not expect there to be further development to the west. **The Council submits that no modification of the plan is necessary.**

### **Impact on Conservation Area**

PROP TT12 is outside the Pencaitland Conservation Area though it is recognised that part of the site boundary is adjacent to the Conservation Area boundary. The site is however screened from the north being located to the rear of houses on Beech Terrace. Access is to be taken from Woodhall Road which is also outside of the Conservation Area boundary, being located further south. Though subject to consideration at the planning application stage, the development of PROP TT12 is not considered to have a detrimental impact on the character or setting of the Conservation Area. Para.137 of SPP 2014 (CD 013) refers to the care and protection of designated and non-designated historic environment and requires positive change in the historic environment to be informed by a clear understanding of the importance of the heritage assets affected. The Council submits that a site assessment was undertaken for the TT12 site and in respect of cultural heritage noted that development of the site would be unlikely to have a significant effect on the Pencaitland Conservation Area to the north/northeast of the site. The Council acknowledges that there are scheduled monuments in the vicinity and that there is moderate potential for unknown archaeological remains on the site. This will be fully assessed at the time of a planning application. Para.143 states that proposals for development outwith conservation areas can have an impact on the character appearance and setting of the conservation area. The Council submits that the edge of the Pencaitland Conservation Area at the point at which it abuts the site largely comprises fences and hedges at back gardens with generally low houses beyond. The Council therefore submits that the development of the Woodhall site should not adversely affect the character appearance and setting of the conservation area in principle, subject to detailed design proposals. **The Council submits that no modification of the plan is necessary.**

### **Biodiversity**

All sites were assessed for Strategic Environmental Assessment (CD 060d) and screened for Habitats Regulations Assessment (CD 043). This site did not raise any issues of protected species on the site. The site was assessed to understand its potential impact on a range of environmental topic areas including biodiversity, flora and fauna and human health if it were developed (Site Assessments Tranent: Woodhall Road) (CD 060d). The Council took the decision to allocate the site at its meeting on 17 November 2015 having had regard to the site assessments. **The Council submits that no modification of the plan is necessary.**

### **Prime agricultural land**

Para 79 of SPP 2014 (CD 013) requires an LDP spatial strategy to safeguard land suitable for food production and para 80 outlines the circumstances where good quality land may be used for development. In relation to paragraph 80 of Scottish Planning Policy 2014 (CD 013), which states "*development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...*", the Council

considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the SDP (CD 030). The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. The Council considers the Proposed Plan is consistent with Scottish Planning Policy on the use of prime agricultural farmland for producing a development strategy. Where possible, brownfield sites have been proposed for allocation (including NK6). Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Draft Environmental Report undertaken in the preparation of the LDP. Prime agricultural farmland, as with Green Belt land, is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which are required to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing all of these factors is required and the Council submits the sites allocated in the Proposed Plan are required to meet identified strategic requirements and are the best available. **The Council submits that no modification of the plan is necessary.**

#### **Permission from landowner**

The Council does not require permission from a landowner to allocate a site for development within the LDP. However the site was included within the MIR (CD 068) and the Council received no objection from the landowner to its inclusion within the MIR or within the draft proposed LDP. Therefore this has been taken as an indication that the landowner does not object to the principle of its inclusion within the LDP. **The Council submits that no modification of the plan is necessary.**

#### **Expansion of settlement**

The LDP acknowledges on p12 that East Lothian's six main towns and smaller settlements have their own distinct identities. Their historic character means they are well consolidated with few remaining urban brownfield redevelopment opportunities. This means a significant amount of greenfield prime agricultural land has been allocated to meet the SDP's requirements (CD 030). Expansion of existing settlements is promoted where infrastructure solutions have been found and where landscape capacity allows. The LDP acknowledges on p.137 para. 7.1 that new development affects everyone. However all new development must accord with SPP (CD 013) which has two principal Policies - one of Sustainability and another on Placemaking. These principal policies aim to create high quality places by requiring a design led approach to new development. The LDP has an important role in delivering the Placemaking design agenda by setting a local policy context for improving design quality. This will require developers to prepare masterplans and design statements for sites. The design statements should explaining the design approach and solutions how issues would be addressed including how sites will fit with and integrate with existing settlements.

At paragraph 3.72 on p74 of the proposed LDP it is acknowledged that new housing development will generate demand for education, community, health and social care services and for the provision of more capacity throughout East Lothian. The spatial

strategy distributes development to locations where such capacity exists or can be provided. As part of the strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area.

The LDP identifies Pencaitland as a settlement where education, community, health and social care facilities exist and can be accommodated by the sites proposed for development at TT12 Woodhall Road, TT13 Lempockwells Road and TT14 Parkview. The Council submits that in the preparation of the LDP it has consulted with all service areas within ELC to consider the extent of additional public amenity facilities that may be required as a result of LDP allocations. Where additional facilities were identified these are outlined in Growing our Economy and Communities chapter of the LDP.

It is acknowledged that Blindwells has been identified as a site which can accommodate 1600 houses and land for education and employment uses in the plan period provided comprehensive solutions can be identified to overcome infrastructure issues on the site. Thereafter land is safeguarded for the future expansion of Blindwells. However, not all the 1,600 houses at Blindwells will come forward at the same time and the Council is required to ensure that a range of sites deliver new housing in phased periods. The Council submits that these include smaller sites such as Woodhall Road. The LDP acknowledges on P137 para 7.1 that new development affects everyone. However all new development must accord with SPP 2014 (CD 013) which has two principal Policies - one of Sustainability and another on Placemaking. These principal policies aim to create high quality places by requiring a design led approach to new development. The LDP has an important role in delivering the placemaking design agenda by setting a local policy context for improving design quality. This will require developers to prepare masterplans and design statements for sites. The design statements should explain the design approach and identify solutions as to how issues would be addressed including how sites will fit with and integrate with existing settlements. Developer contributions will be sought from developers to fund an additional classroom at Pencaitland Primary School (CD 063). In line with Policy OS3, on-site provision of open space is encouraged for developments of less than 20 dwellings but is not required. **The Council submits that no modification of the plan is necessary.**

### **Neighbour notification**

The requirements for advertisement and neighbour notification for the LDP are laid out in Circular 6/2013: Development Planning (CD 022). These requirements have been adhered to and met by East Lothian Council, including notifying all relevant neighbours within 20m of a proposal and the placement of an advertisement in the local press notifying interested parties where information can be found on the LDP and how a representation can be made.

### **Education**

Contributions will be required from the developers of sites at Woodhall Road (Proposal TT12), and Lempockwells Road (Proposal TT13) which is committed but not yet under construction, and Park View (Proposal TT14) Pencaitland towards the provision of additional education capacity at Pencaitland Primary School. Contributions may also be required towards other facilities or infrastructure, such as open space (CD 063).

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. Officers

from the Council's Education Service and Property Services have been consulted throughout the process of the LDP preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The Council has assessed the additional education accommodation / capacity required for Pencaitland Primary School. This is in line with Scottish Government Guidance, 'Determining Primary School Capacity 2014' (CD 024). Technical Note 14 (CD 059) has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the catchment area on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. In line with East Lothian Council's LDP Draft Developer Contributions Framework (CD 063), developer contributions will be sought to fund the required additional capacity at Pencaitland Primary School to accommodate the projected pupils arising from planned and committed housing within the catchment area. **The Council submits that no modification of the plan is necessary.**

### Housing tenure

The site is allocated as a housing site and is privately owned without any requirement for any particular tenure of housing. Policy HOU3 of the LDP requires a minimum of 25% affordable housing to be provided. Affordable house allocation is a matter for the affordable housing provider and not a relevant matter for the LDP. **The Council submits that no modification of the plan is necessary.**

### PROP TT13 – Lempockwells Road, Wester Pencaitland

Gladman Scotland (0207/2)

#### Increasing units on site

The LDP proposes allocating this site for circa 115 units. A recent appeal decision (PPA-210-2049 on 16<sup>th</sup> September 2015 (CD 133) against the refusal of planning permission - 14/00732/PPM) allowed the development of up to 120 units on the site. Para. 7.14 of the LDP states that: "*Certain locations may be developed at higher density, provided all relevant local plan policies can be satisfied.*" The LDP therefore makes provision for higher density development with the level of 30 dph being an average which should be achieved in order to reflect the character of settlement within East Lothian. Detailed design and justification for unit numbers and density would be subject to appropriate assessment through the Development Management process as part of detailed planning applications. **The Council submits that a modification of the LDP is not necessary.**

Jacob Manning (0143/2) and Alistair Kettles (0320/2)

#### Expansion of settlement and design

The LDP acknowledges on p12 that East Lothian's six main towns and smaller settlements have their own distinct identities. Their historic character means they are well consolidated with few remaining urban brown-field re-development opportunities. This means a significant amount of Greenfield prime agricultural land has been allocated to meet the SDPs requirements. Expansion of existing settlements is promoted where infrastructure solutions have been found and where landscape capacity allows. The LDP acknowledges

on P137 para. 7.1 that new development affects everyone. However all new development must accord with SPP 2014 (CD 013) which has two principal Policies - one of Sustainability and another on Placemaking. These principal policies aim to create high quality places by requiring a design led approach to new development. The LDP has an important role in delivering the Placemaking design agenda by setting a local policy context for improving design quality. This will require developers to prepare masterplans and design statements for sites. The design statements should explaining the design approach and solutions how issues would be addressed including how sites will fit with and integrate with existing settlements. **The Council submits that no modification of the plan is necessary.**

### Infrastructure

At paragraph 3.72 on p.74 of the proposed LDP it is acknowledged that new housing development will generate demand for education, community, health and social care services and for the provision of more capacity throughout East Lothian. As part of the strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area. The spatial strategy distributes development to locations where such capacity exists or can be provided. Expansion of existing settlements is promoted where infrastructure solutions have been found and where landscape capacity allows. Most development is directed to existing settlements including modestly growing appropriate smaller settlements where new development could help ensure continued or new access to local services and facilities. **The Council submits that no modification of the plan is necessary.**

### Education

Contributions will be required from the developers of sites at Woodhall Road (Proposal TT12), and Lempockwells Road (Proposal TT13) which is committed but not yet under construction, and Park View (Proposal TT14) Pencaitland towards the provision of additional education capacity at Pencaitland Primary School. Contributions may also be required towards other facilities or infrastructure, such as open space (CD 059). **The Council submits that no modification of the plan is necessary.**

### Transportation

The Council submits that new development should provide in full for the parking requirements of that development, but is not required to resolve any existing parking issues. All proposals will have to accord with relevant policies of the LDP including Policy T2: General Transport Impact to ensure that sites can be safely and conveniently accessed by pedestrian, cyclists and traffic and that there will be no significant adverse impacts on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic, or residential amenity as a consequence of an increase in traffic.

The relevant Transport policies – Policies T1 & T2 - of the LDP will ensure that PROP TT13 is: (a) located where sites can be safely accessed and where development will have no significant adverse impact on road safety, including the safety of those walking or cycling in the vicinity, and (b) has no significant adverse impact on the residential amenity as a consequence of an increase in traffic. Any development proposals would be subject to Design Policies DP1-DP5 of the Proposed LDP which should ensure that design of

development including access roads and parking are sufficient and of a high quality. Detailed matters such as site access (including for construction) and visibility will be assessed at the time of a planning application.

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network

interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

The Plan acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being, as well as environmental protection. The main source of air pollution in East Lothian is emissions from road traffic. An Air Quality Management Area (AQMA) was declared in Musselburgh High Street in November 2013 due to annual mean levels of nitrogen dioxide resulting from road traffic emissions; an Action Plan has been prepared and was published in February 2017 (CD 088). Air quality continues to be monitored at other locations, including Tranent High Street, though National Air Quality Standards are currently met in these other locations. The Council submits that the relevant measures are in place and these together with Policy NH12: Air Quality will ensure that the management of pollution from traffic is addressed satisfactorily. **The Council submits that no modification of the plan is necessary.**

#### **PROP TT14 – Park View, Easter Pencaitland**

Graeme P Chatham (0019) Jacob Manning (0143/3) Alistair Kettles (0320/3), Paul Jaworski (0203)

#### **Flooding and drainage**

The site assessment carried out for Park View for the SEA (CD 060d) did not identify it as a site to be shown at risk of river, coastal or surface water flooding. The Scottish Environmental Protection Agency did not raise any objections to the inclusion of the site in the LDP. However as part of the planning application process the site should be subject to Flood Risk Assessment and Drainage Impact Assessment which would identify any flooding issues and how they should be mitigated. The site assessment also states that PROP TT14 is served by Roseberry Water Treatment Works and Pencaitland Waste Water Treatment Works. Roseberry WTW has available capacity and Pencaitland WWTW has very limited capacity. However, the developer, in conjunction with advice from Scottish

Water, will be required to demonstrate that a drainage solution is available for the site. **The Council submits that no modification of the plan is necessary.**

### **Expansion of village**

In Paragraph 3.72 on pg 74 of the proposed LDP it is acknowledged that new housing development will generate demand for education, community, health and social care services and for the provision of more capacity throughout East Lothian. The spatial strategy distributes development to locations where such capacity exists or can be provided. As part of the strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area. The LDP identified Pencaitland as a settlement where education, community and health and social care facilities exist and can be accommodated by the sites proposed for development at TT12 Woodhall Road, TT13, Lempockwells Road and TT14 Parkview. Blindwells has been identified as a site which can in the plan period accommodate 1600 houses and land for education and employment uses provided comprehensive solutions can be identified to overcome infrastructure issues on the site. Thereafter land is safeguarded for the future expansion of Blindwells. **The Council submits that no modification of the plan is necessary.**

### **Transportation**

The Service Manager for Roads (Infrastructure) has not raised any issues with the principle of allocating this site for housing in the LDP. The Council submits that new development should provide in full for the parking requirements of that development, but is not required to resolve any existing parking issues. All proposals will have to accord with relevant policies of the LDP including Policy T2: General Transport Impact to ensure that sites can be safely and conveniently accessed by pedestrian, cyclists and traffic and that there will be no significant adverse impacts on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic, or residential amenity as a consequence of an increase in traffic.

The relevant Transport policies – Policies T1 & T2 - of the LDP will ensure that PROP TT13 is: (a) located where sites can be safely accessed and where development will have no significant adverse impact on road safety, including the safety of those walking or cycling in the vicinity, and (b) has no significant adverse impact on the residential amenity as a consequence of an increase in traffic. Any development proposals would be subject to Design Policies DP1-DP5 of the Proposed LDP which should ensure that design of development including access roads and parking are sufficient and of a high quality. Detailed matters such as site access (including for construction) and visibility will be assessed at the time of a planning application.

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that



will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

At project level, a Transport Statement would need to be submitted to support a planning application for this site. This would identify any mitigation required at the junction. The Draft Development Brief (CD 061) indicates that vehicular access will be taken from the B6355 with the lane beside the telephone exchange used as a pedestrian access.

The Council submits that new development should provide in full for the parking requirements of that development, but is not required to resolve any existing parking issues. All proposals will have to accord with relevant policies of the LDP including Policy T2: General Transport Impact to ensure that sites can be safely and conveniently accessed by pedestrian, cyclists and traffic and that there will be no significant adverse impacts on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic, or residential amenity as a consequence of an increase in traffic.

The relevant Transport policies – Policies T1 & T2 - of the LDP will ensure that PROP TT13 is: (a) located where sites can be safely accessed and where development will have no significant adverse impact on road safety, including the safety of those walking or cycling in the vicinity, and (b) has no significant adverse impact on the residential amenity as a consequence of an increase in traffic. Any development proposals would be subject to Design Policies DP1-DP5 of the Proposed LDP which should ensure that design of development including access roads and parking are sufficient and of a high quality. Detailed matters such as site access (including for construction) and visibility will be assessed at the time of a planning application.

The Plan acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being, as well as environmental protection. The main source of air pollution in East Lothian is emissions from road traffic. An Air Quality Management Area (AQMA) was declared in Musselburgh High Street in November 2013 due to annual mean levels of nitrogen dioxide resulting from road traffic emissions; an Action Plan has been prepared and was published in February 2017 (CD 088). Air quality continues to be monitored at other locations, including Tranent High Street, though National Air Quality Standards are currently met in these other locations. The Council submits that the relevant measures are in place and these together with Policy NH12: Air Quality and the adopted Air Quality Management Plan for Musselburgh High Street will ensure that the management of pollution from traffic is addressed satisfactorily.

Issues regarding road safety, including the safety of those walking and cycling, will be key factors in the determination of planning proposals and measures will be required during the detailed design stages for interventions/mitigation to include independent road safety audit to ensure there is no adverse impacts on road safety. This will also be required locally for

individual planning proposals when deemed necessary. Matters including road/footway maintenance and gritting are dealt with by ELC Road Services and are not part of the LDP. **The Council submits that no modification of the plan is necessary.**

### **Amenity**

The Council submits that the lane is accessible by the public at present. Any intensification of this by pedestrians is not expected to exacerbate the situation to the point where privacy and amenity significantly more affected than the present situation. **The Council submits that no modification of the plan is necessary.**

### **Noise and air quality**

The matter of noise and air quality during construction can be addressed through conditions on planning permissions. The conditions would be prepared in conjunction with the Council's Roads and Environmental Health services and would apply national standards on noise and air quality to the construction phase of the development. Any breaches can be addressed through the planning/enforcement process. Issues relating to post construction noise and air quality, and breaches of national standards, can also be addressed through Environmental Health legislation. The Council appreciates the developments will create change but does not expect national standards on noise and air quality to be breached. **The Council submits that no modification of the plan is necessary.**

### **Conservation Area and Designed Landscape**

The site is within Pencaitland conservation area and also within the Winton House Designed Landscape. The Council submits that a site assessment was undertaken for the TT14 site and in respect of cultural heritage noted that development of the site would be unlikely to have a significant effect on the Pencaitland Conservation Area. Any development proposals must accord with Policy CH2 of the LDP whereby development must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Furthermore in accordance with Policy CH6 – Gardens and Designed Landscape - development should not significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscape. **The Council submits that no modification of the plan is necessary.**

### **Site assessment**

The site assessment carried out for Park View for the SEA (CD 060d) did not identify it as a site to be shown at risk of river, coastal or surface water flooding. The Scottish Environmental Protection Agency did not raise any objections to the inclusion of the site in the LDP. However as part of the planning application process the site should be subject to Flood Risk Assessment and Drainage Impact Assessment which would identify any flooding issues and how they should be mitigated. The Service Manager for Roads (Infrastructure) has not raised any issues with the principal of allocating this site for housing in the LDP. However, a Transport Statement would need to be submitted to support the planning application for this site. This would identify any mitigation required at the junction. **The Council submits that no modification of the plan is necessary.**

### Cost of land

The Council has not purchased the land at Parkview. The LDP allocates land for development and does not require the Council to own the land to do so. Any developer would have to secure the right to develop the land from the landowner. **The Council submits that no modification of the plan is necessary.**

### Education

The Draft Developer Contributions Supplementary Guidance (CD 063) states that there is existing capacity at Pencaitland Primary School to accommodate pupil demand generated from the new houses. The number of pupils projected to arise from the additional housing can be accommodated within the current capacity of Pencaitland Primary school. Developer contributions will be sought to fund the required additional capacity at Ross High School. Contributions will be required from the developers of sites at Woodhall Road (Proposal TT12), and Lempockwells Road (Proposal TT13) which is committed but not yet under construction, and Park View (Proposal TT14) Pencaitland towards the provision of additional education capacity at Pencaitland Primary School. Contributions may also be required towards other facilities or infrastructure, such as open space.

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the LDP preparation process and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The Council has assessed the additional education accommodation / capacity required for Pencaitland Primary School. This is in line with Scottish Government Guidance, 'Determining Primary School Capacity 2014' (CD 024). Technical Note 14 (CD 059) has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the catchment area on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. In line with East Lothian Council's LDP Draft Developer Contributions Framework (CD 063), developer contributions will be sought to fund the required additional capacity at Pencaitland Primary School to accommodate the projected pupils arising from planned and committed housing within the catchment area.

The Council has carefully considered the reasons put forward but remains of the view that there is no justification to remove the allocation of this land for housing. The Council is of the view that adequate mitigation measures for this site can be achieved. **The Council submits that a modification of the LDP is not necessary.**

### TT15 - Humble North

Lindsey Bamber (0050) Fiona Mclean (0144) Humble, East and West Saltoun and Bolton Community Council (0332/1) Alistair Beck (0352/1) Chris & Joy Clark (0377/2) Haddington and District Amenity Society (0327/4)

### Site not in MIR

The first stage of the Council's site identification and selection was a call for sites prior to

the preparation of the Main Issues Report (CD 068). This non-statutory stage was important to help identify sites with a landowner willing to release them for development as well as where there may be developer interest to build homes to meet the SDP Housing Land Requirement (CD 030). Sites considered suitable for development were presented in the MIR with Preferred Sites and Reasonable Alternatives identified, and in some cases Other Options too (for the reasons explained at paragraph 6.2 of the MIR). All sites were subject to SEA site assessment at this stage (CD 060e), including what is now proposed to be allocated by the LDP as site TT15 (SEA site assessment ref PM/TT/HSG095).

Site TT15 at Humbie was not included at MIR stage as a location for new housing as it is not within the SDA, and at that stage the amount of land that was identified as a 'preferred' housing allocation by the MIR was considered appropriate and sufficient to meet the SDP Housing Land Requirement. However, the Council submits that there were a number of responses to the MIR from landowners and developers and the house building industry. These suggested that significantly more housing land than was 'preferred' to be allocated by the MIR would be required in East Lothian to meet the SDP Housing Land Requirement and to maintain a five years supply of effective housing land, particularly in the short term up to 2019. Those consultation responses also suggested that a combination of the 'compact' and 'dispersed' spatial strategy options consulted on at MIR stage should be followed by the proposed LDP, as all of East Lothian is a marketable location.

When selecting sites for inclusion in the proposed LDP, the Council looked first to those which were 'preferred' in the MIR and which had no technical issues in principle raised through the MIR consultation. However, further sites were needed over and above those and many of the 'reasonable alternative' sites in the west of East Lothian were chosen for inclusion within the proposed LDP. Overall, most of the 'reasonable alternative' sites are included within the proposed LDP. However, sites at east Tranent (ALT – T5, T6 and T7) were not selected despite being within the SDA for the reasons explained within the MIR and because it was considered they may prejudice the development of Blindwells. Land at Eweford (MIR reference ALT-D1) was not included as it was a large site, the majority of which could not be developed in the short term. As such, more sites capable of delivery within the short term would be needed to meet the Housing Land Requirement of the SDP than those set out within the MIR. As such, additional small scale sites within and outwith the SDA were sought, in accordance with SDP Policy 7. In some cases sites were allocated to help sustain pupil rolls in smaller rural primary schools, such as Humbie (LDP paragraph 3.93).

The Council submits that site TT15 had previously been put forward as part of a larger land area by the landowner of land at the north part of the PROP TT15. It was also included within the Interim SEA Environmental Report and consulted on through that process at MIR stage. When it became clear that additional new sites were required to meet the housing land requirements, the site at Humbie was one of those included in the draft Proposed Plan, subject to further consultation before the Proposed LDP was published. Further public engagement work was consequently done by the Council and held with relevant Community Councils, including Humbie, East and West Saltoun and Bolton Community Council in February 2016 in accordance with paragraph 80 of Circular 6/2013: Development Planning (CD 022). The purpose of the further consultation was to raise awareness of the proposal to allocate the site and for responses to be submitted to the Council for consideration when it decided on the content of its finalised proposed LDP for representation. **The Council submits that no modification of the plan is necessary.**

### Permission from landowner

PROP TT15 is understood to be in two ownerships. The owner of the northern part of the site which is rectangular in shape has however confirmed that they are willing to see the site developed for residential use. It is not necessary for landowners to give approval for a site to be allocated through the LDP. However, with regards to the development of a site and the submission of planning applications, matters relating to land ownership would be for the applicant to resolve. **The Council submits that no modification of the plan is necessary.**

### Expansion of village/design

All new development must accord with SPP 2014 (CD 013) which has two principal Policies - one of Sustainability and another on Placemaking. These principal policies aim to create high quality places by requiring a design led approach to new development. The LDP has an important role in delivering the Placemaking design agenda by setting a local policy context for improving design quality. This will require developers to prepare masterplans and design statements for sites. The design statements should explain the design approach and solutions as to how issues would be addressed, including how sites will fit with and integrate with existing settlements. The Council will adopt a final Development Brief (CD 061) for the Humble site following examination. This will give more detailed guidance on the form of development the Council expects to see delivered on the site. **The Council submits that no modification of the plan is necessary.**

### Transportation

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD 063) in accordance with Policy T32 and Policy DEL1.

Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road

network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;  
Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

The details of how the site will be accessed will be approved at planning application stage. However the Draft Development Brief (CD 061) that has been prepared for PROP TT15 identifies the existing access at Kippithill as being the location for access. The Service Manager for Transportation did not raise any issues with this. Any proposal must satisfy POL T2: General Transport Impact to ensure that the site has no significant impact on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic, and the residential amenity

as a consequence of an increase in motorised traffic. **The Council submits that no modification of the plan is necessary.**

### **Infrastructure**

At paragraph 3.72 on p.74 of the proposed LDP it is acknowledged that new housing development will generate demand for education, community, health and social care services and for the provision of more capacity throughout East Lothian. As part of the strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area. The spatial strategy distributes development to locations where such capacity exists or can be provided. Expansion of existing settlements is promoted where infrastructure solutions have been found and where landscape capacity allows. Most development is directed to existing settlements including modestly growing appropriate smaller settlements where new development could help ensure continued or new access to local services and facilities. **The Council submits that no modification of the plan is necessary.**

### **Education**

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the LDP preparation process and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The assessment, as set out in the Developer Contributions Framework Supplementary Guidance (CD 063), confirms that there is existing capacity at Humbie Primary School to accommodate the projected primary pupil rolls arising from planned and committed housing in the Humbie catchment area including PROP TT15. In line with East Lothian Council's LDP Draft Developer Contributions Framework, developer contributions will be sought to fund the required additional capacity at Ross High School to accommodate the projected secondary-aged pupils arising from planned and committed housing across the Tranent cluster. **The Council submits that no modification of the plan is necessary.**

### **Health**

The key agency with the responsibility for health provision, NHS Lothian, was consulted throughout the LDP preparation process. They have not raised any concerns about the allocation of the site at Humbie. **The Council submits that no modification of the plan is necessary.**

### **Drainage**

The SEA site assessment undertaken for Humbie (CD 060e) acknowledges that there is limited waste water capacity at Humbie. However, Scottish Water will require to identify a solution in collaboration with the developer to allow the site to be developed. **The Council submits that no modification of the plan is necessary.**

### **Devaluation of property and disruption to local community**

The Council accepts that a development will cause change within a community though no extension to the primary school would be required as part of this development (see



Education paragraph above). The Council notes that Kippithill was the last housing to be developed within the village approx. 25 years ago. The devaluation of a property and disruption to local community are not material planning considerations relevant to the preparation of a LDP or to the determination of a planning application. **The Council submits that no modification of the plan is necessary.**

### **Prime agricultural land**

In relation to paragraph 80 of Scottish Planning Policy 2014 (CD 013), which states “*development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy...*”, the Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the SDP. The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. The Council considers the Proposed Plan is consistent with Scottish Planning Policy on the use of prime agricultural farmland for producing a development strategy. Where possible, brownfield sites have been proposed for allocation (including NK6). Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Draft Environmental Report (CD 060e) undertaken in the preparation of the LDP. Prime agricultural farmland, as with Green Belt land, is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing all of these factors is required and the Council considers the sites allocated in the Proposed Plan required to meet identified strategic requirements is the best available given the restricted availability of suitable sites. **The Council submits that no modification of the plan is necessary.**

### **PROP TT16 - East Saltoun**

Mr & Mrs C Allan (0022) Gordon Kerr (0033) A Kerr (0046) Anthony J Burnet (0173) Andrew Thomson (0177) Grant Middleton & Aileen Burnett (0178) Candy Hatherley (0182) Alistair & June Duff (0191) Rebecca Salt & Michael Simpson (0225) Clive Lucas (0240) Sally Lucas (0241) Elsie Cachet (0319) Humbie, East and West Saltoun and Bolton Community Council (0332/2) Alistair Beck (0352/2) Chris Crosby (0366) Sam Mutters (0415) Michael Buchanan (0427)

### **MIR, expansion of settlement and design**

The first stage of the Council’s site identification and selection was a call for sites prior to the preparation of the Main Issues Report (CD 068). This non-statutory stage was important to help identify sites with a landowner willing to release them for development as well as where there may be developer interest to build homes to meet the SDP Housing Land Requirement (CD 030). Sites considered suitable for development were presented in the MIR with Preferred Sites and Reasonable Alternatives identified, and in some cases Other Options too (for the reasons explained at paragraph 6.2 of the MIR). All sites were subject to SEA site assessment (CD 060d) at this stage, including what is now proposed to

be allocated by the LDP as site TT16 (SEA site assessment ref PM/TT/HSG012).

Site TT16 at East Saltoun was not included at MIR stage as a location for new housing as it is not within the SDA, and at stage the amount of land that was identified as a 'preferred' housing allocation by the MIR was considered appropriate and sufficient to meet the SDP Housing Land Requirement. However, the Council submits that there were a number of responses to the MIR from landowners and developers and the house building industry. These suggested that significantly more housing land than was 'preferred' to be allocated by the MIR would be required in East Lothian to meet the SDP Housing Land Requirement and to maintain a five years' supply of effective housing land, particularly in the short term up to 2019. Those consultation responses also suggested that a combination of the 'compact' and 'dispersed' spatial strategy options consulted on at MIR stage should be followed by the proposed LDP, as all of East Lothian is a marketable location.

When selecting sites for inclusion in the proposed LDP, the Council looked first to those which were 'preferred' in the MIR and which had no technical issues in principle raised through the MIR consultation. However, further sites were needed over and above those and many of the 'reasonable alternative' sites in the west of East Lothian were chosen for inclusion within the proposed LDP. Overall, most of the 'reasonable alternative' sites are included within the proposed LDP. However, sites at east Tranent (ALT – T5, T6 and T7) were not selected despite being within the SDA for the reasons explained within the MIR and because it was considered they may prejudice the development of Blindwells. Land at Eweford (MIR reference ALT-D1) was not included as it was a large site, the majority of which could not be developed in the short term. As such, more sites capable of delivery within the short term would be needed to meet the Housing Land Requirement of the SDP than those set out within the MIR. As such, additional small scale sites within and outwith the SDA were sought, in accordance with SDP Policy 7. In some cases sites were allocated to help sustain pupil rolls in smaller rural primary schools, such as Humbie (LDP paragraph 3.93).

The Council submits that site TT16 was included within the Interim SEA Environmental Report and consulted on through that process at MIR stage. When it became clear that additional new sites were required to meet the housing land requirements, the site at East Saltoun was one of those included in the draft Proposed Plan, subject to further consultation before the Proposed LDP was published. Further public engagement work was consequently done by the Council and held with relevant Community Councils, including Humbie, East and West Saltoun and Bolton Community Council in February 2016 in accordance with paragraph 80 of Circular 6/2013: Development Planning (CD 022). The purpose of the further consultation was to raise awareness of the proposal to allocate the site and for responses to be submitted to the Council for consideration when it decided on the content of its finalised proposed LDP for representation.

At paragraph 3.72 on p74 of the proposed LDP it is acknowledged that new housing development will generate demand for education, community, health and social care services and for the provision of more capacity throughout East Lothian. As part of the strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area. The spatial strategy distributes development to locations where such capacity exists or can be provided. Expansion of existing settlements is promoted where infrastructure solutions have been found and where landscape capacity allows. Most development is directed to existing settlements including modestly growing appropriate smaller settlements where new development could help

ensure continued or new access to local services and facilities. The LDP acknowledges on p12 that East Lothian's 6 main towns and smaller settlements have their own distinct identities. The LDP acknowledges on P137 para 7.1 that new development affects everyone. It is acknowledged that Blindwells has been identified as a site which can accommodate 1600 houses and land for education and employment uses in the plan period provided comprehensive solutions can be identified to overcome infrastructure issues on the site. Thereafter land is safeguarded for the future expansion of Blindwells. However, not all the 1,600 houses at Blindwells will come forward at the same time and the Council is required to ensure that a range of sites deliver new housing in phased periods. The Council submits that these include smaller sites such as East Saltoun.

However all new development must accord with SPP 2014 (CD 013) which has two principal Policies - one of Sustainability and another on Placemaking. These principal policies aim to create high quality places by requiring a design led approach to new development. The LDP has an important role in delivering the Placemaking design agenda by setting a local policy context for improving design quality. This will require developers to prepare masterplans and design statements for sites. The design statement should explain the design approach and solutions how issues would be addressed including how sites will fit with and integrate with existing settlements, house density/type/design, and site edges (trees and hedgerows). This will include consideration of new development on the historic environment such as the East Saltoun Conservation Area and any nearby listed buildings. The Council submits that the allocation of this land will contribute to the housing need, and could bring associated social, economic and environmental benefits to the existing village, contributing to vitality and viability in the longer term. **The Council submits that no modification of the plan is necessary.**

### **Education capacity**

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the LDP preparation process and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The assessment, as set out in the Developer Contributions Framework Supplementary Guidance (CD 063), confirms that there is existing capacity at Saltoun Primary School to accommodate the projected primary pupil rolls arising from planned and committed housing in the Saltoun catchment area including PROP TT16. In line with East Lothian Council's LDP Draft Developer Contributions Framework, developer contributions will be sought to fund the required additional capacity at Ross High School to accommodate the projected secondary-aged pupils arising from planned and committed housing across the Tranent cluster. **The Council submits that no modification of the plan is necessary.**

### **Transport**

The Council submits that new development should provide in full for the parking requirements of that development, but is not required to resolve any existing parking issues. All proposals will have to accord with relevant policies of the LDP including Policy T2: General Transport Impact to ensure that sites can be safely and conveniently accessed by pedestrian, cyclists and traffic and that there will be no significant adverse impacts on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic, or residential amenity as a consequence of an increase in traffic.

The relevant Transport policies – Policies T1 & T2 - of the LDP will ensure that PROP TT13 is: (a) located where sites can be safely accessed and where development will have no significant adverse impact on road safety, including the safety of those walking or cycling in the vicinity, and (b) has no significant adverse impact on the residential amenity as a consequence of an increase in traffic. Any development proposals would be subject to Design Policies DP1-DP5 of the Proposed LDP which should ensure that design of development including access roads and parking are sufficient and of a high quality. Detailed matters such as site access (including for construction) and visibility will be assessed at the time of a planning application.

The Council has undertaken a Transport Appraisal (TA) (CD 041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work (including at the B6355 between Gifford and Pencaitland), preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD 063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development

within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. **The Council submits that no modification of the plan is necessary.**

### **Infrastructure**

The site assessment (CD 060d) carried out for the site states that PROP TT16 is served by Hopes Water Treatment Works and the East Saltoun Septic Tank. Hopes WTW has available capacity, and Saltoun Septic Tank has limited capacity. However it will be for the developer in conjunction with Scottish Water to ensure that the site has sufficient infrastructure to support the development. The supply of infrastructure such as mains gas, broadband and mobile phone connections are matters for the suppliers of these. However Policy DCN1 of the LDP supports the provision of digital communication infrastructure provided they do not have unacceptable impacts. Furthermore Policy DCN2 requires that developers of 5 or more homes shall as part of the development make provision for deliverable opportunities for digital infrastructure to the proposed new homes particularly provision for ducting and fibre or wiring for broadband connectivity. Therefore the development of the site at TT16 may result in the provision of such broadband connectivity where it at present does not exist. **The Council submits that no modification of the plan is necessary.**

### **SPP, spatial strategy and prime agricultural land**

SPP 2014 (CD 013) states within paragraph 75 that the planning system should: "*in all*

*rural and island areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces.*" Paragraph 79 states that Plans should set out a spatial strategy which: *"reflects the development pressures, environmental assets, and economic needs of the area, reflecting the overarching aim of supporting diversification and growth of the rural economy"* and "makes provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities". Paragraph 80 states *"development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy..."* The Council considers the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified in the SDP (CD 030). The Council notes that no reference is made in paragraph 40 of Scottish Planning Policy to prime agricultural farmland being a specific policy principle for development plans to follow in promoting a sustainable pattern of development appropriate to an area. The Council considers the Proposed Plan is consistent with Scottish Planning Policy on the use of prime agricultural farmland and promoting rural development for producing a development strategy. Where possible, brownfield sites have been proposed for allocation. Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. Use of prime agricultural land has been considered in the Draft Environmental Report undertaken in the preparation of the LDP. Prime agricultural farmland, as with Green Belt land, is one of a range of factors taken into account in considering sites to fit a sustainable development strategy. Other factors which require to be considered as part of a development strategy include, but not exclusively, proximity of sites to: public transport, facilities (e.g. leisure and retail), services, employment, landscape and topography. A decision balancing all of these factors was required. Whilst the site did not form a preferred or reasonable alternative site within the MIR, the Council considers the site at East Saltoun is required to be allocated in the Proposed Plan in order to help contribute to the identified strategic housing requirements and is one of the best available given the restricted availability of suitable sites. **The Council submits that no modification of the plan is necessary.**

### **Health**

The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan. Tranent Medical Practice is the largest in East Lothian. It has sufficient capacity to accommodate growth resulting from committed development, although the proposed developments will create additional pressure. Any additional capacity will be met by expansion of the existing facility. Consequently land is safeguarded to the west side of the existing medical facility for this purpose. **The Council submits that no modification of the plan is necessary.**

### **Loss of view**

The loss of private views and the devaluation of a property are not material planning considerations. However the Design Policies of the Plan will ensure that new development is of a form, size and scale appropriate to its context. New development will be subject to Design policies DP1-DP5 of the Proposed Plan which should ensure that they will be of a high quality design and therefore minimise any concerns about loss of amenity for adjoining properties. **The Council submits that no modification of the plan is necessary.**

## Wildlife and Biodiversity

The potential effect of development on proposed sites of biodiversity designations, habitats, notable and protected species (including bats) were considered by SEA site assessment. ELC's Service Manager for Sport, Countryside and Leisure was consulted during plan preparation and did not identify a negative impact on biodiversity.

The Council has carefully considered the reasons put forward but remains of the view that there is no justification to remove the allocation of this land for housing. The Council is of the view that adequate mitigation measures for this site can be achieved. **The Council submits that no modification of the plan is necessary.**

## Planning applications

There are no planning applications currently being considered for residential development at West Crescent, East Saltoun. **The Council submits that no modification of the plan is necessary.**

## POL TT17 – Development Briefs

### Hamilton Farming Enterprises (0199)

Draft Development Briefs (CD 061) were consulted on so applicants, landowners and developer could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the Development Briefs when finalised are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council notes that other representations, including from key agencies request that the Development Briefs be given statutory weight. The Council submits that the Development Briefs should not be statutory documents. The Scottish Government is clear that the amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the Development Briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the briefs, including the key agencies. The Council submits that the finalised Development Briefs are to be drafted using words such as 'may' or 'should' rather than 'will' or 'must' where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy provides the scope for parts of the Development Briefs to be drafted more affirmatively to give them more clarity around non- negotiable aspects. **The Council submits that a modification of the LDP is not necessary.**

### Balfour Beatty (0384/3)

Scottish Planning Policy (SPP) (CD 013) sets out in paragraph 57 (and associated diagram) the "*Tools for Making Better Places*" to guide the quality of development to promote positive change. Materplans are among the range of tools available and can describe and illustrate how a proposal will meet the vision and how it will work on the ground. PAN 83 (CD 19a) provides comprehensive guidance on the aims of a masterplan, how to create them, how they are processed by decision makers, and how they can best be implemented.

The masterplan approach is highly beneficial in to relevant stakeholders including landowners, developers, consultants, and in particular the community in which the proposed development site sits. This is largely due to the collaborative nature of masterplans where local communities can gain a better understanding of how a design has been arrived at, but also to allow them to shape and influence the design in a way which meets local needs and visions.

The masterplan can also provide developers with greater clarity when submitting planning applications. In particular they can give developers greater certainty that relevant site specific matters have been addressed, and that local communities directly affected by development are satisfied that local needs have been considered and addressed in relation to the integration of a development. For decision makers, the masterplan also provides a visual aid in making an assessment of a proposal in relation to the Development Brief, and also to achieving core design principles of distinctiveness, welcoming, safe and pleasant, adaptability, easy to get to/move around, and resource efficient.

The Council submits that the requirement for a masterplan is site specific and the use of such an approach is not merely restricted to larger development sites. Whilst the scale of development is a factor to consider, it is also highly dependent upon the location and context of the development site. In this instance, it is considered that the existing settlement of Gladsmuir would significantly benefit from the masterplan approach considering the benefits to all parties and the comprehensive nature when weighed against other design approaches.

The requirement for a masterplan for PROP TT9 is a positive approach and would allow for higher quality sustainable design, and would help to achieve the principal policies of 'Sustainability' and 'Placemaking' within SPP. **The Council submits that no modification of the LDP is necessary.**

#### Persimmon Homes (0397/3)

Draft Development Briefs (CD 061) were consulted on so applicants, landowners and developer could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the Development Briefs when finalised are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council notes that other representations, including from key agencies request that the Development Briefs be given statutory weight. The Council submits that the Development Briefs should not be statutory documents. The Scottish Government is clear that the amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the Development Briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the briefs, including the key agencies. The Council submits that the finalised Development Briefs are to be drafted using words such as 'may' or 'should' rather than 'will' or 'must' where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy provides the scope for parts of the Development Briefs to be drafted more affirmatively to give them more clarity around non- negotiable aspects. **The Council submits that no modification of the LDP is necessary.**



**Tranent Cluster Miscellaneous**Scottish Environment Protection Agency (0252/3)

The Council submits that PAN 1/2010 (CD 016) is clear that SEA should focus on the strategic environmental effects of the plan (PAN 1/2010 para 3.1) and avoid excessive data collection and descriptions of baseline data (PAN 1/2010 para 5.2). The Council further submits that the sites set out in the relevant table are not allocations: this is made clear in the pre-text to the table. The LDP explains that the development of these sites in accordance with relevant LDP policies is supported in principle by the Council – i.e. not necessarily by consultees to any planning application, such as SEPA. Whilst some of the sites have been rolled forward from previous plans, the majority of the sites set out in the relevant table already have planning permission for development, so are committed sites. In SEA terms they have been treated as such and thus as part of the baseline, in accordance with PAN 1/2010 (paragraph 4.22). It is important to note that this is also true of many sites where a policy reference is given. If the Reporter considers it useful, the Council could provide the relevant planning application references in respect of relevant sites. Development on some of these sites has already commenced, but in some cases stalled, so planning permissions are being implemented or remain live. For some sites their planning permission references are shown within the tables instead of policy references. This is because some of them are within the countryside etc and it would be impractical in a mapping sense or in a policy / proposals sense to specifically identify those sites on the proposals map(s) or strategy diagrams: yet the Council would support the principle of their development in line with LDP policies, subject to the development management process. **The Council submits that a modification of the LDP is not necessary.**

Alistair Kettles (0320/4)

Support for additional housing in Pencaitland is acknowledged. The LDP identifies Pencaitland as a settlement where education, community, health and social care facilities exist and can be accommodated by the sites proposed for development at TT12 Woodhall Road, TT13 Lempockwells Road and TT14 Parkview. The Council submits that in the preparation of the LDP it has consulted with all service areas within ELC to consider the extent of additional public amenity facilities that may be required as a result of LDP allocations. Where additional facilities were identified these are outlined in the *Growing our Economy and Communities* chapter of the LDP.

The Council has assessed the additional education accommodation/capacity required for Pencaitland Primary School. This is in line with Scottish Government Guidance, ‘*Determining Primary School Capacity 2014*’ (CD 024). Technical Note 14 (CD 059) has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. The Council will not seek developer contributions for any existing deficiencies in either capacity or standard of accommodation. The Council submits that this will ensure a high standard of primary school is maintained.

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council’s Education Service and Property Services have been consulted throughout the

LDP preparation process and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The Council has assessed the additional education accommodation / capacity required for Pencaitland Primary School. This is in line with Scottish Government Guidance, 'Determining Primary School Capacity 2014'. Technical Note 14 (CD 059) has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the catchment area on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. In line with East Lothian Council's LDP Draft Developer Contributions Framework (CD 063), developer contributions will be sought to fund the required additional capacity at Pencaitland Primary School to accommodate the projected pupils arising from planned and committed housing within the catchment area.

The Council submits that the crossroads at the A6093 and B6355 will be able to operate safely with the addition of the housing proposals in the LDP at Pencaitland. **The Council submits that no modification of the plan is necessary.**

### **Tranent Cluster Support**

Walker Group (0138/1); Highland Residential (0174); Hew Balfour (0057/1); Taylor Wimpey (0328); Persimmon Homes East Scotland (0397/1); Balfour Beatty (0384/1); Scottish Environmental Protection Agency (0252/41)(0252/42)(0252/43) (0252/44)(0252/45) (0252/46)(0252/47) (0252/48) (0252/49)(0252/50)(0252/51)

Support noted

### **Reporter's conclusions:**

#### **Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

#### **Tranent Cluster Strategy Map**

2. Walker Group request clarification of the term "mixed use" which is used throughout the proposed plan. The representation also states that Proposal TT1 (Windygoul South) should be identified as a housing site rather than as a mixed use site. With regard to the use of the term mixed use, the council state that this is a term which is used to describe a site which is proposed to have more than one use other than housing. I consider this is clear within the supporting text and the relevant proposal within the plan, which explains the mix.

3. When considering the allocation of Proposal TT1 (Windygoul South), I note that the council state that the term mixed use was used to describe the site to reflect that an expansion of Windygoul Primary School is also proposed, however, this is separately

addressed through Proposal TT2 (Windygoul Primary School Expansion Land) and Proposal ED4 (Tranent Cluster Education Proposals). In the interest of clarity, I recommend a modification.

4. Karting Indoors Ltd request an amendment to the Tranent Cluster Strategy Map to identify their site, which is adjacent to the Gladsmuir junction, as a site for roadside services. This matter is also considered in Issue 13: New sites. The site is currently operating as an indoor go-karting business. The council state that any future proposals to change the use of the site could be considered through the planning application process and that Policy DC1: Rural Diversification would in principle support a roadside services use. I agree with the council, that given the location of the site within the open countryside, it is necessary to safeguard the area from inappropriate employment uses and that any future proposal could be considered as part of the determination of a planning application. No modifications are therefore recommended in response to this representation.

5. The representation from Chris and Joy Clark state that the Tranent Cluster Strategy Map should be modified to contain a reduced site size for Proposal TT15 (Humbie North). Representations to the allocation of this site are considered in paragraphs 82 to 90 below.

### **Tranent Cluster Introduction**

6. Walker Group identify that there is a typographical error in the first sentence of paragraph 2.82, an amendment is recommended to correct this error. The representation also questions why, given the town centre will continue to be the focus for active land uses, including retail, commercial and business uses, Proposal TT1 is identified as a mixed-use site. This matter is addressed in paragraphs 2 and 3 above.

7. The representation from the Walker Group further states that the plan should acknowledge that provided the proposed link road between the B6371 and the B6414 is not prejudiced then Proposal TT1 should be treated independently from Proposal TT3 (Employment Land at Windygoul South, Tranent). In addition, that whilst regard should be had to planned development, such as Proposal BW1 (Blindwells) that it would be unreasonable to prevent consideration of a Tranent eastern by-pass on the grounds that it might prejudice the safeguarded scheme Proposal BW2 (Blindwells Expansion Area) given the timescales involved in its development.

8. Turning first to the link road, I note that the council state that this is desirable, and the need for it does not prevent the allocation of Proposal TT1 as a housing site. I therefore consider that as currently drafted, paragraph 2.84 of the plan is confusing and an amendment is recommended to ensure clarity.

9. With regard to the Tranent eastern bypass, paragraph 2.85 of the plan contains a lot of detail with regard to the potential future provision of the bypass, despite paragraphs 4.31 to 4.33 and 4.31 to 4.33 clearly identifying that further work is required. A modification to the plan is therefore recommended to ensure paragraph 2.85 provides a more accurate description of the current position with regard to the future provision of the Tranent eastern bypass.

10. The matter raised by Karting Indoors Ltd is addressed in paragraph 4 above.

**PROP TT1: Housing at Windygoul South, Tranent**

11. Representations objecting to this proposal raise a number of matters, some of which concern the overall suitability of the site for development, while others raise more detailed matters.

12. The site does not lie within the green belt, therefore there will be no loss of green belt land. With regard to over-development and density, Policy DP3: Housing Density requires new development to respect and respond to the particular circumstances of its location, as well as complementing the townscape and landscape setting of the local area. The provision of affordable housing on the site will be delivered in accordance with Policy HOU3: Affordable Housing Quota. This requires 25% of the number of dwellings proposed for the site to be affordable. The detail of the location of affordable housing will be considered and agreed as part of the consideration of a planning application for the development of the site. The draft site development brief identifies the need for the development to include landscaping which will help to define a new settlement edge.

13. With regard to transport impacts, the plan has been informed by a Transport Appraisal which has identified capacity constraints and the mitigation measures required to ensure the highway network maintains appropriate capacity. Provisions for mitigation and interventions must be made by developments that generate a need for them, as set out in the draft Supplementary Guidance: Developer Contributions Framework. In addition, a number of policies within the plan seek to ensure that new development has no significant adverse impact on the highway network, as well as supporting improvements to active travel and public transport, these include policies: T1 Development Location and Accessibility, T2: General Transport Impact, T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, T5: Cycle Route Network and T8: Bus Network Improvements. With regard to east-west links, paragraph 2.91 of the plan identifies the need for the provision of vehicular and active travel connections between the B6371 and the B6414 roads.

14. Technical Note 12: Planning for Air Quality identifies that air quality monitoring in Tranent does not indicate any exceedance of air quality standards. However, the council acknowledge that additional trips generated by traffic originating from proposed new sites may impact on air quality. Policy T26: Transport Improvements at Tranent Town Centre supports a programme of transport improvements to seek to maintain air quality. The council also state that air quality monitoring will continue.

15. The loss of views and devaluation of property are not material considerations relevant to the preparation of the plan. Similarly, the suggested need for Carloverock Farm Steading to be provided with physical connections to an adopted road, mains drainage and mains gas are not matters for the plan to consider.

16. With regard to infrastructure provision, paragraph 2.87 of the plan identifies infrastructure and resource constraints within the Tranent cluster and Policy DEL1: Infrastructure and Facilities Provision states that new development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012. I am satisfied that sufficient consideration has been given to the infrastructure requirements.

17. Paragraphs 3.114 and 3.116 of the plan explain that the primary health care services

provided by NHS Lothian have a major role in meeting the health care needs of an increased population. The NHS board has a duty to ensure all residents can register with a GP. The plan supports the wider provision of locally accessible health care facilities, through Policy HSC1: Health Care Sites and Proposal HSC2: Health Care Facilities Proposals.

18. With regard to flood risk, paragraph 2.91 of the plan explains that a flood risk assessment will be required to be submitted alongside a planning application for the development of the site. The need for tree planting is referred to within the draft site development brief and in addition Policy NH8: Trees includes a strong presumption in favour of protecting East Lothian's woodland resources and sets out the criteria to be considered when assessing development proposals. Noise and air quality matters as a result of construction could be controlled through conditions attached to any subsequent planning approval. Any issues arising following the occupation of the development would be controlled through environmental health legislation.

19. A number of representations express concern that Tranent is at capacity and no further development should take place, additional dwellings should be built at Blindwells and other new towns. The spatial strategy of the plan focuses the majority of new development in the west of East Lothian as the most accessible part of the area and proposes to allocate sites that are or can be integrated with sustainable transport options. This approach seeks to ensure that new development will have good access via sustainable transport modes to existing or new employment locations or community facilities. The spatial approach also supports some new development in accessible parts of the east of the area, in recognition of the need and demand for new homes and economic development opportunities. Expansion of existing settlements is promoted through the plan where infrastructure solutions have been found and where landscape capacity allows. I agree with the council that the spatial approach accords with the presumption in favour of development that contributes to sustainable development, as set out within Scottish Planning Policy. This matter is addressed in detail in Issue 2: Spatial Strategy.

20. With regard to the loss of prime agricultural land, paragraph 80 of Scottish Planning Policy identifies the exceptions where development can take place on prime agricultural land, this includes where it is a component of the settlement strategy. The council submit that the allocation is necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified within SESplan.

21. I note the conclusions of the assessment of the site contained within the council's draft Environmental Report. The accessibility of the site via public transport to the wider city region and employment locations is highlighted within the report as a positive feature. I agree with the council that the site is located within a sustainable location and it is an important component of the settlement strategy. The site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan.

22. With regard to the impact of the development of the site on biodiversity and loss of access to green spaces, the draft Environmental Report identifies that the site is not within any areas designated for their international, national or local conservation importance. The draft development brief for the site identifies the need for open space provision within the site and the need to incorporate pedestrian and cycle paths to link to existing open space.

23. For the reasons set out above, I find that no modifications are necessary.

24. The representation from the Walker Group identifies a number of concerns including: site density; the relationship between Proposals TT1, TT2 and TT3; and developer contributions.

25. Firstly, with regard to site density, paragraph 40 of Scottish Planning Policy refers to the utilisation of land within or adjacent to settlements for a mix of uses, which will also support the creation of more compact, higher density, accessible and more vibrant cores. I note that the council state that the draft development brief for the site has identified an area within it where it would be possible to accommodate higher density development, without compromising the character and appearance of that development. The council provided further information regarding density in response to a further information request. However, I do not consider the text contained within paragraph 2.90 of the proposed plan is clear regarding this intention; therefore, a modification is recommended in response to this element of the representation.

26. There is no suggestion within the supporting text to Proposal TT1 that it will not be considered independently to Proposal TT3. Reference made within paragraph 2.91 to vehicular and active travel connections between housing and employment proposals is appropriate.

27. With regard to the relationship between Proposal TT1 and Proposal TT2, given my conclusions in paragraphs 2 and 3, it is necessary to amend the plan as TT2 will include community uses. As currently written, paragraph 2.90 and TT1 state that the site will include community uses, when in fact they will take place at Proposal TT2; an amendment is therefore recommended.

28. Policy DEL1: Infrastructure and Facilities Provision is clear that provision for infrastructure and community facilities required as a consequence of their development will be made in accordance with Scottish Government Circular 3/2012 or any revision. Further detail on how applicants or developers must provide for their developer contributions towards the delivery of key interventions necessary to deliver the proposed plan is set out within the draft Supplementary Guidance: Developer Contributions Framework. This matter is further considered in Issue 31: Delivery and I consider such an approach to be appropriate and therefore do not recommend any modifications in response to this element of the representation.

29. Two representations were submitted by Messrs R and A Kennedy on the issue of Proposal TT1. The first states that should the plan support both allocation Proposal TT1 and Proposal TT3, they should be combined into a single mixed-use allocation, allowing a more detailed assessment of the range of issues impacting on the development of the area, such as:

- the impact of residential development on the ability of existing employment uses to operate and/or expand;
- an understanding of how the link road would be developed;
- whether it is appropriate to have access to a residential area through an employment area; and
- questions whether the location of the proposed employment allocation is appropriate, or would it be better located adjacent to existing employment uses.

30. The second representation objects to the allocation of Proposal TT1 within the plan and seeks the allocation of land to the east of Tranent. A number of reasons are included within the representation setting out the reasons why TT1 should not be allocated, including:

- traffic impacts – with no mitigation or other transport benefits to the town;
- inability to link to the B6414 road would be likely to lead to additional traffic movements from the site directly through the town centre, further exacerbating air quality issues; and
- the proposed site lies directly adjacent to an established industrial area and residential development may constrain employment activity.

31. These matters are also identified within a separate representation from Messrs R and A Kennedy and Omnivale. Omnivale has submitted a further, separate objection to Proposal TT1 which also identifies issues of town centre traffic and air quality, the representation proposes two alternative sites to the north east and east of Tranent.

32. Turning first to the matter of a joint mixed-use allocation, whilst I agree that given the sites adjoin each other, joint working and master planning would have been the optimal approach to development. However, the council submit that there have been difficulties in securing co-operation and joint working with the two landowners to ensure delivery of a single land allocation for mixed uses. The council consider that these difficulties may have constrained the development of housing at Proposal TT1, particularly through the provision of the east-west distributor road. As previously stated, whilst the provision of this road is desirable, it does not prevent the allocation of Proposal TT1 as a housing site as it is possible to provide two alternative access points.

33. With regard to the potential conflict between housing and employment uses, the draft development brief identifies that the main open space provision should be located on the northern edge of the site to link into the existing open space to the west of the school and area for future school expansion. In addition, as the area between Carloverock Farm and the research centre, and the northwest corner of the site are the higher parts of the site, it states that they should be kept free from visually obtrusive development and would be appropriate areas for open space within the site. I therefore consider it would be possible to design a housing development that would not prejudice current and future employment development at the site.

34. Transport issues regarding the future development of the site are discussed in paragraph 13 above and allocation of land to the north east and east of Tranent is considered in Issue 13: New Sites. I therefore recommend no modifications in response to the representations from Messrs R and A Kennedy and Omnivale.

### **PROP TT2: Windygoul Primary School Expansion Land**

35. Walker Group express concern that the area required for safeguarding is not specified within Proposal TT2. The council submit that the area required for the expansion is clearly defined on the proposals map and within the draft Supplementary Guidance: Developer Contributions Framework. However, in the interest of clarity and consistency, I agree with the Walker Group, that the size of the site should be clearly referred to within the proposal. A modification is therefore recommended.

36. Fiona Docherty objects to the proposal to extend Windygoul Primary School as it has

already been extended twice since opening and it is becoming too large. The representation recommends that a more appropriate solution would be to build a new primary school elsewhere in Tranent. The council submit that a new school is not currently required in Tranent and that the projected peak roll for Windygoul Primary School accords with the projected rolls for other primary schools elsewhere in East Lothian. The council also state that an extended school will be supported by a senior leadership and management team that will reflect the size of the school. Whilst I can understand the concerns expressed in the representation, from the information before me I have no reason to disagree with the position adopted by the council. No modification is therefore recommended.

**PROP TT3: Employment at Windygoul South, Tranent**

37. Messrs R and A Kennedy support the allocation of the site however the representation states that it should be combined with Proposal TT1 to form a mixed-use allocation. I set out my conclusion on this matter in paragraph 32 above.

38. David Thompson objects to the proposal, stating that he was advised, in 2012, that no development would take place in the area for 17 years. The representation expresses concern regarding the impact of the proposal on his property value and amenity, particularly dust, noise and traffic. In addition, the representation questions the need for additional employment land.

39. As explained in paragraph 15, the right to a view and the impact of a development on property values are not material planning considerations. In addition, paragraph 18 explains that issues around dust, noise and traffic will be considered as part of the detailed determination of a planning application and paragraph 13 explains that the proposed plan was informed by a Transport Appraisal.

40. With regard to the need for employment land, paragraph 93 of Scottish Planning Policy identifies that the planning system should allocate sites that meet the diverse needs of the different sectors and sizes of businesses which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities. The strategic development plan (SESplan) requires the plan to support the delivery of 76 hectares of employment land. In addition, the plan is required to ensure that it provides a range and choice of marketable sites to meet anticipated requirements.

41. The council submit that the majority of land in existing industrial areas is in employment use, while accepting that from time to time there may be vacancy in these established areas. Therefore in order to comply with the requirements of the strategic development plan it must provide a range of employment sites to meet future employment needs. From the information before me I find no reason to disagree with the council and conclude that the site will support the requirement to ensure that there is a range and choice of employment sites across the area. No modifications are therefore recommended.

**PROP TT4: Lammermoor Terrace, Tranent**

42. Persimmon Homes East Scotland request an amendment to the plan to identify that the site can accommodate circa 180 units rather than the 120 units specified within Proposal TT4. This capacity reflects the requirements of the draft site development brief,



which has informed a detailed site layout. The representation expresses concern that the number of units identified has been based on an arbitrary calculation of 30 dwellings per hectare over an assumed net site area of 4 hectares, when the actual net developable area of the site is 4.65 hectares.

43. Whilst I acknowledge that the requested density has been informed by a master planning exercise, the plan clearly identifies that the site capacity is 'circa 120 homes', therefore an approximate figure which could change depending on changes in circumstances. It is appropriate for the final capacity of the site to be determined as part of the development management process in applying Policy DP3: Housing Density and other relevant policies of the plan; no modifications are therefore recommended.

**PROP TT5: Bankpark Grove, Tranent**

44. Representations objecting to this proposal raise a number of matters, some of which concern the overall suitability of the site for development, while others raise more detailed matters.

45. Firstly, with regard to access, the draft site development identifies that the site could be accessed from Bankpark Grove, via Bankpark Crescent or from Dovecot Brae onto Brickworks Road, the detail of which would be considered through the assessment of a planning application. With regard to the impact of the development on the natural environment and the landscape of the area, these matters were considered as part of the strategic environmental assessment. The draft Environmental Report site assessment indicates that the site does not lie within an area designated for its international or national nature conservation importance. However, it is highlighted that the development of the site may impact areas of native woodland in the north and east of the site, with priority habitat located to the east of the site. The assessment highlights that there may be opportunities to improve habitats/linkages through development and this is reflected within the draft site development brief and therefore would need to be fully considered through the assessment of a planning application.

46. With regard to landscape, the draft Environmental Report site assessment identifies that the site is well contained and sheltered by surrounding mature landscape features and that the north-east corner of the site falls within the Tranent Conservation Area boundary. The assessment highlights that the protection and retention of trees along this boundary would be required to protect the landscape setting and views of the conservation area. I agree with this assessment.

47. The impact of new development on traffic and highway safety and how it has been considered through the preparation of the proposed plan is explained in paragraph 13 above. In addition, detailed access arrangements would be agreed through the consideration of a planning application. Concerns regarding air quality issues are addressed in paragraph 14. Health care capacity issues are addressed in paragraph 17. The council has confirmed that that projected pupils arising from the houses built at Bankpark Grove can be accommodated within the available capacity at pre-school and primary school level at Sanderson's Wynd Primary School. Ross High School requires expansion to increase its capacity to accommodate the projected secondary-aged pupils arising from planned and committed housing in Tranent cluster, including this site, and developer contributions will be sought.

48. With regard to the ownership of land, the developer would be required to secure the

right to develop any land not in their ownership. This would include rights for vehicular and pedestrian access prior to development commencing. The reference to the public open space is not set out within the plan. It is included within the draft site development brief, on which I do not have any remit to make changes.

49. Historic mine workings are referred to within the draft Environmental Report site assessment and this issue can be addressed as part of the consideration of any subsequent planning application. With regard to views, this matter is referred to within the draft development brief, to which I have no remit to amend. As explained in paragraph 15 above, the loss of private views is not a material planning consideration.

50. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan. As a result of my conclusions above, no modifications are recommended in response to these representations.

### **PROP TT7: Macmerry North**

51. Representations objecting to this proposal raise a number of matters, some of which concern the overall suitability of the site for development, while others raise more detailed matters.

52. In addition, a number of questions are raised regarding the detail of the proposal including: timescales, the availability of detailed drawings and details of the developers. These are matters of detail which will be addressed through the consideration of a planning application for the development of the site.

53. With regard to concerns expressed over traffic levels and highway safety, as explained within paragraph 13 above, the proposed plan has been informed by a Transport Appraisal and a number of policies seek to ensure that new development can be accessed safely. The detailed matters regarding site access will be considered as part of the assessment of any subsequent planning application.

54. Infrastructure concerns are addressed within paragraph 16 above. In addition, the council has confirmed that additional capacity will be required at Macmerry Primary School to accommodate the projected pupils arising from committed and planned housing in the Macmerry catchment area. Additional capacity is also required at Ross High School to accommodate the projected secondary aged pupils arising from planned and committed housing across the Tranent cluster. Developer contributions will be sought to fund the required additional capacity.

55. With regard to the ownership of land, the developer would be required to secure the right to develop any land not in their ownership, this would include rights for vehicular and pedestrian access prior to development commencing.

56. The council submit that the landscape strip to the rear of Chesterhall Avenue is unlikely to be affected by the proposal as it does not lie within the site boundary, however there may be a small loss of the strip to allow for access to the site. This matter will be considered through the detailed assessment of any subsequent planning application.

57. With regard to the scale of the development, whilst it is acknowledged that the site is large when considered in the context of the current housing within Macmerry, I consider

that the site will not dominate the settlement and will round off the north-western settlement edge. The draft Environmental Report site assessment identifies that the site is within 400 metres of a number of bus stops and within 1600 metres of local facilities and services which includes a primary school and shops. It is also close to Macmerry Business Park.

58. Matters regarding the impact of the development on privacy and security as well as the proposed position of any affordable housing within the development, will be considered in detail as part of the assessment of a planning application

59. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan. As a result of my conclusions above, no modifications are recommended in response to these representations.

60. Balfour Beatty request an amendment to the site boundary included within the plan and that the number of units is increased from 150 to 200 units. The council submit that the proposed plan allocates appropriate and sufficient land to meet the requirements of the strategic development plan and that no further housing land is required at Macmerry. In addition, if the site boundary and density of the site were amended, further consultation would be required and consideration given to the infrastructure requirements to support an increase in the number of units to be delivered.

61. The housing land supply position has been considered in Issue 12. Overall, the housing land supply (as recommended to be modified) is sufficient to meet and exceed the housing requirement over the period to 2024 without the need to find additional housing land at this time. No modifications are therefore recommended in response to this representation.

#### **PROP TT9: Gladsmuir East**

62. The representation from Gill Highet supports the proposal subject to the creation of a new access road as it is considered that Lamington Road will not provide an appropriate access. Access to the site will be determined through assessment of a planning application. However, the draft site development brief identifies that a new access must be created on the north site of the A198 road adjacent to an existing bus stop. No modifications are therefore recommended in response to this representation.

63. Balfour Beatty queries the requirement for a masterplan for a scheme of only 20 units. The representation states that this will not offer any substantive benefits over a design statement supporting a planning application. The requirement for masterplans is addressed both within Policy DP4: Major Development Sites and Policy TT17. Within Issue 30, the council acknowledge that there is a discrepancy between Policy DP4 (which requires only major developments to submit a masterplan) and Policy TT17 (which requires any allocated site to submit a masterplan). Although the council's response above suggests that certain proposals may merit the preparation of a masterplan, Policy DP4 indicates that this will only apply to major developments. Based on the council's latest response set out in Issue 30, Policy DP4 appears to provide the approach intended by the council with regard to the submission of a masterplan. For clarity therefore, it is recommended that Policy TT17 is deleted.

**PROP TT10: Limeylands Road, Ormiston**

64. Walker Group request that Proposal TT10 is modified to remove the requirement for a masterplan to be prepared which conforms to the council's development brief and integrates development within the surroundings as the site has planning permission. Whilst I observed at my site inspection that development was under construction, given the size of the site, the developer may wish to make changes to the layout. I therefore consider it is important for Proposal TT10 to continue to refer to the need for the masterplan and links with the site development brief, as well as integration with the surrounding area. No modifications are therefore recommended.

**PROP TT11: Elphinstone West**

65. Rob Moore has provided comments on the draft development brief for Proposal TT11 and does not define any amendments to the plan. I have no remit to recommend changes to the site development briefs.

**PROP TT12: Woodhall Road, Wester Pencaitland**

66. Representations objecting to this proposal raise a number of matters, some of which concern the overall suitability of the site for development, while others raise more detailed matters.

67. With regard to the impact of the development on: amenity, the conservation area, nature conservation, highway safety, parking, height and density, these matters will be considered in detail through the assessment of a planning application. The draft site development brief provides criteria which will be considered, including: the site access must be taken from Woodhall Road, a requirement for landscaping along the eastern boundary, that buildings along the eastern edge must be set back and have a varied building line, residential amenity must be safeguarded, and the western boundary should be a hedgerow. In addition, other policies within the plan, including DP2: Design, DP3: Housing Density, T1: Development Location and Accessibility, T2: General Transport Impact, NH5: Biodiversity and Geodiversity interests and CH2: Development Affecting Conservation Areas will ensure the matters identified are fully considered through the assessment of any subsequent planning application for development of the site.

68. In accordance with the requirements of Scottish Planning Policy, the strategic environmental assessment considered the site against key criteria including its impact on the historic and natural environment, protecting agricultural land and use of previously developed land. I consider the council has followed a robust site assessment process and the matters identified within the representation have been appropriately considered.

69. As explained within paragraph 13 above, the proposed plan has been informed by a Transport Appraisal. With regard to the suggestion that development should take place within larger towns and the new settlement at Blindwells rather than small villages, I conclude within paragraph 19, that the spatial strategy accords with the presumption in favour of development that contributes to sustainable development, as set out within Scottish Planning Policy.

70. The council has confirmed that contributions will be required from the developers of all three proposed housing sites within Pencaitland towards the provision of additional education capacity at Pencaitland Primary School.

71. With regard to concerns over the potential future occupiers of dwellings, the council has confirmed that the site is privately owned and there are no specific requirements for any particular tenure of housing on the site. Should affordable housing be constructed on the site, the allocation of the housing will be a matter for the affordable housing provider.

72. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan. As a result of my conclusions above, no modifications are recommended in response to these representations.

**PROP TT13: Lempockwells, Wester Pencaitland**

73. Jacob Manning and Alistair Kettles object to the allocation of Proposal TT13 for the following reasons:

- impact on the road network and highway safety;
- development should take place in the larger towns, including Blindwells rather than small villages;
- impact on amenity.

74. As explained in paragraphs 13 and 67 above there are a number of policies within the plan that will ensure that matters such as highway impact and amenity are considered fully through the assessment of a planning application. Paragraph 19 sets out my conclusions on the spatial strategy and the council's decision to support some development within smaller villages. No modifications are therefore recommended.

75. Gladman request an amendment to the plan to increase the number of units from 115 to 120, this will then reflect the consented development of the site. Whilst it is acknowledged that 120 would reflect the scheme with planning permission, as Proposal TT13 states that the site will deliver circa 115 homes, the request would fall within this margin. Therefore it is not considered necessary to amend the proposed plan.

**PROP TT14: Park View, Easter Pencaitland**

76. Representations objecting to the proposed allocation of Proposal TT14 include a number of reasons:

- Flooding/drainage concerns;
- Loss of trees;
- impact on the road network and highway safety;
- development should take place in the larger towns, including Blindwells rather than small villages;
- impact on amenity (privacy, noise);
- over development;
- impact on the conservation area and surrounding designated historic landscape.

77. The draft Environmental Report site assessment states that the site is not shown to be at risk of river, coastal or surface water flooding and the Scottish Environmental Protection Agency has not raised any concerns with regard to flood risk. Policies NH10: Sustainable Drainage Systems and NH11: Flood Risk will ensure that flooding and drainage issues are fully considered through the assessment of any planning application on the site.

78. With regard to the loss of trees on the site, the draft site development brief identifies that the development of the proposed access point will result in the loss of some trees that are subject to Tree Preservation Orders. To compensate for this loss, the development brief requires that specimen trees will be required to be replanted on either side of the new access, taken from the B6355 road. The draft brief also identifies that the mature trees on the southern and western boundaries of the site must be safeguarded as part of the future development of the site. Matters of residential amenity and density are also considered as part of the development brief and these issues will be considered in accordance with Policies DP2: Design and DP3: Housing Density.

79. The draft development brief also identifies that development must complement and safeguard the Winton House Designated Landscape and the Pencaitland Conservation Area. Policies CH2: Development Affecting Conservation Areas and CH6: Gardens and Designed Landscapes will also require these issues to be fully considered as part of the assessment of any subsequent planning application for the development of the site.

80. As explained in my conclusions in paragraph 13, transport matters will be fully considered through the consideration of any subsequent planning application and the proposed plan has been informed by a Transport Appraisal. Paragraph 19 sets out my conclusions on the spatial strategy and the council's decision to support some development within smaller villages.

81. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan. As a result of these conclusions, I recommend no modifications in response to these representations.

#### **TT15: Humbie North**

82. Representations objecting to this proposal raise a number of matters, some of which concern the overall suitability of the site for development, while others raise more detailed matters.

83. Concerns regarding access, parking, traffic and the design of new development are matters that can be addressed through the consideration of a planning application. There are a number of policies within the plan which provide an appropriate framework for the assessment of these matters, including: DP2: Design, T1: Development Location and Accessibility and T2: General Transport Impact.

84. Infrastructure concerns are addressed in paragraph 16 above. In addition, the council has advised that there is existing capacity at Humbie Primary School to accommodate protected primary rolls arising from planned and committed housing in the Humbie catchment area; also, that developer contributions will be sought to fund the required additional capacity at Ross High School. Concerns regarding health care provision are addressed in paragraph 17. With regard to sewerage, the draft Environmental Report site assessment identifies that there is limited waste water capacity at Humbie, however Scottish Water will be required to identify a solution in collaboration with the developer to allow the site to be developed. Property values are not a material consideration in the preparation of the local development plan.

85. With regard to the loss of prime agricultural land, paragraph 80 of Scottish Planning Policy identifies the exceptions where development can take place on prime agricultural

land, this includes where it is a component of the settlement strategy. The council submit that the allocation is necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified within the strategic development plan.

86. A number of representations express concern that the proposed site was not included within the Main Issues Report and that the council has not considered the feedback received through the additional consultation that was undertaken. As the council undertook additional consultation, it is not essential that the site was included as part of the Main Issues Report. The council state that they have considered responses however additional small sites were required and that the development of some sites were required to help sustain pupil rolls in smaller rural primary schools. The council has provided further information on this matter which is responded to in Issue 15: Education.

87. Concern has been expressed regarding the proposed scale of the site in comparison to the size of the village and the limited facilities that would be available to future residents. I note within the draft Environmental Report site assessment that the council concluded that:

- the development of the site would not align well with strategic and local policy objectives including meeting housing need and demand in the most sustainable locations that minimise the need to travel;
- whilst the site is within 400m of a bus stop, there is currently no service and there is no rail station within 800m;
- there are a limited range of services and facilities within 1600m, including a small shop, primary school and church;
- development would result in the loss of prime agricultural land.

88. I also note the council's explanation that it is necessary to allocate additional small sites at settlements outwith the Strategic Development Area in order to identify sufficient land to meet the housing requirement. Whilst I note that this general approach would accord with the spatial strategy of the plan, in identifying suitable settlements careful consideration should also be had to their particular location, character and identity.

89. At my site visit I observed that Humbie is a small rural village with very limited services. I consider the scale of the proposed site to be excessive as it would almost double the size of the village, therefore I do not agree with the council's assessment that the development would relate reasonably to the existing village. I note that some residential development could help to sustain rural services. However current facilities within the village are very limited. With regard to supporting the local primary school, the evidence before me does not suggest that housing development is needed to sustain the number of pupils at the school. In addition it would not be possible for the council to control future occupants of homes built at the site.

90. I am therefore not convinced, based on both the council's assessment of the site and my observations at my site inspection, that the site is suitable for housing development at this time. I note that the site is programmed within the Housing Land Audit (2017) for development within the period 2020/22. Issue 12: Planning for housing considers the housing land supply position. The removal of this site will not have a significant impact on the supply of housing to meet the requirement over the period to 2024. A modification to remove this site from the plan is therefore recommended.

**PROP TT16: East Saltoun**

91. Representations objecting to this proposal raise a number of matters, some of which concern the overall suitability of the site for development, while others raise more detailed matters.

92. Infrastructure concerns are addressed in paragraph 16 above. In addition, the council has advised that there is existing capacity at Saltoun Primary School to accommodate protected primary rolls arising from planned and committed housing in the Saltoun catchment area. Also, that developer contributions will be sought to fund the required additional capacity at Ross High School. Concerns regarding health care provision are addressed in paragraph 17. With regard to sewerage, the draft environmental report identifies that the site is served by Hopes Water Treatment Works and East Saltoun Septic Tank. The water treatment works has available capacity, however there is limited septic tank capacity, however Scottish Water will be required to identify a solution in collaboration with the developer to allow the site to be developed. As explained within paragraph 13, highways matters would be addressed through the consideration of a planning application.

93. I note within the draft Environmental Report site assessment that the council identified:

- the site is within 400m of a bus stop, with a limited service to Haddington, Tranent and Gifford and that there is a limited range of local facilities, including a shop, church, primary school and village hall;
- development of the site would not align well with strategic and local policy objectives, including meeting housing need in the most sustainable locations;
- loss of some 3.1 prime agricultural land;
- Historic Environment Scotland consider the development of the site has the potential to fundamentally change the character of the Saltoun Conservation Area and advises the need for a design strategy alongside a conservation area appraisal;
- that the site has existing development on two sides and represents a relatively logical extension to the village in landscape terms, although the size of the site relative to the existing village is such that development may have significant impacts on the character of the village and on the conservation area. The site is higher than much of the adjacent village which tends to slope downwards to the north; it would be visible in longer views. Structural landscape planting may mitigate the impact of development in longer distance views, but would be unlikely to mitigate any impacts on village character and scale.

94. I also note the council's explanation that it is necessary to allocate additional small sites at settlements outwith the Strategic Development Area in order to identify sufficient land to meet the housing requirement. As I explained within paragraph 88 above, whilst I note that this general approach would accord with the spatial strategy of the proposed plan, in identifying suitable settlements careful consideration should also be had to their particular location, character and identity.

95. At my site visit I observed that East Saltoun is a small rural village with very limited services. The proposal would significantly increase the size of the settlement. Whilst some expansion to the south east of East Saltoun may be appropriate, I agree with the council's assessment which identifies that the proposal may have significant impacts of



the character of the village and on the conservation area. I note that some residential development could help to sustain rural services and facilities, however current facilities within the village are very limited. With regard to supporting the local primary school, the evidence before me does not suggest that housing development is needed to sustain the number of pupils at the school. In addition it would not be possible for the council to control future occupants of homes built at the site.

96. As a result of the council's own assessment and my observations, I am not convinced that the site is suitable for housing development at this time. I note that the site is programmed for development within the period 2020/23 within the council's Housing Land Audit (2017). Issue 12 considers the housing land supply position. The removal of the site will not have a significant impact on the supply of housing to meet the requirement over the period to 2024. A modification to remove this site from the plan is therefore recommended.

### **Policy TT17: Development Briefs**

97. Hamilton Farming Enterprises consider that the requirement, within Policy TT17, that planning applications for any allocated site must conform to the relevant development brief is inappropriate as a result of the development briefs being based on limited information. Similarly, Persimmon Homes object to the proposed approach, highlighting that developers have had no input to the development briefs.

98. The council submit that stakeholders have had an opportunity to comment on the draft development briefs through consultation and when they are being finalised they are to be revised to use the words 'should' rather than 'will' or 'must' where appropriate. Whilst I acknowledge this approach, I agree with Hamilton Farming Enterprises and Persimmon Homes that the approach set out within Policy TT17 is too restrictive. Following the adoption of the development briefs, new information could be identified by a prospective developer that justifies a departure from the development brief. The requirement for masterplans is addressed both within Policy DP4: Major Development Sites and Proposal TT9. The council acknowledges that there is a discrepancy between Policy DP4 (which requires only major developments to submit a masterplan and Proposal TT17 (which requires any allocated site to submit a masterplan). This matter is discussed further in Issue 30: Design. For clarity therefore, it is recommended that Policy TT17 is deleted (this is also the conclusion reached in paragraph 63 above).

99. The concerns expressed by Balfour Beatty regarding the requirements for a masterplan are also addressed in paragraph 63 above.

### **Tranent Cluster Miscellaneous**

100. The Scottish Environment Protection Agency (SEPA) object to the inclusion in the plan of all the sites within Table TT1: Tranent Cluster Established Housing and Employment Sites Summary, as it is not clear if they have been subject to Strategic Environmental Assessment (SEA) and the majority have not been subject to Strategic Flood Risk Assessment.

101. Paragraph 260 of Scottish Planning Policy requires local development plans to use strategic flood risk assessment to inform choices about the location of development. The sites set out within Table TT1 were either allocated by previous local plans or form part of the established land supply. Within the plan, the council's assessment generally

distinguishes between allocated sites (identified as proposals) and carry-forward sites. All however contribute to the total land supply within the proposed plan as identified within Tables EMP1 and HOU1. Since the local plan was adopted, higher annual rainfall for East Lothian has led to the potential for increased in flood risk, and there have been recent legislative and regulatory changes. It is important therefore that the plan is informed by an up to date understanding of flood risk and that all sites to be included within the plan are suitably assessed involving the relevant consultation authorities as necessary.

102. In response to a further information request, the council confirm that all the sites in Table TT1 are either operating employment sites or housing sites which are complete, under construction, with planning permission or the subject of a planning application. Consequently, the relevant assessments will have been undertaken and the appropriate mitigation required, where necessary. The council only refers to one site, Highlea Steading, Humbie where it considers it would be prudent to require a flood risk assessment. The council maintains that the sites within Table TT1 are not at risk from flooding.

103. While we acknowledge the council's position, this approach does not entirely reflect the intent to undertake a strategic flood risk assessment at the plan preparation stage as indicated within Scottish Planning Policy. We have therefore sought further information from SEPA. Their response indicates that both Highlea Steading and Highlea Farm at Humbie would require a flood risk assessment to be submitted as part of any subsequent planning applications.

104. With regard to sites within Table TT1, Any emerging legislative requirements, including any unknown flood risk, would involve consultation with the relevant statutory bodies at the planning application stage. Suitable policy safeguards are also contained within the plan including Policy NH11: Flood Risk. However, to ensure clarity in how the council will deal with such matters in relation to any evolving situation with the physical environment and flood risk, an amendment to paragraph 2.108 is recommended.

105. Alistair Kettles identifies an inconsistency between the draft Action Programme and the proposed plan, with regard to the education costs for Proposal TT12, 16 homes at Woodhall Road and Proposal TT14, 55 homes at Park View; the same cost is included for both sites. I have no remit to amend the draft Action Programme or the draft Supplementary Guidanc: Developer Contributions Framework on which these costs are based; no modifications are therefore recommended in response to this representation.

**Reporter's recommendations:**

Modify the local development plan by:

1. On the Tranent Cluster Strategy Map and Inset Map 35 (Tranent) removing the mixed-use annotation for PROP TT1 (Windygoul South) and identifying the site as a housing allocation.
2. In paragraph 2.82, deleting the second "and" from the first sentence.
3. In paragraph 2.84, replacing the fourth sentence with:

"The opportunity for or provision of a link road between the B6371 and the B6414 must not be prejudiced through the development of either of these sites".

4. Replacing paragraph 2.85 with the following:

“The Plan identifies that there may be the potential for a new trunk road interchange to be provided at Adniston which could support the provision of the Tranent eastern bypass. The Council is investigating the feasibility of the interchange and the bypass. To ensure that the long-term ability to effectively consider potential delivery is not prejudiced, land is safeguarded for a new trunk road interchange at Adniston and for potential road alignment from it to the A199, B6371 and B6414.”

5. In paragraph 2.90, replacing the second sentence with:

“As a result of the location of the site, in accordance with Policy DP3, the density of the housing development should make efficient use of land, reflecting its accessibility to services and facilities without compromising the character and appearance of the development”.

6. In paragraph 2.90, deleting the third and fourth sentences.

7. In PROP TT1, replacing the first sentence with: “Land at Windygoul South is allocated for circa 550 homes”.

8. Replacing paragraph 2.92 with the following:

“PROP TT2 will provide for the expansion of Windygoul Primary School campus in line with PROP ED4, to accommodate the impacts generated by PROP TT1 and other housing sites in the school’s catchment area. It will also provide community facilities in line with PROP CF1 and PROP OS7.”

9. In PROP TT2, adding the following text to the start of the first sentence:

“Approximately 1.12 ha of”.

10. Deleting paragraph 2.105 and PROP TT15: Humbie North.

11. Deleting paragraph 2.106 and PROP TT16: East Saltoun.

12. In paragraph 2.108, inserting third and fourth sentences as follows:

“Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”

13. Deleting Policy TT17: Development Briefs.

<b>Issue 7</b>	<b>Haddington Cluster</b>	
<b>Development plan reference:</b>	Haddington Cluster (pgs 39-43)	<b>Reporter:</b> Jo-Anne Garrick
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Norman and Elaine Towler (0020)  Ivan and Vivienne Middleton (0034)  E Macdonald (0176)  Richie Brothers (0259)  In-Site Property Solutions Ltd (0262)  Scottish Environment Protection Agency (0252)  Lord Wemyss Trust (0277)  D Dickson &amp; William Lee (0310)  Haddington and District Amenity Society (0327)  PLOT (Haddington) LLP (0333)  Ediston Real Estate (0379)  Savills (0396)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)</p>		
<b>Provision of the development plan to which the issue relates:</b>	This provision of the proposed LDP deal with the proposals for new allocations and committed sites for the Haddington Cluster (pgs 39-43)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Haddington Cluster Strategy Map</b></p> <p><u>In-Site Property Solutions Ltd (0262/1)</u></p> <p>Whilst the mixed residential and employment use allocation identified for HN4 Gateside East is based on the extant planning permission in principle (reference 13/00800/PPM), circumstances have changed since In-Sites' previous submission (MIR) and it is now requested that the strategy should reflect current circumstances. Work has commenced on the implementation of the residential part of that permission. Additionally, however, in August 2015, an application for detailed planning permission (reference 15/00599/P) for a nursing home and extra care flats on the 1ha site identified in the Proposed Plan for employment purposes was submitted to ELC for consideration. On 7 June 2016 the ELC Planning Committee resolved to grant full planning permission subject to the prior conclusion of a legal agreement and subject to conditions, all to be agreed by the Service Manager for Planning, the Planning Convenor and Local Members. Accordingly, In-Site considers that the emerging LDP should reflect the planning status of the site.</p> <p><b>Haddington Cluster Introduction</b></p> <p><u>E Macdonald (0176/7)</u></p> <p>Haddington Town Centre needs protecting by restricting retail, commercial and business at Letham Mains and at Gateside West otherwise impact on the town centre and lead to unacceptable car journeys. Letham Mains will impact on secondary school which will not cope with additional children as Knox Academy is at capacity. New houses should not be</p>		

built without additional infrastructure (employment/education/health/leisure/transport). Primary school, a 5 a side pitch and an extension to Aubigny Leisure Centre is not sufficient mitigation. Letham Mains should be used as a site for new community hospital. Planners need to be educated to consider more than house building. Herdmanflatt Hospital is essential for East Lothian residents otherwise there is a need to travel into Edinburgh, which is time consuming and impacts on climate change. ELC has not taken advantage of business opportunities to bring employment to East Lothian. Construction at Dovecot has commenced but there is no affordable housing provision. ELC should have 30% of sites affordable housing. Developers should also make contributions to infrastructure including secondary school, community centres, and sports facilities. Too little land has been allocated for employment land.

Lord Wemyss Trust (0277/2)

Objects to the reference in paragraph 2.116 which states that the open land to the north of the Tyne is an important area to the town's character and setting.

Objects to the statement in Paragraph 2.114, which states that "into the longer term, the only suitable location for further significant expansion of Haddington maybe in the wider Dovecot area". There is no justification for this statement provided in the Plan.

The subject land at Amisfield Mains, Haddington forms an integral part of the area of land referred to in paragraph 2.116 of the Proposed Plan which is considered unremarkable in landscape terms being physically contained by the A1 road to the north, established housing to the west and the Haddington Golf Course to the south. If the landscape was that special it would be covered by a specific landscape designation. It is not.

There is no justification in the Plan for designating a Countryside Around Towns policy for Haddington as articulated by DC8. In this regard, it is considered that the Council's extant Development in the Countryside Policy DC1 as amended by the various Policies DC1 to DC7 inclusive contained in the Proposed Plan in relation to the 'Countryside', has performed as an effective 'Greenbelt' policy for a significant number of years and, as such, there is no justification for applying a further layer of policy restriction. There is no need.

**Prop HN1: Letham Mains**

Norman and Elaine Towler (0020)

The likely impact on houses at Burnside/Clerkington Road/Park Lane in terms of increased traffic volume and the knock on effect to the Haddington infrastructure as a result of PROP HN1: Letham Mains and development at Dovecot 1. Request that the proposed access road through the proposed Letham Mains site which will provide access from the B6471 to the Pencaitland Road be prioritised in order to alleviate environmental impacts, nuisance to residence and potential risks to children, additional traffic caused by the Dovecot Development and the prevention of a circuitous route along the above mentioned roads.

Ivan and Vivienne Middleton (0034)

What changes have occurred to the Indicative Masterplan of 2011 for Letham Mains? Concern for the scale of the development and the design of the nature belt planned for the land adjacent to the Letham House Drive and land at East Letham to the South West of Letham House. Sensitivity should be applied to prevent disturbance to wildlife and the

historic setting of the 'Hamlet' comprising four properties. Is there a timescale for the development of this site?

**Prop HN2: Letham Mains Expansion**

E Macdonald (0176/8)

Objects to housing proposal HN2. East Lothian is seriously overdeveloped, a massive commuter housing coalescence from Musselburgh to Dunbar. Loss of identities of communities; Impact on tourism; Sufficient luxury homes which are wasteful of energy and encourages the use of cars.

Scottish Environment Protection Agency (0252/14)

Consider that a Flood Risk Assessment (FRA) to accompany planning applications at this site should be included as requirement for development of this site. Development plans should identify site requirements to allocations where a potential flood risk has been identified (from any source) to ensure that a site specific Flood Risk Assessment (FRA) is undertaken in advance of the development. This FRA should be used to inform the siting, layout, design and capacity of development on the site in a way that avoids an increase in flood risk on and off site and ensures that there is safe dry pedestrian access and egress at times of flood. In addition, the identification in a development plan that a FRA is required reduces the potential for additional costs, delays and uncertainties for planning applications if the need for a FRA is identified late in the process and the siting, design and layout of proposed developed has to be reviewed.

D Dickson & William Lee (0310/1)

Proposed development at Letham Mains to include the expansion into the South West field will create a development of unreasonable and disproportionate size, creating significant imbalance in the flow of traffic and people. Other areas to the East of the town e.g. OTH-H6 Amisfield should be considered in preference. The character of the small holdings should be preserved. There are a large number of poultry at this property which cause noise; the residents do not want to compromise their lifestyle for new housing. Not enough consideration has been given to the wildlife in the expansion area. The field should remain undeveloped to allow these animals a corridor to the Letham Burn and surrounding woodlands.

**Prop HN4: Land at Gateside East**

In-Site Property Solutions Ltd (0262/2)

The proposed mixed residential and employment use allocation is based on the extant planning permission in principle, reference 13/00800/PPM; circumstances have changed since the time the Proposed Plan was initially prepared. It is acknowledged that work has commenced on residential development of part of the overall site.

**Prop HN5: Land at Gateside West**

Scottish Environment Protection Agency (0252/15)

Consider that a Flood Risk Assessment (FRA) to accompany planning applications at this

site should be included as requirement for development of this site. Development plans should identify site requirements to allocations where a potential flood risk has been identified (from any source) to ensure that a site specific Flood Risk Assessment (FRA) is undertaken in advance of the development. This FRA should be used to inform the siting, layout, design and capacity of development on the site in a way that avoids an increase in flood risk on and off site and ensures that there is safe dry pedestrian access and egress at times of flood. In addition, the identification in a development plan that a FRA is required reduces the potential for additional costs, delays and uncertainties for planning applications if the need for a FRA is identified late in the process and the siting, design and layout of proposed developed has to be reviewed.

PLOT (Haddington) LLP (0333)

Full planning permission was granted in 2014 for a mixed use development across the Gateside West site. The planning permission (14/00219/PM) approved the erection of 112 houses, industrial units (Class 4 use), a pub/restaurant and associated works. The marketing evidence (2015) demonstrates that there has been and remains a distinct lack of interest for a pub/restaurant use at this site. Based on the level of interest received from residential developers, there is no doubt that the site could be successful in delivering a further 16 homes. As a residential allocation, the site is effective and deliverable in the short term and will increase the contribution that Gateside West can make to the recognised shortfall in the effective housing land supply. The site is capable of being delivered pre 2019 and during the period of greatest pressure for the LDP to bring forward effective, new sites.

**Prop HN7: Land at Alderston**

Scottish Environment Protection Agency (0252/16)

Consider that a Flood Risk Assessment (FRA) to accompany planning applications at this site should be included as requirement for development of this site. Development plans should identify site requirements to allocations where a potential flood risk has been identified (from any source) to ensure that a site specific Flood Risk Assessment (FRA) is undertaken in advance of the development. This FRA should be used to inform the siting, layout, design and capacity of development on the site in a way that avoids an increase in flood risk on and off site and ensures that there is safe dry pedestrian access and egress at times of flood. In addition, the identification in a development plan that a FRA is required reduces the potential for additional costs, delays and uncertainties for planning applications if the need for a FRA is identified late in the process and the siting, design and layout of proposed developed has to be reviewed.

**Prop HN8: Land at Peppercraig East**

Ediston Real Estate (0379)

Support the allocation of the site at Peppercraig East, Haddington, however, the representor requests that the requirement for a comprehensive masterplan for the whole site be reviewed. The nature of the site at Peppercraig East means that it is likely to be developed in phases of development. The linear shape of the site lends itself to phasing development and infrastructure through smaller more manageable development plots. The Development Brief for the site indicates that there could be 3 access locations along the A199. This supports the position that the site should be looked at as smaller development



plots that can be brought forward over the time period of the LDP.

Savills (0396/2)

It is considered that the suggested modification is important to make it clear that there is a specific framework to deal with developer obligations and site specific requirements contained within the Developer Contributions Supplementary Guidance and appropriate Development Framework respectively.

**Haddington Cluster Miscellaneous**

Scottish Environmental Protection Agency (0252/4)

The representation states that although these sites in Table HN1 are not shown on the spatial strategy drawings within the PP, the majority are shown on the proposal maps which accompany the plan. SEPA have not had an opportunity to comment on these sites previously, during the preparation of this LDP, i.e. SEPA have not been provided with shapefiles which allow assessment of the sites against all relevant information held on record. It is not clear if these allocations have been through the SEA process with the same rigour as other sites and the majority have not been assessed by the SFRA and the requirement for Flood Risk Assessments (FRA) to be submitted with planning applications, where appropriate, has not been identified in the PP. As less consideration of flood risk has been given to these sites, particularly taking into account significant changes in legislation, policy and the physical environment (such as the higher annual rainfall being experienced in East Lothian) it is not possible to establish the principle of development at these sites.

Haddington and District Amenity Society (0327/5)

Haddington is being expanded, on unsuitable sites, with poor quality outcomes. PAN44 has been ignored by the Council and on Appeal. Site at Letham Mains has not delivered any housing and proposal HN2 is now proposed as an expansion of that site. The examination should consider the terms of appeal reference PPA-210-2037 and how such a poor decision could be taken. Land at Dovecot should not be mentioned within the plan as a potential area for expansion of the town in future.

**Haddington Cluster Support**

Scottish Environment Protection Agency (0252/52)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at HN3 Dovecot. A FRA was carried out as part of planning application 13/00071/PPM to which we had no objection. All development was positioned outwith the functional floodplain. Any new development layout will have to take account of the findings of the FRA. It must be highlighted FRA is required to ensure that any development takes account flood risk.

Scottish Environment Protection Agency (0252/53)

Scottish Environment Protection Agency support the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at HN1 Letham Mains. The Letham Burn flows along the middle of this site and the St Laurence Burn flows along the eastern boundary.



Richie Brothers (0259/1)

Ritchie Brothers agree and support paragraph 2.114.

Savills (0396/1)

We support the proposed allocation HN8 for the following reasons:

The allocated site is directly in line with the requirements of national, strategic and local planning policy. SESplan details that Haddington is in a “Long Term Growth Corridor” and that the town is identified for strategic growth between 2018 and 2030. SESplan also directs LDPs to identify and safeguard a significant supply of employment land; this land should “be able to deliver sites which are serviced or serviceable over the plan period”. Allocation of HN8 will therefore contribute to the strategic policy direction for south-east Scotland. The allocation is located within the Haddington Cluster, and is therefore within one of the main settlements in East Lothian. In addition, it is in a highly accessible location, adjacent to the A1.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/1)

PROP HN2 is included in the proposed Plan. In response to the MIR the project team at Colliers prepared a Development Framework document to set out why and how the site could be developed. The development layout responded directly to the planned adjacent development, and a copy of the design concept and indicative development plan is included with the representation.

The site has been successfully included on the proposed LDP, which is welcomed and fully supported for inclusion within the proposed plan. (See 0426/2)

**Modifications sought by those submitting representations:**

**Haddington Cluster Strategy Map**

In-Site Property Solutions Ltd (0262/1)

Modification to Paragraph 2.113 to state: Two further housing sites are also allocated, one at Dovecot and one at Alderston. A mixed residential (including Class 8 and Class 9) site is allocated at Gateside East. A further mixed use employment and housing site is allocated at Gateside West. A new employment site is allocated at PepperCraig East....(continue as per Proposed Plan).

**Haddington Cluster Introduction**

E Macdonald (0176/7); Lord Wemyss Trust (0277/2)

No Modification sought

**PROP HN1: Letham Mains**

Norman and Elaine Towler (0020)

Request that the proposed access road through the proposed Letham Mains site which will provide access from the B6471 Haddington Road to the A6093 Pencaitland Road be

prioritised.

Ivan and Vivienne Middleton (0034)

No Modification sought

**PROP HN2: Letham Mains Expansion**

E Macdonald (0176/8); D Dickson & William Lee (0310/1)

No Modification sought

Scottish Environment Protection Agency (0252/14) (0252/15) (0252/16)

Consider that a Flood Risk Assessment (FRA) to accompany planning applications at PROP HN2, PROP HN5 and HN7 should be included as requirement for development of this site. The Letham Burn flows along the northern boundary of the allocation it has to be assessed within a FRA.

**PROP HN4: Land at Gateside East**

In-Site Property Solutions Ltd (0262/2)

Modification to Paragraph 2.121 as; Mixed Use Proposal: Gateside East, Haddington 2.121 Land at Gateside East in the west of Haddington is allocated for a mixed residential development, including circa 110 homes and 60-bed nursing home, to reflect existing planning permissions. Part of the development is now under construction.

PROP HN4 is modified to read:

Land at Gateside East, west of Gateside Road, is allocated for a mixed residential development, including circa 110 homes and 60-bed nursing home, to reflect existing planning permissions.....

**PROP HN5: Land at Gateside West**

PLOT (Haddington) LLP (0333)

Amended wording for para 2.122 as follows;

‘Land at Gateside West at the former Gateside Commerce Park in the west of Haddington is allocated for a mixed use housing and employment development’.

**PROP HN8: Land at Peppercraig East**

Ediston Real Estate (0379)

Seek a modification relating to the need for a comprehensive masterplan for the entire site at Peppercraig East (Prop HN8).

Savills (0396/2)

Propose the following paragraph is included within the blue box (PROP HN8: Land at Peppercraig East), to replace the existing wording: “Required mitigation measures,

including all required developer obligations, will be established as part of the consideration of each individual planning application in line with the requirements outlined in the Developer Obligations Supplementary Guidance and the relevant Development Framework”.

### **Haddington Cluster Miscellaneous**

#### Scottish Environmental Protection Agency (0252/4)

SEPA objects to the inclusion of sites within Table PS1 in the LDP, without them being subject to the same process and review as all other sites to be included in the LDP.

#### Haddington and District Amenity Society (0327/5)

Delete reference to Dovecot are being a potential location for expansion of Haddington. Examinations should review appeal decision reference PPA-210-2037.

### **Haddington Cluster Support**

Scottish Environment Protection Agency (0252/52); Scottish Environment Protection Agency (0252/53); Richie Brothers (0259/1); Savills (0396/1); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/1)

No Modifications

## **Summary of responses (including reasons) by planning authority:**

### **Haddington Cluster Strategy Map**

#### In-Site Property Solutions Ltd (0262/1)

The Council notes that the application for a care home on the land allocated for employment has minded to grant status, subject to conclusion of a legal agreement. Proposal HN4 is therefore reflective of this situation, and the Council’s intentions for the land within the LDP (CD170e). Council submits that policies EMP1 and RCA1 would apply to the HN4 site. EMP1 allows for the development of Use Classes 4, 5 and 6 and provides flexibility for other employment generating uses, such as a care home, subject to the provisions of Policy EMP1 and TC1. **The Council submits that no modification of the plan is necessary.**

### **Haddington Cluster Introduction**

#### E Macdonald (0176/7)

The Council submits that the Proposed LDP identifies Haddington town centre and a local centre at the Letham Mains site (HN1) (LDP page 57). The Council submits that this is an appropriate hierarchy of centres for the town. Policy TC1 of the LDP will ensure that the vibrancy and vitality of the town centre is protected and that the scale and nature of retail or other such development that takes place within the local centre is appropriate to the scale and intended function of that centre, consistent with paragraph 3.4 of the LDP. Policy TC2: Town and Local Centres aims to support town centres and provides a policy framework to support appropriate land uses within the town centre. A similar principle

exists in relation to the proposals for the Gateside West site (HN5). The additional population in and around the town that will arise when new development becomes occupied will provide significant new potential for additional economic activity and spend within Haddington that should significantly benefit the town centre.

The Council submits that the Education Scotland Act (1980) places a legislative duty on the Council to provide sufficient school accommodation and to plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The Council has assessed the additional education accommodation / capacity required for pre—school, primary and secondary provision within the Haddington Cluster. This is in line with Scottish Government Guidance, 'Determining Primary School Capacity 2014'. (CD024). Technical Note 14 (CD059) has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. In line with East Lothian Council's Local Development Plan Draft Developer Contributions Framework SG (CD063), developer contributions will be sought in respect of the additional education capacity required to accommodate the cumulative impact of development. The Council will not seek developer contributions for any existing deficiencies in either capacity or standard of accommodation. Capacity can be provided with contributions sought from developers, at Haddington Infant School and King's Meadow Primary School to accommodate the pupils arising from sites HN3, HN4 and HN5. The planned new Letham Mains Primary School will be extended to accommodate the projected primary-aged pupils arising from the Letham Mains expansion site HN2 and additional pre-school capacity will also be provided. In addition, Knox Academy will be extended to increase its capacity to accommodate the projected secondary-aged pupils arising from committed and planned new housing across the Haddington Cluster.

The Council submits that the new community hospital under construction on land at Hospital Road will replace the existing facility on the same site. The Council further submits that the future of the existing separate Herdmanflatt Hospital will be a matter for the NHS; some services will be re-provided at the new Community Hospital.

The Council submits that its Strategy (CD084) is seeking to attract new business to the area, and its Local Development Plan is taking a more flexible approach to the uses that can be accommodated on land allocated for employment from previous plans (see Policy EMP1). The Plan is also seeking to make available employment land close to housing, to reduce the need to travel and to encourage people to live and work in the area. More than 232 hectares of employment land is proposed to be allocated by the LDP (Table EMP1), more than the minimum 76 hectares that SDP Policy 2 requires be maintained within the area.

The Council submits that the Dovecot site (HN3) will provide 25% affordable homes. The Council acknowledges that the need for affordable housing is greater than 25%, but also submits that it is following the approach set out at paragraph 129 of SPP (2014). This matter is addressed more fully at Schedule 4 Issue 14. **The Council submits that no modification of the plan is necessary.**

Lord Wemyss Trust (0277/2)

The Council remains of the view that LDP paragraphs 2.114 and 2.116 should remain, along with the associated Policy DC8 designations (for the reasons explained at Schedule 4 Issue 26). The Council's reasoning for indicating the wider Dovecot area as having potential for further development in future is explained within those paragraphs – i.e. when the landscape considerations are taken together with transport considerations, including the provision of a new link road through the Letham Mains site. However, the plan is also clear that the wider Dovecot area 'may' be the only location (para 2.114) that could accommodate any further growth and that Countryside Around Town designations will be reviewed as part of the LDP review (paragraph 2.7). The Amisfield Mains site is visually exposed, including from the A1 and A199, and the southern part is in an area of flood risk. The open nature of the land is important to the setting of Haddington and the adjacent Amisfield Designed Landscape and Conservation Area. Development here would have a harmful impact on the character and setting of the town and these cultural heritage areas. It is also uncertain if a suitable and deliverable site access can be achieved. The Council's position in respect of the inclusion of the Amisfield Mains site within the LDP is explained at Schedule 4 Issue 13. **The Council submits that no modification of the plan is necessary.**

**Prop HN1: Letham Mains**Norman and Elaine Towler (0020); Ivan and Vivienne Middleton (0034)

The Council has undertaken a Transport Appraisal of proposed development to identify appropriate interventions that will allow the development impacts to be accommodated in an acceptable manner. The detailed planning applications for the site were also supported by a Transport Assessment which ensures the traffic generated by the site can, with mitigation, be accommodated on the local road network. This has defined a recommended package of interventions that will address the cumulative impact of the ELLDP. Local traffic modelling or local junction assessments have been undertaken in association with site HN1. The Council is minded to grant planning application 14/00089/PM (CD160 & CD161) and 13/00519/PM (CD163), subject to the conclusion of a Section 75 agreement. As part of these proposals the phasing has been agreed for the site, starting from the North to the South. This is to allow development related traffic from the site to access the A1 directly and without having to pass through the town. It also allows the early delivery of the new Letham Mains primary school on the site. A bridge crossing of the Letham Burn within the site will be needed to complete the road link through the site between the West Road (B6471) and Pencaitland Road (A6093). This will be required to develop that part of the site to the south of the Letham Burn. The indicative masterplan has been revised and refined as the detailed proposals have developed. The up-to-date masterplan and detailed plans in respect of the Letham Mains site (HN1) are available to view on the records of the above applications. The Council submits that detailed issues relating to traffic, environmental and habitat considerations and nuisance mitigation have been and will be addressed appropriately through the detailed planning processes. The Council is satisfied that the additional traffic associated with the new development can be satisfactorily accommodated on the local road network. The Council submits that the LDP contains policies on cultural heritage that will apply in the assessment of proposals and that it has no control over the start date of development once approved. **The Council submits that no modification of the plan is necessary.**

**Prop HN2: Letham Mains Expansion**

E Macdonald (0176/8)

The SDP identifies Strategic Development Areas (SDAs) to prioritise as locations to accommodate the SDPs housing and employment land requirements. The East Coast SDA follows the key transport corridor of the A1 and East Coast railway line from Musselburgh to Dunbar. While it is accepted that the allocated sites for new homes represent a significant expansion, it is considered that this scale of development was unavoidable in the context of the housing land requirements and the Compact Growth Strategy adopted for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068).

The Council accepts that places will change as a result of development and that new development will have implications for local infrastructure. This has been fully considered and where appropriate, planned for as part of the development of the LDP. LDP Policy DEL1, and its associated Supplementary Guidance: Developer Contributions Framework (CD063), sets out where and how the necessary additional capacity within infrastructure and facilities will be provided.

The Council submits that the LDP retains land as Green Belt or identifies Countryside Around Town Areas that prevents the coalescence of settlements and retains the separate identities and setting of settlements.

The East Lothian Economic Development Strategy 2012-22 (CD084) identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future. The Local Development Plan policies and proposals seek to ensure that a balance is found between encouragement of tourism, including activity based tourism (e.g. walking and cycling) and the economic benefits.

Additionally, the Council's policies seek to integrate land use and transport to encourage a reduction in traffic growth, minimise the length of journeys people are obliged to make and promote sustainable alternatives to the private car – public transport, cycling and walking. With regards to luxury housing being wasteful of energy, Policy SEH2 in accordance with SPP requires that all new buildings must include Low and Zero Carbon Generating Technologies to meet the energy requirements of Scottish Building Standards Technical Handbook – Domestic (Chapter 6: Energy) (CD027).

In relation to impacts on the East Coast Main Line mitigation measures are proposed including the lengthening of station platforms to accommodate longer trains, as well as the expansion of station car parks. The Council has set out the need for additional capacity in infrastructure and services, including education and community services within the policies of the LDP, including Proposal CF1 and ED5.

The Council submits that the Education Scotland Act (1980) (CD004) places a legislative duty on the Council to provide sufficient school accommodation and to plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The Council has assessed the additional education accommodation/capacity required for pre—school, primary and secondary provision within the Haddington Cluster. This is in line with Scottish Government Guidance, 'Determining Primary School



Capacity 2014' (CD024). Technical Note 14 (CD059) has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the Haddington Cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. In line with East Lothian Council's Local Development Plan Draft Developer Contributions Framework (CD063), developer contributions will be sought in respect of the additional education capacity required to accommodate the cumulative impact of development. The Council will not seek developer contributions for any existing deficiencies in either capacity or standard of accommodation. Capacity can be provided with contributions sought from developers, at Haddington Infant School and King's Meadow Primary School to accommodate the pupils arising from sites HN3, HN4 and HN5. The planned new Letham Mains Primary School will be extended to accommodate the projected primary-aged pupils arising from the Letham Mains expansion site HN2 and additional pre-school capacity will also be provided. In addition, Knox Academy will be extended to increase its capacity to accommodate the projected secondary-aged pupils arising from committed and planned new housing across the Haddington Cluster.

The associated Supplementary Guidance Developer Contributions Framework (SG) (CD063) will provide the basis to collect contributions towards the necessary supporting facilities and infrastructure capacity. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. **The Council submits that no modification of the LDP is necessary.**

Scottish Environment Protection Agency (0252/14) (0252/15) (0252/16)

SEPA's comments are essentially a refinement of advice which has previously been provided. Whilst Proposals HN2, HN5 and HN7 require that any development related impacts are mitigated, the Reporter may consider that additional clarity that a Flood Risk Assessment is necessary, in association with proposals for development of sites HN2, HN5 and HN7, may have merit as has been included for other sites – e.g. HN1. Project level assessments will ensure access/egress arrangements will be designed to take account of flooding concerns. **The Council submits that no modification of the LDP is necessary.**

D Dickson & William Lee (0310/1)

Sites HN1 and HN2 are proposed for allocation in order to meet the housing land requirement set by the SDP. While it is accepted that these sites represent a significant expansion to Haddington, it is considered that this scale of development was unavoidable in the context of the housing land requirements. The land at Amisfield is visually exposed and the southern part is in an area of flood risk. Development here would have a harmful impact on the character and setting of the town and the adjacent Amisfield Designed Landscape and conservation area (see response to 0277 and Schedule 4 Issue 13). The Council's Environmental Health Team has been consulted throughout the process of plan preparation and has not indicated any issues with regards to surrounding business/recreational uses. Any matters of noise and disturbance would be assessed at project level and suitable mitigation provided as necessary. The potential effect of development on proposed sites on habitats and protected species were considered in the process of site selection. The site has been subject of SEA (CD060f) - Haddington Site Assessments p32). It is not within any areas designated for their international or national

nature conservation importance. Priority habitat along the Letham Burn and ancient woodland borders the site to the north and a small strip of lowland meadow priority habitat borders the site to the south along the A6093. The site's development provides the opportunity to enhance the Central Scotland Green Network through enhanced habitat and recreational route along Letham Burn. A setting is also required for the Letham Mains smallholdings. This is provided for within the adopted development framework for site HN1, the relevant masterplan proposals in association with site HN1 (14/00089/PM and 13/00519/PM - CD159, CD160 and CD162), which proposal HN2 requires to complement in terms of the design for that site (see LDP paragraph 2.121). **The Council submits that no modification of the LDP is necessary.**

#### **PROP HN4: Land at Gateside East**

##### In-Site Property Solutions Ltd (0262/2)

The Council notes that the application for a care home on the land allocated for employment is minded to be granted subject to a Section 75 agreement. Proposal HN4 is therefore reflective of the extant planning permission. Council submits that policies EMP1 and RCA1 would apply to the HN4 site. EMP1 allows for the development of Use Classes 4, 5 and 6 and provides flexibility for other employment generating uses, including such as a care home, subject to the provisions of Policy EMP1 and TC1. **The Council submits that no modification of the plan is necessary.**

#### **Prop HN5: Land at Gateside West**

##### PLOT (Haddington) LLP (0333)

The Council submits that this land was formerly allocated for employment use and that the proposal was originally justified on the basis that, notwithstanding the loss of employment land to housing, some employment land and employment opportunities are provided by the consent, including the approved pub/restaurant use. The Council submits that the proposal to allocate this site for additional housing would undermine future availability of employment opportunities in Haddington. The site is in close proximity to the A1 and the A199 and is within a site approved for the development of circa 112 homes and adjacent to the Letham Mains site HN1, so could provide employment close to where people live. Furthermore, the representor has not provided evidence that there is no demand for economic uses in the current market (2016/2017). The Council further submits that there is significant urban expansion planned, including housing, within the area and site HN4 has not completed. This additional population and housing growth is likely to increase demand for flexible employment spaces and a pub/restaurant over time. On balance, the loss of potential employment opportunities is not justified in light of the nominal amount of dwellings that could be delivered here in view of the scale of housing allocations in the local area. **The Council submits that no modification of the LDP is necessary.**

#### **Prop HN8: Land at Peppercraig East**

##### Ediston Real Estate (0379)

The Council submits that design and placemaking are important planning issues. Securing a masterplan that sets out design principles for the development of a site such as this will be important. The land is visible on the entrance to the town and sensitive design treatment will be required. As part of any planning application for any allocated site, comprehensive



masterplan solutions for the entire allocated site must be submitted to conform to the relevant Development Brief (CD061). Proposed masterplans must demonstrate how the relevant objectives for the allocated site will be secured, how development will be delivered on an appropriately phased basis and set out the design requirements to ensure the development will properly integrate with its surroundings and the character of the local area. Whilst the Council accepts that the site could be developed on a phased basis, a masterplan should set out an overall vision for how this could be done. Such a masterplan could be submitted as part of an application for planning permission in principle, or in association with each phased development. **The Council submits that no modification of the LDP is necessary.**

Savills (0396/2)

The Proposed LDP should be read as a whole and as such it is clear that there is a framework in place for the consideration of Developer Contributions required as a result of development. The Developer Contributions Framework SG (CD063) sets out what infrastructure interventions developments will need to contribute to. Policy DEL1 states that new development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Circular 3/2012 (CD021). **The Council submits that no modification of the LDP is necessary.**

**Haddington Cluster Miscellaneous**

Scottish Environment Protection Agency (0252/4)

The Council submits that PAN 1/2010 (CD016) is clear that SEA should focus on the strategic environmental effects of the plan (para 3.1) and avoid excessive data collection and descriptions of baseline data (para 5.2). The Council further submits that the sites set out in the relevant table are not allocations: this is made clear in the pre-text to the table. The LDP explains that the development of these sites in accordance with relevant LDP policies is supported in principle by the Council – i.e. not necessarily by consultees to any planning application, such as SEPA. Whilst some of the sites have been rolled forward from previous plans, the majority of the sites set out in the relevant table already have planning permission for development, so are committed sites. In SEA terms they have been treated as such and thus as part of the baseline, in accordance with PAN 1/2010 (para 4.22). It is important to note that this is also true of many sites where a policy reference is given. If the Reporter considers it useful, the Council could provide the relevant planning application references in respect of relevant sites. Development on some of these sites has already commenced, but in some cases stalled, so planning permissions are being implemented or remain live. For some sites their planning permission references are shown within the tables instead of policy references. This is because some of them are within the countryside etc and it would be impractical in a mapping sense or in a policy/proposals sense to specifically identify those sites on the proposals map(s) or strategy diagrams: yet the Council would support the principle of their development in line with LDP policies, subject to the development management process. **The Council submits that no modification of the LDP is necessary.**

Haddington and District Amenity Society (0327/5)

The first planning permission for development on land at Dovecot was allowed on appeal, and the former urban boundary there has now changed. The Council has since approved

planning permission in principle for the remaining part of the site now proposed to be allocated. The longer term opportunities in the Dovecot area are signposted by the plan because these previous decisions set a context for that. It is important to note that the Council's preferred strategy approach at MIR stage was to consider a longer term spatial strategy. This was so the implications of aligning development with infrastructure provision could be considered across a timescale that would be longer than the plan period; it was to assist the Council in testing whether there was an interest in developing in locations that it might choose to allocate in future, rather than rely solely on a future call for site exercises. In terms of that specific location, the western expansion of Haddington is a development principle followed by the previous plan, largely to allow the town to grow whilst ensuring that through traffic is minimised, particularly at key junctions within the town centre. Proposals for development at Letham Mains will provide a new connection between the West Road (B6471) and Pencaitland Road (A6093). This will cater for development related traffic as well as help to provide relief in the town centre from through traffic. That new relief road through the Letham Mains site will share an access with the proposed housing development at Dovecot. For Dovecot, environmental and infrastructure opportunities and constraints would require to be fully assessed and education capacity and transport issues, among other matters, would require solutions. Landscape character in the area would suggest that existing planting may require to be augmented to provide a setting for development. However, it does not follow that further development there would be supported, either through future plans or planning applications. **The Council submits that no modification to the plan is necessary.**

### **Haddington Cluster Support**

Scottish Environment Protection Agency (0252/52)(0252/53); Richie Brothers (0259/1); Savills (0396/1); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/1)

Support Noted

### **Reporter's conclusions:**

#### **Preliminary matter**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

#### **Haddington Cluster Strategy Map**

2. In-Site Property Solutions Ltd request that the plan is modified to reflect the latest planning status of Proposal HN4. The representation identifies that in June 2016 the council's planning committee resolved to grant full planning permission for a nursing home and 30 extra care flats on the one hectare site identified in the plan for employment purposes. This decision was subject to a legal agreement and conditions.

3. At my site inspection, I observed that the 80 unit residential scheme had commenced on the site and the council has confirmed, through a further information request that planning permission has been granted for both the residential development and the

nursing home including 30 extra care flats. I agree with the council that in this instance, a care home may be considered to be an employment generating use and therefore may be supported by other policies within the proposed plan. I do not consider it necessary therefore to amend the plan as suggested.

### **Haddington Cluster Introduction**

4. The outcome of satisfying all of Ms E Macdonald's concerns would see the Haddington cluster section of the plan amended as follows: development at Letham Mains local centre being restricted; the removal of the proposal for the development of a large supermarket at Gateside West; Letham Mains site developed as a community hospital; at least 30% affordable and social housing on housing sites; developers being required to construct secondary schools, community centres, indoor and outdoor sports facilities and health centres; and more land allocated for employment development.

5. Policies TC1: Town Centre First Principle, TC2: Town and Local Centres and TC3: Protection of Local Facilities, provide a framework that seek to protect Haddington as a vibrant town centre and that the scale of development is appropriate for the role and function of the centre. With regard to the supermarket at Gateside West, this has planning permission and is under construction.

6. The council identify that the new community hospital, currently under construction at Hospital Road, will replace the existing facility and that the future of the existing Herdmanflatt Hospital will be a matter for the NHS. The evidence before me does not suggest otherwise. Paragraphs 3.114 and 3.116 of the plan explain that the primary care services provided by NHS Lothian have a major role in meeting the health care needs of an increased population. The plan supports the wider provision of locally accessible health care facilities, through Policy HSC1: Health Care Sites and Proposal HSC2: Health Care Facilities. The general matter regarding primary care provision for an increasing population is addressed in Issue 16: Community Health and Social Care.

7. With regard to affordable housing provision, paragraph 3.51 of the plan reflects the requirements of the Strategic Development Plan (SESplan) and Scottish Planning Policy, in confirming that the level of contribution for affordable housing expected from a market site should generally be no more than 25% of the total number of units. Policy HOU3: Affordable Housing Quota reflects this approach.

8. The draft Supplementary Guidance: Developer Contributions Framework identifies the necessary level of contribution towards infrastructure provision for planned development. The context for this is set out in Policy DEL1. I consider this approach to be appropriate.

9. With regard to the provision of additional land for employment development, paragraph 3.20 of the plan explains that SESplan requires the retention at least 76 hectares of allocated employment land in East Lothian. Table EMP1 identifies that more than 232 hectares of employment land will be allocated by the plan, of which, 24 hectares is located in the Haddington cluster and co-located with new housing development and within areas generally accessible to local residents. This is considered sufficient to meet the employment needs of the area.

10. Overall, I find that no modifications are necessary in response to the representation by Ms E Macdonald.

11. The Lord Wemyss Trust object to the references and identification of the open land to the north of the Tyne as important to Haddington's character and setting, stating there is no justification for the allocation of the land within the plan as part of the Countryside Around Towns designation, Policy DC8. The site is also put forward as a residential led, mixed use development. I address these matters separately in Issues 13: New Sites and 26: Special Rural Landscapes, in which I recommend no modifications.

### **PROP HN1: Letham Mains**

12. Norman and Elaine Towler raise concerns regarding the allocation of Proposal HN1, specifically highway impacts. The representation requests that the access road through the proposed site, which will provide direct access from the B6471 road to Pencaitland Road, is prioritised to alleviate traffic impacts. The council submit that the site was considered as part of the Transport Appraisal and that the two planning applications for the site were supported by transport assessments. The council also states that phasing arrangements have been agreed for the development of the site, to commence in the north, this will allow site traffic to access the A1 road directly without having to pass through the town. In addition, the council set out that a bridge, crossing the Letham Burn, will be needed to complete the road through the site, which will be required to develop the part of the site to the south of the Letham Burn.

13. At my site inspection, I observed that work had commenced at the north of the site. Whilst I note the concerns raised in the representation, I agree with the council that sufficient consideration has been given to highway impacts as part of the preparation of the plan and phasing arrangements will be determined as part of the planning application process. No modifications are therefore recommended in response to this representation.

14. Ivan and Vivienne Middleton express concern about the scale of Proposal HN1 and request that it prevents disturbance to wildlife and the historic setting of the hamlet of four properties at Letham House. The council submit that the detailed issues relating to environment and habitat considerations have been and will be assessed appropriately through the detailed planning processes and that the plan contains policies on cultural heritage that will apply in the assessment of proposals. The council's reports to planning committee in June 2015 consider the impact of the development on historic assets and wildlife. If there are any changes to the proposals, these issues will again be considered through the planning application process. No modifications are therefore recommended in response to this representation.

### **PROP HN2: Letham Mains Expansion**

15. Ms E Macdonald seeks the removal of Proposal HN2 from the plan. The representation states that East Lothian is seriously overdeveloped and expresses concern over coalescence, loss of community identity and negative impacts on tourism, particularly when the site it is considered alongside the other proposals, sites with planning permission and sites under construction.

16. The spatial strategy of the plan focuses the majority of new development in the west of East Lothian as the most accessible part of the area and proposes to allocate sites that are or can be integrated with sustainable transport options. This approach seeks to ensure that new development will have good access via sustainable transport modes to existing or new employment locations or community facilities. The spatial approach also supports some new development in accessible parts of the east of the area, in recognition of the

need and demand for new homes and economic development opportunities. I agree with the council that the spatial approach accords with the presumption in favour of development that contributes to sustainable development, as set out within Scottish Planning Policy. This matter is addressed in detail in Issue 2: Spatial Strategy.

17. As part of the Strategic Environmental Assessment process, coalescence was considered. Policies within the proposed plan, particularly Policy DC7: Development in the Edinburgh Green Belt, DC8: Countryside Around Towns and DC9: Special Landscape Areas, seek to prevent coalescence and protect community identity. In addition, land to the east, south and west of Haddington is identified within the plan for protection under the Countryside Around Towns designation, with the objective being to conserve the landscape setting, character or identity. With regard to the impact of new development on tourism, in addition to those policies identified above, a number of policies within the plan aim to protect, conserve and enhance the natural heritage of East Lothian. I therefore recommend no modifications in response to this representation.

18. The Scottish Environment Protection Agency object to Proposal HN2 and request it is amended to include a requirement for a flood risk assessment to accompany planning applications at the site. Whilst the council submit that no modification is required, it is stated that including the requirement may provide additional clarity. As the Letham Burn flows along the northern boundary of the site and to ensure consistency of approach and clarity, an amendment is recommended to paragraph 2.119 to require the submission of a flood risk assessment.

19. D Dickenson and W Lee seek the removal of Proposal HN2 from the plan. They express concern regarding the scale of the proposal when considered alongside Proposal HN1. The representation states that the level of development to the west side of Haddington will create an imbalance in the flow of traffic and people and alternative sites to the east of the town, Amisfield should have been allocated.

20. Concern is also expressed within the representation regarding the impact of the development on the character of the small holdings, which should be preserved. In addition, that the inhabitants right to use their properties for the purposes they were originally created should be respected and upheld. The impact of the proposal on wildlife is also identified.

21. As part of the council's site assessment process, alternative sites to the east of the town were assessed, including Amisfield and I note the findings were that the alternative sites are more constrained. With regard to the impact of the proposed development on traffic, the council has undertaken a Transport Appraisal of proposed development sites which has identified that with mitigation, sites identified within the plan can be accommodated on the local road network. There is no information before me to suggest the findings of this work are incorrect.

22. At my site inspection, I observed the landholdings and agree that future development should respect the character of the area. Paragraph 2.119 of the plan refers to the landholdings and also the need for a masterplan to ensure the development is integrated into its surroundings. I note that the council has prepared a draft development brief which requires the site to be designed in a way which reflects the surrounding area, for example with large plots, to a similar scale to the small holdings required along the frontage with the A6093 road.

23. With regard to the impact of the proposed site on habitats and protected species, this was assessed in the draft Environmental Report site assessment which concluded that the site was not within any areas designated for their international or national nature conservation importance. The draft development brief identifies that the Letham Burn is to be retained and its corridor enhanced with a bio-diverse landscape edge, forming a green corridor of at least 40m width.

24. I address the matter of the alternative suggested site Amisfield in Issue 13: New Sites. Overall, I recommend no modifications in response to this representation.

**PROP HN4: Land at Gateside East**

25. I consider the matter raised by In-Site Property Solutions Ltd in paragraphs 2 and 3 above where I recommend no modifications.

**PROP HN5: Land at Gateside West**

26. The Scottish Environment Protection Agency object to Proposal HN5 and request it is amended to include a requirement for a flood risk assessment to accompany planning applications at the site. Whilst the council submit that no modification is required, it is stated that including the requirement may provide additional clarity. As Scottish Environment Protection Agency's surface water flood map identifies parts of the development site to be at risk of surface water flooding, this should be assessed in a flood risk assessment. Therefore, an amendment to paragraph 2.122 to require the submission of a flood risk assessment is recommended.

27. PLOT (Haddington) LLP request the supporting text to Proposal HN5 is amended to remove specific reference to a pub/restaurant. It is stated that this would allow an increase in residential units on the site. It is submitted that there is no market demand for the pub/restaurant and that an additional 16 housing units could be accommodated at the site. The council's view is that no evidence has been submitted to illustrate that there is no demand for economic uses and therefore the site should be retained for employment. I note the council's view, however, the representation is not seeking the removal of economic development use on the whole site. It refers specifically to the pub/restaurant and provides evidence to seek to illustrate that there is a lack of demand.

28. Whilst I acknowledge that the significant planned urban expansion may increase the demand for a pub/restaurant over time, it is not necessary for the supporting text to seek to limit the employment generating use to that of a pub/restaurant, particularly when this is not referred to within the proposal. An amendment to paragraph 2.122 is therefore recommended.

**PROP HN7: Land at Alderston**

29. The Scottish Environment Protection Agency object to Proposal HN7 and request it is amended to include a requirement for a flood risk assessment to accompany planning applications at the site. Whilst the council submit that no modification is required, it is stated that including the requirement may provide additional clarity. At my site inspection, I observed that construction was underway at the site. I therefore recommend no modifications in response to this representation.



**PROP HN8: Land at Peppercraig East**

30. Ediston Real Estate request the requirement for a comprehensive masterplan for the whole site be removed. The representation states the requirement is not necessary because as a result of the linear shape of the site, it is likely to be developed in phases. At my site visit I noted the prominent location of the site, at the entrance to the town. I therefore agree with the council that a masterplan is required to set out the overall vision and objectives for the site and how they will be delivered. I therefore recommend no modifications in response to this representation.

31. Savills request additional text is added to Proposal HN8 to require that mitigation measures, including all required developer obligations, will be established as part of the consideration of each individual planning application in line with the requirements outlined in the supplementary guidance on developer obligations and the relevant development framework. I agree with the council that the plan should be read as a whole and that Policy DEL1: Infrastructure and Facilities and the draft Supplementary Guidance: Developer Contributions Framework sets out the types of infrastructure interventions that development will be required to contribute to. In Issue 31: Delivery, a number of modifications are recommended to the text of the plan and Policy DEL1 to enable flexibility to be applied in determining the likely nature and scale of developer contributions that will be sought as part of any planning obligation. Therefore, I do not consider it necessary to specify this process also within Proposal HN8.

**Haddington Cluster Miscellaneous**

32. The Scottish Environment Protection Agency object to the inclusion of all the sites within Table HN1: Haddington Established Housing and Employment Sites Summary as it is not clear if they have been subject to Strategic Environmental Assessment (SEA) with the same rigour as other sites and the majority have not been subject to Strategic Flood Risk Assessment.

33. Paragraph 260 of Scottish Planning Policy requires local development plans to use strategic flood risk assessment to inform choices about the location of development. The sites set out within Table HN1 were either allocated by previous local plans or form part of the established land supply. Within the plan, the council's assessment generally distinguishes between allocated sites (identified as proposals) and carry-forward sites. All however contribute to the total land supply within the proposed plan as identified within Tables EMP1 and HOU1. Since the local plan was adopted, higher annual rainfall for East Lothian has led to the potential for increased in flood risk, and there have been legislative and regulatory changes. It is important, therefore, that the plan is informed by an up-to-date understanding of flood risk and that all sites to be included in the plan are suitably assessed, involving the relevant consultation authorities as necessary.

34. In response to a further information request, the council confirm that one of the sites identified within Table HN1 has not subject to Strategic Flood Risk Assessment or subject to a flood risk assessment as part of a planning application process. However, the council confirms that this site, Gifford Grange, is not known to be at risk of flooding. The other sites in the table are either operating employment sites or housing sites which are complete, under construction, with planning permission or the subject of a planning application. Consequently, the relevant assessments will have been undertaken and the appropriate mitigation required, where necessary. The council maintain therefore that they are not at risk from flooding.

35. While we acknowledge the council's position, this approach does not entirely reflect the intent to undertake a strategic flood risk assessment at the plan preparation stage as indicated within Scottish Planning Policy. We have therefore sought further information from SEPA. Their response indicates that the site at Gifford Garage would not require a flood risk assessment.

36. With regard to sites within Table HN1, any emerging legislative requirements, including any unknown flood risk, would involve consultation with the relevant statutory bodies at the planning application stage. Suitable policy safeguards are also contained within the plan including Policy NH11: Flood Risk. However, to ensure clarity in how the council will deal with such matters in relation to any evolving situation with the physical environment and flood risk, an amendment to paragraph 2.127 is recommended.

37. Haddington and District Amenity Society request deletion of the reference within the plan to the Dovecot area being the only remaining suitable area for the future expansion of Haddington. The representation requests that the examination of the plan should consider the appeal decision for the site at Dovecot and the implications of this appeal decision in terms of the setting of Haddington, as well as the sterilisation of prime agricultural land and without mention of the views of the local community.

38. Paragraph 2.114 of the plan refers to the long-term growth of Haddington beyond the plan period. The Main Issues Report highlighted that the wider Dovecot area may be an option for the long-term expansion. It also identified issues with education capacity and the impact of development on the character and setting of the town.

39. The plan does not allocate the wider Dovecot area for development or seek to safeguard it for longer term development in a similar way established for other sites, such as Blindwells. To avoid any confusion on the status of the wider Dovecot area within the plan and to ensure clarity, the removal of this statement at paragraph 2.114 is recommended through a modification.

#### **Reporter's recommendations:**

Modify the local development plan by:

1. In paragraph 2.114, deleting the first sentence.
2. In paragraph 2.119 adding the following as a new sentence immediately prior to the final sentence: "A Flood Risk Assessment will be necessary at this site."
3. In paragraph 2.122 adding the following as a new sentence at the end of the paragraph: "A Flood Risk Assessment will be necessary at this site."
4. In paragraph 2.122 deleting the following text from the end of the first sentence: "including a pub/restaurant, to reflect existing planning permissions".
5. In paragraph 2.127, inserting third and fourth sentences as follows:

"Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where



necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”

<b>Issue 8</b>	<b>Dunbar Cluster</b>	
<b>Development plan reference:</b>	Dunbar Cluster (pgs 45-50)	<b>Reporter:</b> Malcolm Mahony
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Patricia Ferguson (0032) Mr &amp; Mrs Ainslie (0040) Alan Buchanan (0041) Alex Gibson (0074) Collin Ainslie (Petition) (0097) Michael Smart (0128) Morag and Roy Ellis (0141) Neil and Katrina Kenny (0151) Kevin Bowler (0152) Network Rail (0181) Dunbar Community Council (0201) Gladman Planning (0213) Stewart Milne Homes Ltd (0229) Barratt David Wilson Homes (0246)</p>	<p>Scottish Environment Protection Agency (0252) Stewart Milne Homes Ltd (0261) Scottish National Heritage (0280) East Lothian Liberal Democrat Party (0300) Magnus Thorne (0308) Taylor Wimpey (0330) Martin Hotchkiss (0354) Hallhill Developments (0395) Save East Linton from Excessive Expansion (0400) Jonathan Swift (0413) East Lammermuir Community Council (0414)</p>	
<b>Provision of the development plan to which the issue relates:</b>	This provision of the proposed LDP deal with the proposals for new allocations and committed sites for the Dunbar Cluster (pgs 45-50)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Dunbar Cluster Strategy Map</b></p> <p><u>Gladman Planning (0213/2)</u></p> <p>Introduction of a further Housing Proposal to the Dunbar Cluster at Newtonlees Farm where policy OS5 applies. The cemetery site shown in the Strategy Map is incorrect and does not reflect the latest position of the Council's Amenity Services on this matter.</p> <p><u>Stewart Milne Homes Ltd (0229/1)</u></p> <p>Land at Phantassie, East Linton, to the east of the village, should be allocated for residential development and open space through inclusion of a new proposal and identification of the site on the Proposals Map.</p> <p><u>Barratt David Wilson Homes (0246/3)</u></p> <p>The supporting planning, landscape, transport and heritage statements submitted with the representation for Preston Mains demonstrates the deliverability and suitability of the site for the development of approximately 100-150 new homes. Identify land at Preston Main, East Linton as a housing site.</p>		

Taylor Wimpey (0330/1)

Allocate the Eweford land for residential led mixed use development through inclusion of a new proposal and identification of the site on the Proposals Map. If East Lothian Council and/or the Examination reporter do not consider this to be necessary, then we propose that the site is safeguarded for development. This latter would simply reflect the terms of LDP paragraph 2.132, which states that the site may be considered suitable in the longer term as a mixed used expansion area. To identify the site as a specific safeguard in the text and to delineate that safeguard on the Proposals Map would provide greater clarity on the position, and make it clear what area of land is being referred to in the text.

Martin Hotchkiss (0354/1)

The boundaries for the DR2 site should be amended to exclude the wooded area immediately to the east of the properties at Lochend Kennels. This area of land should be excluded from the proposed area of development to ensure that it is retained as woodland. Also the "panhandle" of land that extends eastward past the southern boundary of the school and which separates the northern and southern parts of Lochend Woods should be excluded from PROP DR2. This area does not seem appropriate for residential development. Problems with access and increased traffic would be hazardous for school children. Developing this area would reduce amenity values and create small isolated areas.

**Dunbar Cluster Introduction**Barratt David Wilson Homes (0246/5)

It is considered that the land at Preston Mains is an effective and deliverable site.

Magnus Thorne (0308/1)

Para 2.133 acknowledges that ground condition constraints will need to be addressed and mitigation provided. However, SEPA's interim position statement on planning and flooding (July 2009 para12) states '*Development Plans and Action Programmes should spell out how unavoidable impacts will be mitigated and delivered*', therefore it is expected that these constraints be addressed and mitigated in the LDP in detail.

Jonathan Swift (0413/1)

Agree with ELC's assessment of no preferred development in East Linton. In past consultations we suggested a limit of 150 new houses in total for our whole area over the timescales given in the Main Issues Report and previous LDP; we continue to support this position.

**Prop DR1: Hallhill South West**Alan Buchanan (0041/2)

Concerned about the path and road network which is to encourage walking and cycling. There has been a notable change in the style and size of layouts of developments. Roads and pavements are narrower often with a pavement on one side of the road only. This gives an enclosed feel raising the sense of road vehicles travelling fast and with the

narrowness of verges bring pedestrians closer to the road. It does not give a sense of safety or encourage other means of transport away from the car e.g. Moray Avenue compared to Fairbairn Way.

### **Prop DR2: Hallhill North**

#### Martin Hotchkiss (0354/2)

**Access:** The site has poor connections to the rest of Dunbar. The opening of the railway underpass will be too expensive but its feasibility should be looked at in detail before considering accepting this proposal. Road access will also be very difficult. Connecting via Brodie Road would be too circuitous. Beveridge Row is extremely narrow with no scope to widen. The track that runs west to east would need retained to maintain the existing rights of the access between existing properties and Brodie Road, Beveridge Row and the A1.

**Environment:** Drainage is already an increasing problem. There will also be significant impacts on existing wildlife that use the woods and farmland around Hallhill/Lochend.

**Infrastructure:** The town centre is already suffering congestion and a lack of sufficient parking. The rail services are already at maximum capacity with no scope to increase services. Station parking is also insufficient. There are only 2 ways to connect North with South Dunbar and these are no longer sufficient. The school development strategy is always one step behind. Although there are plans to expand the current housing developments will put strain in the education capacity currently.

**Amenity:** The existing access track from Hallhill Steading to Beveridge Row is being partly destroyed by current development. Dunbar needs to retain some open space for the enjoyment of existing inhabitants. It also needs time to adapt to the new developments before more are allowed.

**Boundaries:** The boundaries for the DR2 site should be amended to exclude the wooded area immediately to the east of the properties at Lochend Kennels. This area of land should be excluded from the proposed area of development to ensure that it is retained as woodland. Also the "panhandle" of land that extends eastward past the southern boundary of the school and which separates the northern and southern parts of Lochend Woods should be excluded from PROP DR2. This area does not seem appropriate for residential development. Problems with access and increased traffic would be hazardous for school children. Developing this area would reduce amenity values and create small isolated areas.

**Archaeology:** There has been existing long cist burial sites found in Lonchend/Hallhill area. Developing the site runs the risk of losing potential historic and cultural sites.

#### Hallhill Developments (0395/1)

Our understanding is that this underpass was infilled with concrete by Network Rail a few years ago because it was structurally unsound. We are also led to understand that the possibility of its reopening was considered subsequently but found to be impractical. We are therefore unclear as to why it is included as a proposal in the LDP, as it is not appropriate for an LDP to require actions that are not supported by evidence to be capable of implementation at reasonable and proportionate cost. We also question the need for the underpass to be re-opened in this location. There is already an underpass leading to the Healthy Living Centre. Also, HDL has recently facilitated the implementation of improvements the Eweford underpass at Dunbar. A 3-phase traffic light system has been introduced, which provides for two-way traffic flows plus a dedicated pedestrian phase. Lighting has also been provided.

**Prop DR3: Hallhill Healthy Living Centre Expansion Land**Hallhill Developments (0395/2)

Proposals DR3 (Hallhill Healthy Living Centre Expansion Land & PROP CF1 (Provision of New Sports Pitches and Changing Accommodation) are both identified with reference to PROP DR2, and require one full size grass pitch and two team changing rooms to be provided. Our understanding is that this provision is intended to serve an expanded Dunbar Grammar School, and we are therefore unclear as to why this location at the Healthy Living Centre has been proposed. It would seem more sensible, assuming that a new pitch and changing rooms is actually required, that these be located close to the Grammar School. Therefore, in the absence of any evidence that PROP DR3 is required it should be removed from the LDP.

**Prop DR5: Land at Newtonlees**Dunbar Community Council (0201/2)

It is noted that the Newtonlees development is as shown in the Local Plan and is not extended further towards Broxburn. We also note that the proposed L shaped extension to the Deerpark Cemetery is retained.

Scottish Natural Heritage (0280/3)

SNH have expressed concern regarding potential allocation of this site throughout the plan preparation process. SNH consider that this site could impact adversely on the distinctive and well-defined landscape setting of Dunbar. While it is considered these effects will be difficult to mitigate, we advise that partial mitigation could be achieved if this site was subject to a Site Development Brief that sets out key principles for the development in relation to landscape, views and placemaking.

Martin Hotchkiss (0354/3)

The extra strain that this development would put on the town centre (Traffic and Parking), the grammar school, transportation links, would be too much for the town to cope with, given that it was already struggling with the existing developments.

**Prop DR8: Pencraig Hill, East Linton**Alex Gibson (0074)

East Linton is a rural village people do not want to see it get bigger which will ruin its attraction and appeal. The proposed development (16/00328/PM) is for 119 homes and would increase the population by around 10%. East Linton could not cope with such an increase in terms of infrastructure e.g. doctor's appointments, primary schools etc. Roads congestion and parking on the busy narrow roads around the village is already a problem and would become an issue. Any future developments should be on a much smaller scale and if at all possibly should not be on green land. Green land should only be used as a last resort. The development would remove the rural ambience that currently exists and that local services could not cope with such an increase. Where is the demand for 119 homes in East Linton? It took 2 years to sell 37 homes in Andrew Meikle Grove Estate. In the interim a number of new housing developments have emerged nearby in Haddington,

Dunbar and North Berwick which will increase the competition. We do not believe there is a need or demand for housing in East Linton for such large scale new housing especially on a green site.

Magnus Thorne (0308/3)

The Andrew Meikle Grove SuDs area was developed as per the requirements of the planning application. It was supposed to be Scottish Water's responsibility after construction of the development was complete. This has not transpired and the residents face being potentially left with the responsibility. Without Scottish Water taking responsibility for a large SuDs area, how can ongoing upkeep be responsibility be ensured? Commitment and planning outlined within the development plan on the part of ELC is required to ensure a clear path of responsibility and accountability for any potential SuDs during any construction and occupancy phases of DR8. Would like to see guarantees within the LDP that ongoing use and upkeep of SuDs are considered.

It states of the DR8 land that 'A Flood Risk Assessment will be necessary'. SEPA's interim position statement on planning and flooding (July 2009) paragraph 13 states 'We will strongly encourage planning authorities to use Strategic Flood Risk Assessment (SFRA) as a practical tool to help deliver real change in managing flood risk early on in the development plan process', therefore it is expected that it formed part of the LDP. However, the representor has been unable to find this within the LDP or ER. This should be appended to the ER. Seek assurance within DR8 development that flood mitigation would have to be implemented prior to all other construction phases.

The proposed DR8 development would result in the distribution of the natural land drainage which has been built up. There has been localised flooding due to heavy rainfall on the Meikle Grove development. The area adjacent to the railway underpass has been under near constant flood. Further development 'upslope' will only exacerbate flooding problems. The SEPA flood map of East Linton area records an area categorised as high risk 'downslope' of the DR8 Pencraig Hill area. Is this site therefore appropriate, the LDP (p131 para 6.31) states 'The Council promotes a precautionary approach to flood risk from all sources through avoidance as a first principle'. Surely the high risk areas should be eliminated before any further development with the potential to increase the level of flooding is considered.

The representor notes that from school census figure the development of DR8 can be expected to push the East Linton primary school overcapacity by more than 5% in the first year following occupancy alone. This contradicts the statement in para 3.103 'Generally, the housing land allocations in the catchment areas of the smaller schools will help to sustain their pupil rolls'. The LDP should mitigate against this expected overcapacity.

The LDP notes at pg 128 para 6.19 that development should be avoided where possible on prime agricultural land. It is also noted in the SEA (Appendix 9 pg 59) that 'the site is on class 3.1 prime agricultural land.

The LDP notes at pg 137 para 7.7 that new development will be expected to integrate with the existing urban form. The proposed DR8 site is double the density of that at Andrew Meikle Grove and therefore in contradiction to para 7.7. A more appropriate number would be 62 homes.

The proposed DR8 site location would undermine the character and setting of the village.



There is no visual screening of the proposed site from the Orchardfield development. The potential impact of development is 'significant' and not 'some' as stated in the SEA.

### Save East Linton from Excessive Expansion (0400/1)

In accordance with the vision, aims, objectives and outcomes of the LDP;

*Promote sustainable development: Bullet point 1* - Does not believe development DR8 meets the objective of reducing the need to travel given there is no train station. This allocation does not reduce the need to travel given the lack of transport infrastructure and the lack of viable employment opportunities in East Lothian. DR8 does not reduce the need to travel given the lack of transport infrastructure and the lack of viable employment opportunities in East Lothian. There are very limited job opportunities in East Linton to provide opportunities for economic growth and job creation and to meet housing requirements in appropriate marketable locations.

*Promote sustainable development: Bullet point 3* - this allocation does not reduce the need to travel given the lack of transport infrastructure and the lack of viable employment opportunities in East Lothian.

*Help grow the economy, increase housing supply and reduce inequalities; Bullet point 1* - There are very limited job opportunities in East Linton.

*Help grow the economy, increase housing supply and reduce inequalities; Bullet point 2* - DR8 is outside the village boundaries and is proposing 100 houses which could arguably increase the population of the village by 20-25%. Concerned about the lack of recreational facilities and health infrastructure, including doctor's surgery and pharmacy facility. The parking available within the village is insufficient to cope with traffic from new housing.

*Help grow the economy, increase housing supply and reduce inequalities; Bullet point 3* - East Linton is a conservation village and a stopping point for the John Muir Way. Concerned about the measures being taken to ensure that its conservation status is being preserved and protected and to ensure that the development is appropriate to its conservation status.

*Help grow the economy, increase housing supply and reduce inequalities; Bullet point 4* - This allocation, given that it is currently agricultural land, will not be maximising the use of appropriate, traditional buildings and recent developments have not enhanced the appearance of the village. Concerned that additional housing will not support economic development and tourism.

*Protect and enhance the area's high quality environment and its special identity, Bullet point 1* - the proposed allocation will have a visual impact from both the ingress and exit points of the John Muir Way e.g. viewpoints from Drylawhill and also Tynningame Bay. The recent development of Miller Homes has slate and harling which we believe is out of character, not in the vernacular of the region and has had a detrimental impact on the visual appearance of East Linton on approach from both Edinburgh and North Berwick. Furthermore, within the Main Issues Report, the view point from Markle Laird's House is considered significant and it is not believed this has been taken into consideration.

*Protect and enhance the area's high quality environment and its special identity; Bullet point 3* - The housing allocation will have a visual impact on the nearby standing stone as

you approach from Pencraig Hill. This is particularly important given the nearby Neolithic settlement and Ancient Scheduled Monument at Drylawhill.

*Protect and enhance the area's high quality environment and its special identity, Bullet point 5* - object to the proposed development given that it falls outwith the current village boundary.

In relation to the education infrastructure, East Linton Primary School playground is already proportionately small compared to the size of the school. Any additional housing will have a huge and negative impact, given that at least two of the primary school classes are at capacity. This is crucial as East Lothian is one of the fastest growing counties in terms of population and the developers of Andrew Meikle Grove only committed £98,000 towards education facilities.

Jonathan Swift (0413/2)

Land adjacent at Pencraig Hill should be reassessed and classified as DC8 to protect the environment, heritage, character and landscape value of East Linton.

### **Prop DR10: Innerwick East**

Michael Smart (0128)

Object to the proposed LDP in respect of land in Innerwick. Further housing cannot be approved when there are two major areas that need attention in the village. The water supply currently produces periods of very low pressure without any warning or notice from the water company. The electricity regularly switches off without prior warning from the Energy Company. If more houses are built these two issues need to be rectified.

Morag and Roy Ellis (0141)

Dismayed about the proposal of houses at Kirkbrae East especially as there are already houses built at Temple Mains Steading. The village won't be able to cope as there are difficulties with the sewage works and drains. Can the school manage more capacity? Trouble with cars turning in and out of Kirkbrae and we foresee accidents happening wherever they try to put access for new houses.

Neil and Katrina Kenny (0151)

The current infrastructure around the village is not adequate to deal with an additional 18 houses. The main Innerwick access road is too narrow and at peak times is a nightmare due to irresponsible drivers going too fast. The children who attend Dunbar Grammar School are currently picked up directly opposite the Kirk Brae Junction. In addition to this there is an unofficial bus stop right on the junction, more traffic will make this a dangerous situation. The current water supply within the village is inadequate. This has become worse since Templemains Development. The water pressure is extremely low. Drains are continually becoming blocked in Kirk Brae. Innerwick is a conservation village. There will be more opportunities for crime. It does not take much for the village to lose power. Could the current situation deal with more demand. The representors' home has been surveyed and the view and open space would be a selling point. There is no shop, post office, pub or adult groups in the area. What will attract new residents? There is another field on the other side of the current play park and primary school at Innerwick



which, if it was to be developed would not be looking directly over anyone else and access is already there.

East Lammermuir Community Council (0414/2)

Concerns are expressed re infrastructure: sewage, water supplies, transport, road safety. The Community Council does not want the housing at Temple Mains Steading to be completed. The Monitoring Statement notes this incorrectly as complete. Could there be a proposed contribution figure towards primary education and transport infrastructure to be included in the LDP for this development?

**Prop DR11: St John's Street, Spott**

Patricia Ferguson (0032)

The area of land at St John's Street, Spott is to be used for the building of circa six houses. Does circa mean possibly more than 6? The road although wide enough to allow two vehicles to pass, is quite narrow and busy. The representor does not have off road parking and is concerned that essential access to their car will be hampered during the construction period of the development. The septic tank which serves the present eight houses has had problems resulting in flooding. The tank needs upgrading.

Mr and Mrs Ainslie (0040); Collin Ainslie - Petition (0097)

The village is a conservation village and was originally built with a linear nature in mind. The village is accessed by a very narrow and busy road used by tractors and lorries. The site is arable land which is the soak away for the septic tank for the current houses. It is also the main soak away area for any surface water as there is no drainage apart from the runoff into the field.

Scottish Water and Scottish Power use this field to access tank and power cables. The septic tank has overflowed contaminating the site. The tank in Scottish Waters opinion is only just adequate for the existing 8 houses.

Along with the new housing proposed at Beveridge Row this will impact on West Barns Primary School and Dunbar Grammar along with the existing Doctor's Practices.

St John's Street is already over burdened for vehicular access to the existing houses, a further 6 homes plus construction traffic would seem impossible. If there is to be development, the flat area between Spott Village Hall and Spott Church which would be in keeping with the linear nature of the village. This land would have a less intrusive impact on the surrounding area and houses.

East Lammermuir Community Council (0414/3)

Does not support the allocation of this site. There are more suitable sites at the edge of Spott Village. Is DR11 proposed for 6 or 10 homes as both figures are stated in the LDP? Could there be a proposed contribution figure towards primary education to be included in the LDP for this development?

**Dunbar Cluster Miscellaneous**Alan Buchanan (0041/3)

What has become of grassy and woodland areas? The earlier developments have not just a sense of place and openness they utilised the environment by maintaining established areas such as Lochend Woods, grass areas around John Muir Gardens and along Middlemas Road. These are missing when entering Earls Gate and Gospatrick Grange, it is just concrete. Reference is made about the environment and how developments utilise it but the reality is far from that. Previous plans for Earls Gate were to make use of views towards Doon Hill or North Berwick Law; however, these are not visible within the development. Why are there so many signs for the developments? This is unnecessary and not monitored by Planners.

Kevin Bowler (0152)

The Council needs to have a formal strategy in place on improving the infrastructure in support of this increase in population. There is a need for more schools and doctors and the road system needs upgrading to cope with increased traffic. The introduction of MacDonalds has increased litter and a better supermarket is required. More population with pets has increased dog foul with no addition to the local number of bins. Hallhill woods are littered with debris blown off the building sites due to poor waste control. The planning authority should inspect the quality of the works. Works to tie in the drainage system for the Earls Gate Development on Brodie Road has left an unsatisfactory finish on the road surface at the junction with Moray Avenue and this type of defect needs to be rectified early. It is not acceptable that the new home owners should be left to battle with builders to complete common areas to a satisfactory standard. Planning approves plans, planning should ensure completion.

Dunbar Community Council (0201/1)

Main concerns around how the infrastructure of the town will cope with the changes and how essential services can be upgraded effectively and in time.

**Communications across the railway line** - Dunbar has been bisected by the railway with few viable road and pedestrian links between the two sides. Most of the development takes place in the South West of the town. The only effective vehicular routes to the old town north of the railway line will be along Brodie Road, Spott Rd and Queens Rd; a route already heavily congested. The re-opening of the existing underpass at Elm Street has been rejected by Network Rail, however it is believed that this option must now be re-examined. It should at least be possible to create a smaller space for the safe passage of pedestrians and cyclists. Widening of the single track road south of Bevrige Row, and extension of the road north of the railway bridge around the east end of Belhaven hospital to connect with Pine Street. Widening of Eweford Road through the School Brae and the A1087. A new foot and cycle path will be required through the Spott Road employment site in association with development at Newtonlees.

**Additional Education Capacity** - Developers are not asked to cover the ongoing costs of teachers. Extension of the Grammar School will lead to loss of playing field space at the school. Pupils will need to use Hallhill or Winterfield. How will the money from developers for the school extensions be achieved?

**Water and Waste** - The Beltonford sewage treatment is nearly at capacity. There is flooding at Hallhill during heavy rain when the drainage from the new housing has not coped.

**Health Services** - These are already under pressure. The Health Centre has some consulting space upstairs, however, it is difficult to recruit GP's. Developers do not contribute to health services.

**An Aging population** - Dunbar is a favoured location for retirees. There needs to be some ongoing provision within the community for end of life care. In addition, there is an increasing need for sheltered housing, nursery home provision and suitable accommodation on a single level for elderly people.

**Affordable Housing** - The brownfield sites within the town could be developed to meet the affordable housing needs and prevent isolation. Here, all local facilities are easily accessible on foot or by public transport, off road parking is non-essential and need not be a constraint. Developers could where appropriate be released from the requirement to include social housing within their developments, on condition that they contribute to the development of more central brownfield sites.

**Dunbar Golf Course Site** - It is noted that the Dunbar Golf Course site no longer figures in the Local Plan and that the planning permission has now lapsed. Consideration should be given to the possibility of this application coming forward again.

**Transport Links** - Support the proposed 'Rages' improvements to rail services, platform extensions, the re-opening of East Linton Station and easier access to bus services. There is a need for a large increase in car parking provision at Dunbar Station. All such improvements will be essential to get more commuters into Edinburgh.

#### Scottish Environment Protection Agency (0252/5)

The representation states that although these sites in Table DR1 are not shown on the spatial strategy drawings within the PP, the majority are shown on the proposal maps which accompany the plan. SEPA have not had an opportunity to comment on these sites previously, during the preparation of this LDP, i.e. SEPA have not been provided with shapefiles which allow assessment of the sites against all relevant information held on record. It is not clear if these allocations have been through the SEA process with the same rigour as other sites and the majority have not been assessed by the SFRA and the requirement for Flood Risk Assessments (FRA) to be submitted with planning applications, where appropriate, has not been identified in the PP. As less consideration of flood risk has been given to these sites, particularly taking into account significant changes in legislation, policy and the physical environment (such as the higher annual rainfall being experienced in East Lothian) it is not possible to establish the principle of development at these sites.

#### East Lothian Liberal Democrat Party (0300/2)

Provision should be made for underpasses of the East Coast Main Rail Line in Dunbar to allow access underneath it to help integrate the community.

### **Dunbar Cluster Support**

#### Network Rail (0181/11)

Network Rail welcomes the detailed analysis and information on the development within the cluster and how it seeks to ameliorate this through improvements, which accord with our own strategy and proposals. The cross reference to and the detailed policies set out through the Transport section of the LDP and in particular the detailed policies on improvement works and contributions required are welcomed.

Stewart Milne Homes Ltd (0261/1)

Stewart Milne Homes fully support and welcome the DR8 proposal, and will endeavour to implement it as soon as possible.

Hallhill Developments (0395/3)

Land at DR4: Brodie Road is newly allocated for approximately 50 homes, and this proposal is supported.

Hallhill Developments (0395/4)

Land at DR7: Land at Spott Road is allocated for employment uses. This proposal is supported.

Scottish Environment Protection Agency (0252/54)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at DR2. There is a report that in 2002 Bellhaven Hospital was flooded and patients had to be evacuated with the generator room shut down. We are unsure if any measures have since been put in place to mitigate this risk of flooding. Fluvial flood risk, however, has been identified. A watercourse appears to be culverted within the vicinity of the site. There is also a number of drains flowing within the forestry area adjacent to Lochend Kennels. These appear to be culverted and may flow through the site and have to be investigated as part of a FRA.

Scottish Environment Protection Agency (0252/55) (0252/57)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at DR5 and DR7. A FRA has been required and we assume this is to assess the risk of surface water flooding.

Scottish Environment Protection Agency (0252/56)

Scottish Environment Protection Agency support the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site.

A FRA has been required, presumably to assess the risk of surface water flooding. It is likely that this source of flood risk will constrain the developable area of the site at DR4.

Scottish Environment Protection Agency (0252/58)

Scottish Environment Protection Agency support the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site.

A FRA has been required. No flood risk has been identified by SEPA and we assume the need for FRA is based on more detailed local knowledge of DR8.

Jonathan Swift (0413/4)

PROP DR9: Land at East Linton Auction Mart. This proposal is supported.

**Modifications sought by those submitting representations:**

**Dunbar Cluster Strategy Map**

Gladman Planning (0213/2)

PROP O5 to be deleted at Deerpark and a new site at to be mapped at the land at Newtonlees Farm where OS5 applies.

Stewart Milne Homes Ltd (0229/1)

Allocate land at Phantassie, East Linton for residential development through inclusion of a new proposal.

Barratt David Wilson Homes (0246/3)

Identify land at Preston Main, East Linton as a housing site (possible reference DMR12) on page 45, Dunbar Cluster Spatial Strategy Diagram.

Taylor Wimpey (0330/1)

Allocate the Eweford land for residential led mixed use development through inclusion of a new proposal to allocate or safeguard the site and identification of the site on the Proposals Map.

Martin Hotchkiss (0354/1)

Change site boundaries on the Strategy map for Dunbar in relation to DR2.

**Dunbar Cluster Introduction**

Barratt David Wilson Homes (0246/5)

Paragraph 2.131 - The land at Preston Mains, East Linton should be allocated for the provision of 100-150 houses.

Magnus Thorne (0308/1); Jonathan Swift (0413/1)

No Modification sought

**Prop DR1: Hallhill South West**

Alan Buchanan (0041/2)

No Modification sought

**Prop DR2: Hallhill North**

Martin Hotchkiss (0354/2)

Paragraph 2.138 and Prop DR2 should be removed. Change site boundaries on the Strategy map for Dunbar in relation to DR2.

Hallhill Developments (0395/1)

Remove references in the LDP and the Draft Development Brief to the re-opening of the underpass.

**Prop DR3: Hallhill Healthy Living Centre Expansion Land**

Hallhill Developments (0395/2)

Remove all references to DR3 from LDP policies and proposals and supplementary guidance.

**Prop DR5: Land at Newtonlees**

Dunbar Community Council (0201/2)

No Modification sought

Scottish Natural Heritage (0280/3)

In terms of natural heritage impacts SNH consider that other alternative sites put forward at the MIR stage would have fewer impacts. No specific modification has been sought. However, objection is raised to development of the site suggesting that the site is removed from the LDP.

Martin Hotchkiss (0354/3)

Para 2.141 and PROP DR5 should be removed.

**Prop DR8: Pencraig Hill, East Linton**

Alex Gibson (0074); Save East Linton from Excessive Expansion (0400/1)

No Modification sought

Magnus Thorne (0308/3)

Set out a clear responsibility and ongoing upkeep of SuDs for development allocated in the LDP. Recommend that the SFRA be appended to the ER.

Jonathan Swift (0413/2)

Land adjacent at Pencraig Hill should be reassessed and classified as DC8 to protect the environment, heritage, character and landscape value of East Linton.

**Prop DR10: Innerwick East**

Michael Smart (0128); Neil and Katrina Kenny (0151); Morag and Roy Ellis (0141); East Lammermuir Community Council (0414/2)

No Modification sought

**Prop DR11: St John's Street, Spott**

Patricia Ferguson (0032); Mr and Mrs Ainslie (0040); Collin Ainslie - Petition (0097)

No Modification sought

East Lammermuir Community Council (0414/3)

No specific modification but suggests removal of DR11 and allocation of different site.

**Dunbar Cluster Miscellaneous**

Alan Buchanan (0041/3); Kevin Bowler (0152); Dunbar Community Council (0201/1)

No Modification sought

Scottish Environment Protection Agency (0252/5)

SEPA objects to the inclusion of sites within Table DR1 in the LDP, without them being subject to the same process and review as all other sites to be included in the LDP.

East Lothian Liberal Democrat Party (0300/2)

No specific modification sought, but the objection would suggest that changes should be made to the plan.

**Dunbar Cluster Support**

Network Rail (0181/11); Stewart Milne Homes Ltd (0261/1); Hallhill Developments (0395/3); Hallhill Developments (0395/4); Scottish Environment Protection Agency (0252/54); Scottish Environment Protection Agency (0252/55)(0252/57) (0252/56) (0252/58); Jonathan Swift (0413/4)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Dunbar Cluster Strategy Map**

Gladman Planning (0213/2)

The Council continues to support the safeguarded land at Deerpark for a cemetery extension. This will also provide a buffer between the cemetery and any future development around it. This site provides for an expansion of the existing cemetery site in the short term. If there is a further need for burial space in Dunbar, and the existing safeguard proves to be inadequate, then additional sites for the longer term will be considered in a future review of the Local Development Plan. At this stage, the only site where the Council has indicated support for a cemetery extension at Dunbar is the site currently safeguarded. The Council is aware of proposals for housing development opposite the current safeguarded site, within which there is also a cemetery proposal, but this site is not identified by the LDP either for housing or for a cemetery. The outcome of any decision on that proposal will be a project level decision, assessed on its own merits



against the development plan and any other relevant material considerations. **The Council submits that no modification of the LDP is necessary**

Stewart Milne Homes Ltd (0229/1); Barratt David Wilson Homes (0246/3); Taylor Wimpey (0330/1)

The Council submits that no additional housing land allocations are necessary, as the LDP housing land supply is appropriate and sufficient. This is explored more in the Planning for Housing Schedule 4 at Issue 12. Furthermore, the Council submits that there are site specific issues with these proposed allocations that indicate that they should not be allocated. This is explored further in the New Sites Schedule 4 at Issue 13. Taking the Council's conclusion on these issues together, it submits that there is no need to modify the LDP in respect of these representations. **The Council submits that no modification of the LDP is necessary**

Martin Hotchkiss (0354/1)

While the DR2 boundary includes the land to the east of the current cottages it does not necessarily mean it will be developed or that the trees there would be lost or not replaced if removed. Any development here would need to comply with Policy DP1: Landscape Character as well as DP2: Design (in particular criteria 7). These policies taken together would require that the significant trees be retained or if some were removed, that adequate replacements would be provided to conserve the character and appearance of the area, in line Policy NH8: Trees and Development. The Council submits that areas of woodland to the east, on completion of development, were transferred to community groups to manage. It may be that once sites DR1 and DR2 are complete that a similar arrangement is put in place for the balance of the woodland area. The Council further submits that the need for open space will be assessed against Policy OS3. In respect of the 'panhandle of land' to the east of the site DR2, as set out in the Draft Development Brief for the site, the area between the school and site DR3 (Hallhill Healthy Living Centre expansion) should provide an attractive open space which provides setting to the area. Appropriate traffic calming measures will also be required here to ensure pedestrian safety and to discourage school traffic and through traffic. Details of requirements and appropriate solutions on these matters would be determined at the planning application stage. **The Council submits that no modification of the LDP is necessary**

### **Dunbar Cluster Introduction**

Barratt David Wilson Homes (0246/5)

The Council submits that no additional housing land allocations are necessary, as the LDP housing land supply is appropriate and sufficient. This is explored more in the Planning for Housing Schedule 4 at Issue 12. Furthermore, the Council submits that there are site specific issues with this proposal that indicates it should not be allocated. This is explored further in the New Sites Schedule 4 at Issue 13. Taking the Council's conclusion on these issues together, it submits that there is no need to modify the LDP in respect of this representation. **The Council submits that no modification of the LDP is necessary**

Magnus Thorne (0308/1)

The Council submits that SEPA has been a key consultee throughout the LDP process. The Council, including being the flood authority, and SEPA have worked together to ensure



that the Local Development Plan affords due weight to flood risk. In accordance with SEPA's approach to sustainable flood management, the Council has undertaken a Strategic Flood Risk Assessment (SFRA)(CD 042) to inform the preparation of a Local Development Plan (LDP). The SFRA has provided a strategic overview of flood risk in the LDP area and used to help support the identification of the area's most appropriate for development and those that should be safeguarded to secure sustainable flood management (avoiding unacceptable risk). As a result of this, any allocated development that has been assessed as having a potential flood risk is required to have a Flood Risk Assessment carried out as part of the development management process at project stage, and if necessary to identify any detailed mitigation measures. **The Council submits that no modification of the LDP is necessary**

Jonathan Swift (0413/1)

The LDP has allocated DR8: Pencraig Hill, East Linton for circa 100 homes. Additionally, the LDP allocated DR9: Land at East Linton Auction Mart for approximately 1ha for employment and community uses. These are the only allocations made in the LDP for East Linton. It is noted that this would be less than the representor's preference of 150 new homes in total over the lifetime of the LDP. **The Council submits that no modification of the LDP is necessary**

#### **Prop DR1: Hallhill South West**

Alan Buchanan (0041/2)

Designing Streets (CD 015) sets out government aspirations for design and the role of the planning system in delivering these. This along with SPP (2014) (CD 013) are the Scottish Government's two key policy statements on design and placemaking. Both documents are national planning policy and are supported by a range of design-based Planning Advice Notes (PANs). Designing Streets provides the basis for local and site-specific policy and guidance. All developments are based on this Scottish Government policy to deliver the best street and place layout. The Council has also published its own Design Standards for New Housing Areas (CD 075), to which the design of new development responds. The Council also submits that there is a 20mph speed limit in place along Brodie Road and within the surrounding housing areas. The Council submits that both the design and regulation of the urban environment here are intended to provide for a feeling of safety and security to complement the layout of developments in the area. **The Council submits that no modification of the LDP is necessary**

#### **Prop DR2: Hallhill North**

Martin Hotchkiss (0354/2)

**Access:** The Council submits that the LDP (para 2.138) makes clear that access to the Hallhill North site (DR2) shall be taken from the Hallhill South West site (DR1). The Council further submits that the Development Brief for DR2 (CD 061) also requires that vehicular and pedestrian access must be taken from Hallhill South West development over the access road between Beveridge Row and Hallhill Steading. Access proposals should incorporate appropriate traffic calming measures to retain the pedestrian and cycling priority along this existing east-west minor access road. Along the northern boundary of the site a 3m wide shared use path for walking and cycling must be provided between Beveridge Row and the primary school. A pedestrian access must be formed at the

northwest corner of the site to connect it to Beveridge Row and under the bridge of the East Coast Mainline. The Council also submits that LDP paragraph 2.133 and 2.138 note that re-opening of an underpass to the west of the town will be required in order to better connect the site with Dunbar.

**Environment:** The site is within Potentially Vulnerable Area 10/25. A small part of the site along its western boundary is identified on SEPA's flood map (CD 173) as being at medium risk of flooding from the nearby watercourse. Small areas of the site are also shown to be at risk of surface water flooding. SEPA has commented that development on this site could potentially increase the risk of flooding elsewhere if it results in significant increased surface water runoff so this would need to be mitigated. As such, proposals for the development of the site will require to be accompanied by a Flood Risk Assessment. The site is not within any areas designated for their international, national or local nature conservation interests. The site is however under 700m from the Firth of Forth SPA, Ramsar and SSSI. SNH has advised that there are records of SPA birds using the area, there is suitable habitat on the site, and there is potential connectivity to the SPA, therefore the site was screened in for consideration through the Habitats Regulations Appraisal (HRA) processes. The findings of that process are such that, with the mitigation measures proposed within the LDP, the LDP will not have an adverse effect upon relevant SPAs either alone or in combination with other projects or plans. The LDP also contains a series of policies on the natural heritage that must be complied with at project level, and which the Council submits offers an appropriate degree of protection, conservation or enhancement for the natural heritage.

**Infrastructure:** Annex B of PAN 75 (CD 019) gives a maximum threshold of 1600m for walking distance to local facilities. DR2 is within this distance of the school and Medical Centre and many of the shops and other facilities within the area. Residents would be able to walk to these facilities where possible so keeping to a minimum the use of the private car for shorter journeys. The East Lothian Transport Appraisal (CD 041) and model has been undertaken to model the impact traffic generated from sites proposed through the LDP on the national and local transport network. This work has identified where there are capacity constraints and identifies where mitigation is required and what form it will be required to take. The areas around Dunbar were not identified as requiring intervention through this modelling work. The Council recognises the importance of rail travel. Rail studies commissioned in 2004 and 2012 by East Lothian and Scottish Borders Councils (CD 80 and CD 81) concluded that a local service to Dunbar is feasible, which could make stops at other stations in the area. Network Rail is committed to delivering a new platform at Dunbar station. The Council is also aware of the education capacity issues related to Development. Mitigation measures have been set out in Technical Note 14 (CD 059) and the Developer Contributions Framework Supplementary Guidance (CD 063). Land at DR2 will provide the focus for the provision of new community facilities in Dunbar. The developer of this site shall make contributions towards the expansion of pre-school and primary school education capacity at Dunbar Primary School John Muir and Lochend campuses, in line with East Lothian Council's Local Development Plan Draft Supplementary Guidance: Developer Contributions Framework. Contributions may also be required towards other facilities or infrastructure, such as open space.

**Amenity:** Section 3.122 of the LDP notes that 'the loss of areas of open space that have significant amenity or recreational value will be resisted by the Council, unless their function is not harmed or appropriate alternative provision can be made locally. Such open spaces are also protected by Policy OS1: Protection of Open Space. In respect of new development, the Council's open space quantity standard is 60m<sup>2</sup> per dwelling. Provision of formal and informal open space is required from all new development. Open spaces should be multifunctional and can include district, town and local parks, sports pitches and civic space. Land at Hallhill North, Dunbar (Proposal DR2) will provide the focus for the

provision of new community facilities in Dunbar. As part of the open space requirement for DR2, the developer shall provide land for a full size grass community sports pitch to provide an expansion of the Hallhill Healthy Living Centre (Proposal DR3). The associated two team changing accommodation for this sports pitch shall be provided as an expansion of the Hallhill Healthy Living Centre. The Council is seeking to provide additional capacity in infrastructure and facilities so that these can accommodate the additional demands generated by new development, which is required to meet the development requirements of the SDP.

**Boundaries:** While the boundary of DR2 includes the land to the east of the current cottages it does not necessarily mean it will be developed. Standards for open space are addressed in Policy OS3 and would be required to be taken into account when designing the site. Details of requirements and appropriate solutions on these matters would be determined at the planning application stage. The representor has not given any evidence as to why the current boundary south of DR3 should be changed. As set out in the Draft Development Briefs, the area between the school and DR3 (Hallhill healthy living Centre expansion) should provide an attractive open space which provides setting to the area. Appropriate traffic calming measures will be required to ensure pedestrian safety and to discourage school traffic and through traffic.

**Archaeology:** The category C listed Hallhill cottages and Lochend gate piers and walls lie just outside the Eastern boundary of the site. There are no scheduled monuments within the site boundary. The site does not lie within a Conservation Area. The site is within the Dunbar II battlefield designation however based on the information provided in the inventory the site is not within any of the key areas of activity during the battle and its development would not affect the appreciation of the battlefield landscape. The Council further submits that LDP polices on cultural heritage, including CH4: Scheduled Monuments and Archaeological Sites, will ensure that such matters are considered and responded to appropriately at project level and through the Development Management process. **The Council submits that no modification of the LDP is necessary**

#### Hallhill Developments (0395/1)

The LDP is clear that developer contributions will be required towards the re-opening of the rail underpass from the DR2 site, included at paragraph 2.133 and 2.138. It is also clear that this will be needed to ensure that satisfactory access from the site to other parts of the town will be provided. The opening of the railway under-pass must be further explored by the applicant in conjunction with the Council, Network Rail and the scale and kind of developer contribution agreed at project level in line with what can reasonably be sought consequent on the development of this site. The Council has already opened discussions with Network Rail on the re-opening of the rail underpass and would welcome discussions with the landowner / developer of the DR2 site to progress matters further. **The Council submits that no modification of the LDP is necessary**

#### **Prop DR3: Hallhill Healthy Living Centre Expansion Land**

#### Hallhill Developments (0395/2)

The Council has set maximum catchments for facilities, including 2km for district parks, 1.2km for sports pitches and town parks, 400m for local parks and 800m for NEAPs, 400m for LEAPs and 240m for LAPs. New development will be expected to meet these standards. The Council's draft Open Space and Sports Pitch Strategy 2012 (CD 082) also assess the supply of recreational facilities and open space against existing and anticipated demand. This has informed the Council's site-specific development requirements for such

facilities (e.g. sports pitches and changing facilities). The Council's open space quantity standard for new development is 60m<sup>2</sup> per dwelling. Provision of formal and informal open space is expected. Open spaces should be multifunctional and can include district, town and local parks, sports pitches and civic space. The land take for the provision of such requirements will contribute towards the overall open space requirement of Policy OS3. Based on assessment, the LDP defines developer contribution zones (see LDP Appendix 1 page 200) for sports facilities interventions, within which developer contributions will be required towards the capital costs of delivering the key interventions on a proportionate and pro-rata basis as appropriate. Proposal DR3 is one of these.

Dunbar Grammar School is required to expand to increase its capacity to accommodate the projected pupils arising from new housing. The Council submits that Dunbar Grammar School will be extended appropriately in relation to sports facilities for the school. The increase in demand generated by new development means there will be a need for additional sports pitch capacity for the school. Pupils will continue to use the playing pitches, one of which will be upgraded to a 2G pitch to allow for more intensive use year round. However, this will not be enough to meet all full curricular needs. As such, the Council submits that the site for additional community sports pitches and changing rooms at the Hallhill Healthy Living Centre should also be used on a shared basis for education curricular needs. As such, the Council submits that Proposal DR3 is required to provide additional capacity to serve the community and Dunbar Grammar School, as explained at paragraph 2.139 of the LDP. The Council further submits that the capital costs are to be shared as set out within the draft Supplementary Guidance Developer Contributions Framework (CD 063), shared pro-rata by the sites indicated within the Action Programme (CD 031 page 114). **The Council submits that no modification of the LDP is necessary**

#### **Prop DR5: Land at Newtonlees**

Dunbar Community Council (0201/2)

Noted. **The Council submits that a modification of the LDP is not necessary.**

Scottish Natural Heritage (0280/3); Martin Hotchkiss (0354/3)

The site is adjacent to a main settlement within the East Lothian SDA as identified within SESplan (CD 030). Its development would therefore align with strategic policy objectives of steering new development towards the most sustainable locations within the city region. The site is within walking distance (1600m) of Dunbar town centre where there are a range of facilities including shops, Dunbar primary school, the Healthy Living Centre and sports facilities as well as a railway station. The Transportation Assessment (CD 041) demonstrates the existing road network can allow for the proposed development identifying mitigation of development related impacts, including on the local road network, particularly on the Spott Road and Queens Road junction, will be required. The Draft Development Brief (CD 061) sets out how the site can be designed and delivered to integrate with its surroundings and the local area. The developer of this site shall make contributions towards the expansion of pre-school and primary school education capacity at Dunbar Primary School John Muir and Lochend campuses, in line with East Lothian Council's Local Development Plan Draft Supplementary Guidance: Developer Contributions Framework (CD 063). Planning permission has been granted for this site and construction has commenced on site. **The Council submits that no modification of the LDP is necessary**



**Prop DR8: Pencraig Hill, East Linton**Alex Gibson (0074)

The site is within the East Lothian SDA as identified within SESplan and is adjacent to a main settlement that provides a range of facilities and services. Land is also safeguarded for the delivery of a new railway station at the settlement. The allocation of this site for housing development would therefore align with strategic policy objectives of steering new development towards the most sustainable locations within the city region. The site is within 400m of a bus stop. A range of local facilities and services are available within walking distance (1600m) including the primary school, health centre and local shops and services on the High Street. New residents would be able to walk to these facilities where possible keeping to a minimum the use of the private car for shorter journeys. East Lothian Council is now responsible for parking management through decriminalised parking which will assist in parking turnover and the enforcement of illegal parking. Congestion is not a problem even with development and localised pinch points coupled with increases in traffic flows will aid in the reduction of speeds through the village.

The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed Plan. It has not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care facilities. The Council continues to work with NHS Lothian on healthcare provision across East Lothian.

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate. East Linton Primary School will be required to be expanded to accommodate additional pupils, and developer contributions will be sought for this. There is potential to expand the school within the existing site. The Council has set out the implementation requirements for new development in Policy DEL1 and the associated Draft Supplementary Guidance: Developer Contributions Framework (CD 063) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The developer of this site shall make contributions towards the expansion of pre-school and primary school education capacity at East Linton Primary School in line with this.

Given the development requirements of the SDP for East Lothian, the shortage of available brownfield land in the area, and the geographical location of prime agricultural farmland, the Council submits that it is inevitable that such land will need to be developed, in line with paragraph 80 of SPP (2014). In terms of the landscape impact of development, the Council submits that paragraph 2.1 of the LDP acknowledges that change will need to occur to accommodate the development requirements of the SDP. The Council submits that the design policies of the plan will ensure that development will be appropriately integrated with the landscape. The Council submits that beyond the allocated site boundaries of DR8, it proposes to introduce a Countryside Around Town designation in acknowledgement of the wider sensitivity of the landscape and to conserve the character and setting of the settlement. **The Council submits that no modification of the LDP is necessary**

Magnus Thorne (0308/3)

ELC have completed a Strategic Flood Risk Assessment (SFRA) (CD 042) as part of the

LDP process. Sites have been assessed by the Council's flood team in consultation with SEPA. The SFRA is available to view on Council's website as part of the suite of documents that accompany the LDP. The SFRA is a standalone document that supports the Plan. The SFRA notes that the site is not in a medium to high risk flood area. The Site Assessment (CD 060g Dunbar Site Assessment p56) for DR8, notes that the site is not within a Potentially Vulnerable Area. SEPA's flood map (CD 173) does not identify the site as being at risk of river, coastal or surface water flooding. SEPA has not raised any concerns with regards potential flood risk issues or impact on the local water environment.

The Council promotes a precautionary approach to flood risk. Policy NH11: Flood Risk states that 'Development that would be at unacceptable risk of flooding will not be permitted. In respect of the Pencraighill Site (DR8), the Council submits that the Local Development Plan has set out that a Flood Risk Assessment is an identified requirement to be submitted as part of any planning application for the development of this site. LDP Policy NH10 will apply and it requires provision of SuDS as a means of mitigating surface water issues to be delivered as part of the Development Management process, including ensuring that pre-development run-off rates are maintained or improved once a new development is in place. Policy NH10 requires that provision is made for appropriate long term management and maintenance arrangements to the satisfaction of the Council. However, the Council cannot specify or insist on a particular arrangement being put in place for this, since this is a matter for the developer.

In respect of the Andrew Meikle Grove SuDS area, whilst the developers were expected to build the SuDS facility in accordance with Scottish Water requirements (so it could be vested with Scottish Water) this was not the case, and the management and maintenance of the feature has been factored to home owners within the site as the developer's long term solution for the management and maintenance of the SuDS facility.

PROP ED6 states that 'the Council will provide additional phased permanent extension to pre-school and primary schools as required to meet the need arising as a direct result of new housing development in their catchment areas'. The Technical Note for Developer Contributions sets out the established supply projections and the proposed LDP projections for primary school rolls. It notes that by 2020 the primary school will be at capacity and therefore there is a requirement for 1 additional classroom and 1 new PE area. The developer of this site shall make contributions towards the expansion of pre-school and primary school education capacity at East Linton Primary School in line with East Lothian Council's Local Development Plan Draft Supplementary Guidance: Developer Contributions Framework (CD 063).

Where possible, brownfield sites have been proposed for allocation (including NK6). Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. The Council submits that the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the development requirements of the SDP (CD 030). As such, this is consistent with the expectations of paragraph 80 of Scottish Planning Policy (2014), which states "development on prime agricultural land ... should not be permitted except where it is essential as a component of the settlement strategy".

The Council submits that density is an important planning issue, and that Policy DP3: Housing Density would allow lower density levels to be delivered here if this is justified in

line with the provision of the policy. However, the Council also submits that the site is close to the site safeguarded for a rail station. The Council further submits that the design policies of the plan will ensure that an appropriate design for the site overall is delivered. PROP DR8 states that any development will be required to include a comprehensive masterplan for the allocation that integrates the development with the surroundings.

The comments on the landscape component of the SEA site assessment (CD 060g) are noted, however the Council considers that the site assessment as it stands is an accurate assessment of the position. Other factors required to be considered as part of the development strategy include, but not exclusively, proximity of sites to public transport facilities and local services and facilities as well as landscape and topography. A decision balancing all of these factors is required and the Council considers the sites allocated in the LDP are appropriate.

In terms of the landscape impact of development, the Council submits that paragraph 2.1 of the LDP acknowledges that change will need to occur to accommodate the development requirements of the SDP (CD 030). The Council submits that the design policies of the plan will ensure that development will be appropriately integrated with the landscape. The Council submits that beyond the allocated site boundaries of DR8, it proposes to introduce a Countryside Around Town designation in acknowledgement of the wider sensitivity of the landscape and to conserve the character and setting of the settlement. **The Council submits that no modification of the LDP is necessary**

#### Save East Linton from Excessive Expansion (0400/1)

East Linton is less accessible in regional terms than the six main towns and some of the villages located further west. The site is within the East Lothian SDA as identified within SESplan and is adjacent to a main settlement that provides a range of facilities and services. The site is within 400m of a bus stop, with services running between Edinburgh and Dunbar and occasional services to Berwick upon Tweed. Land capable of accommodating a new railway station, car park and access is safeguarded adjacent to the East Coast Main Line at East Linton in accordance with Proposal T12: Railway Station Safeguarding at East Linton of this Plan. The rail station is now a committed proposal through agreement with the Scottish Government and Transport Scotland. Improvements have already been made with additional road based public transport routes in the East Linton area. The site is outwith the existing settlement of East Linton but is well related, particularly since the adjacent housing site to the north east completed. Its development would therefore align with strategic policy objectives of steering new development towards the most sustainable locations within the city region. The Council submits that the impact of development has been successfully absorbed by relevant infrastructure and facilities.

A significant challenge for the Council is to increase job density in East Lothian and to ensure that opportunities for job creation and economic growth are generated alongside an increase in population and the delivery of new homes. In respect of employment land / opportunities at East Linton, the Council submits that Proposal DR9: Land at East Linton Auction Mart, is intended to stimulate further employment opportunities at the settlement.

In terms of the impact on infrastructure and facilities, the key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan. It has not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary-care. The Council continues to work with NHS Lothian on healthcare capacity across East Lothian. The site is within 400m of a bus stop. A range of

local facilities and services are available within walking distance (1600m) including the primary school, health centre and local shops and services on the High Street. New residents would be able to walk to these facilities where possible keeping to a minimum the use of the private car for shorter journeys.

The site is not within a Conservation Area, but does form part of the setting of the settlement. In terms of the landscape impact of development, the Council submits that paragraph 2.1 of the LDP acknowledges that change will need to occur to accommodate the development requirements of the SDP (CD 030). The Council submits that the design policies of the plan will ensure that development will be appropriately integrated with the landscape. The Council submits that beyond the allocated site boundaries of DR8, it proposes to introduce a Countryside Around Town designation in acknowledgement of the wider sensitivity of the landscape and to conserve the character, appearance and setting of the settlement. There are no known archaeological remains within the proposed site area but significant remains have been identified in the vicinity. As part of any planning application for the development of the site there may be a requirement for a programme of archaeological work in line with Policy CH4 of the LDP. More generally, the Council submits that the cultural heritage policies of the plan will ensure that relevant cultural heritage assets are protected, and where appropriate conserved or enhanced. Design Policies will also contribute towards these objectives, for example where the reuse of existing buildings is concerned.

Brownfield sites have been proposed for allocation (including NK6). Given the scale of development requirement identified in the SDP for East Lothian, the shortage of available brownfield land in East Lothian, and the geographical location of prime agricultural farmland, it has been inevitable that agricultural land has had to come forward for allocation. The Council submits that the allocations on prime agricultural farmland have been necessary to help produce the most appropriate and sustainable development strategy to meet the development requirements of the SDP (CD 030). This is consistent with the expectations of paragraph 80 of Scottish Planning Policy (2014) (CD 013).

The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate. East Linton Primary School will require expansion to accommodate the additional pupils, and developer contributions will be sought for this. There is potential to expand the school within the existing site. The school and the community will be involved in proposals with regards to any future expansion. The Council has set out the implementation requirements for new development in Policy DEL1 and the associated draft Supplementary Guidance: Developer Contributions Framework (CD 063). It will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. At East Linton, the developer of land at Pencraighill (Proposal DR8) shall make contributions towards the provision of additional education capacity at catchment schools. Contributions may also be required towards other facilities or infrastructure, such as open space.

There is sufficient accommodation within East Linton Surgery to accommodate additional GP services in the East Linton area to accommodate planned development. Consequently, no developer contributions towards the expansion of these facilities will be sought at this stage. **The Council submits that no modification of the LDP is necessary**



Jonathan Swift (0413/2)

East Linton is less accessible in regional terms than the six main towns and some of the villages located further west. The site is however within 400m of a bus stop, with services running between Edinburgh and Dunbar and occasional services to Berwick upon Tweed. Land capable of accommodating a new railway station, car park and access is safeguarded adjacent to the East Coast Main Line at East Linton in accordance with Proposal T12: Railway Station Safeguarding at East Linton of this Plan. The site is within the East Lothian SDA as identified within SESplan (CD 030) and is adjacent to a main settlement that provides a range of facilities and services. Its development would therefore align with strategic policy objectives of steering new development towards the most sustainable locations within the city region. The site is outwith the existing settlement of East Linton but is well related, particularly since the adjacent housing site to the north east completed. The Council considers the sites allocated in the LDP are appropriate. There is currently a planning application lodged with Council for the development of this site (16/00328/PM) (CD 164). This is pending consideration by Council for the development of 119 homes. The Council submits that the impact of development has been successfully absorbed by relevant infrastructure and facilities. In terms of the landscape impact of development, the Council submits that paragraph 2.1 of the LDP acknowledges that change will need to occur to accommodate the development requirements of the SDP (CD 030). The Council submits that the design policies of the plan will ensure that development will be appropriately integrated with the landscape. The Council submits that beyond the allocated site boundaries of DR8, it proposes to introduce a Countryside Around Town designation in acknowledgement of the wider sensitivity of the landscape and to conserve the character and setting of the settlement. **The Council submits that no modification of the LDP is necessary**

**Prop DR10: Innerwick East**Michael Smart (0128)

Any issues relating to water or electricity are the responsibility of the relative water or energy companies. Scottish Water is a consultee and is aware of the proposed allocation. The site would be served by Castle Moffat Water Treatment Works and Innerwick Waste Water Treatment Works. Castle Moffat WTW has available capacity and Innerwick WTW has limited capacity (see CD 060g) Appendix 9 page 75). Additional housing may require network reinforcement from the relevant companies as a result of development. **The Council submits that no modification of the LDP is necessary**

Morag and Roy Ellis (0141)

The Council submits that it has prepared the LDP in consultation with Scottish Water. The implications of the allocated site in this area can be accommodated by Scottish Water (see CD 060g) Appendix 9 page 75). The Council has set out the implementation requirements for new development in Policy DEL1 and the associated draft Supplementary Guidance: Developer Contributions Framework (CD 063). It will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Education Scotland Act (1980) (CD 004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The assessment

shows that the projected peak roll of 62 primary pupils that will arise from planned and committed housing in the Innerwick catchment area can be accommodated within the current capacity of Innerwick Primary School (75). Therefore, primary-aged pupils projected to arise from the allocation of Innerwick East can be accommodated within the current capacity of the primary school. A draft Development Brief (CD 061) has been produced for the site at Innerwick East. This was in consultation with Scottish National Heritage and Council's transport department. It is anticipated that any development should access the site from the C125. This will need upgrading with a footway, street lighting and the 30mph speed limit extended along the roadside frontage of the site. **The Council submits that no modification of the LDP is necessary**

Neil and Katrina Kenny (0151)

The Council submits that it will be putting down ATC (Automated Traffic Counters) at Innerwick which will allow for the determination of both the number of vehicles and their speeds. This will provide evidence on what localised mitigation may be required as a result of an application which could then be attached as a condition to any future planning application if necessary. If drivers are not driving to the road conditions and are driving dangerously or irresponsibly, this is a Police matter. Local Elected Members are considering the provision of a permanent formal bus stop at a suitable safe location for children attending Dunbar Grammar.

The Council submits that it has prepared the LDP in consultation with Scottish Water and the implications of the allocated site can be accommodated by it (see CD 060g Appendix 9 page 75).

The site is not within a Conservation Area and there are no listed buildings or scheduled monuments within or adjacent to the site. Development proposals for site DR 10 at Innerwick will be subject to Design policies in the LDP which will ensure high quality design and that the amenity of adjoining properties is appropriately maintained. The suggestion that the development of the site would reduce property values is not a material planning consideration. Police Scotland has been consulted at all stages of the plan and thus is aware of the proposed allocation.

Any issues relating to electricity are the responsibility of the relative energy companies, but the additional housing may require network reinforcement.

The site is within 400m of a bus stop with at most hourly daytime service between Edinburgh and Berwick upon Tweed. Whilst it is acknowledged that village facilities are limited, the site is within walking distance of the village primary school.

This allocation will help sustain viable pupil roll at the facility (see LDP paragraph 3.103). The site allocated within the proposed LDP, DR10, was put forward to Council as part of the Call for sites exercise in 2012 by the owner for housing development.

The alternative location to the east of the primary school, assumed to be the area the representor is referring to is actively used for agricultural activities and was not proposed for development by the owner, additionally there is an underground pipeline running through the site. It has not been subject to assessment as other sites have, and may not be suitable for development. **The Council submits that no modification of the LDP is necessary**

East Lammermuir Community Council (0414/2)

The Council submits that it has prepared the LDP in consultation with Scottish Water. The implications of the allocated site in this area can be accommodated by Scottish Water (see CD 060g Appendix 9 page 75). The Council submits that it will be putting down ATC (Automated Traffic Counters) at Innerwick which will allow for the determination of both the number of vehicles and their speeds. This will help form an opinion on what localised mitigation may be required as a result of an application which would then be attached as a condition to any future planning application if necessary. Council note the minor error in the Monitoring Statement (CD 040). The total number of pupils (62) projected to arise from the proposed allocated site on a cumulative basis with the baseline roll projection can be accommodated within the current capacity of the Innerwick Primary School school (75). There is therefore no need for additional primary school capacity as a result of this allocation (Technical Note 14 CD 059). The Council has set out the implementation requirements for new development in Policy DEL1 and the associated draft Supplementary Guidance: Developer Contributions Framework (CD 063). It will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. **The Council submits that no modification of the LDP is necessary**

**Prop DR11: St John's Street, Spott**Patricia Ferguson (0032)

Circa 6 homes means that depending on a number of factors such as site layout, house type, density etc there may be more or less than 6 houses. Whilst the figure is indicative the LDP policies would seek to ensure that the design integrates with the character and appearance of the surroundings, and can be accommodated by the site and by infrastructure and facilities in the local area. A Construction Method Statement can be required of any application for development. Many rural properties in East Lothian are not on mains drainage systems and drain into septic tank systems. It may be that the new development provides its own foul drainage solution. **The Council submits that no modification of the LDP is necessary**

Mr and Mrs Ainslie (0040); Collin Ainslie - Petition (0097)

The site is not within but lies adjacent to Spott Conservation Area. There are no listed buildings or scheduled monuments within or adjacent to the site. The Council submits that the site provides an opportunity to extend St John's Street into the site, and to provide development in a manner that would complement the character and appearance of the surrounding area. The development of the site would be unlikely to result in conflicts with surrounding land uses given that the surrounding uses are residential and agricultural.

The site lies approximately 20m from an area at risk of flooding from the Spott Burn but it occupies an elevated position in relation to the Burn. The area is not at risk from coastal, river or surface flooding. SEPA has not raised flood risk issues or concerns over water environment.

The Council has set out the implementation requirements for new development in Spott. Policy DEL1 and the associated Supplementary Guidance (SG) (CD 063) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. It may be

that the new development could provide its own foul drainage solution.

PROP ED6 within the LDP states that the Council will provide an additional phased extension to Dunbar Grammar to meet the need arising from proposed new housing development in the Dunbar Cluster. The Council will also provide additional phased permanent extension to pre-school and primary schools as required as a direct result of new housing development in their catchment areas. In line with East Lothian Council's Local Development Plan Draft Supplementary Guidance: Developer Contributions Framework (CD 063), developer contributions will be sought as required to ensure sufficient capacity is made available.

The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed Plan. As the local health board, they have not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care. The Council continues to work with NHS Lothian on healthcare capacity across East Lothian.

St John Street is wide enough to accommodate the traffic that would be generated by the proposed development and the priority junction with High Road has adequate visibility to safely accommodate extra traffic movements of the scale proposed. A Construction Method Statement can be required of any application for development.

The proposed alternative site, which is located within the conservation area, is not in Council ownership and has not been put forward to Council as a suggested development site. **The Council submits that no modification of the LDP is necessary.**

#### East Lammermuir Community Council (0414/3)

The community council has not identified where its alternative site is and the Council submits that other alternative locations / sites have not been subject to planning assessment. As per para 2.147 and PROP DR11 (p49) Land at St John's Street, Spott is allocated for a residential development of circa 6 homes. PROP ED6 within the LDP states that the Council will provide additional phased extension to Dunbar Grammar to meet the need arising from proposed new housing development in the Dunbar Cluster. The Council will also provide additional phased permanent extension to pre-school and primary schools as required as a direct result of new housing development in their catchment areas. As set out in draft Supplementary Guidance: Developer Contributions Framework (CD 063) (and within Technical Note 14 (CD 059)) there will be a need for 1 classroom and ancillary space at West Barns Primary costing £3,963 per house. In line with East Lothian Council's Local Development Plan Draft Developer Contributions Framework, developer contributions will be sought as required to ensure sufficient education capacity is made available. **The Council submits that no modification of the LDP is necessary**

#### **Dunbar Cluster Miscellaneous**

##### Alan Buchanan (0041/3)

The developments surrounding Lochend Woods and Middlemas Road were planned and delivered around existing woodland/grassy areas. These developments were designed to be part of the existing woodlands. Since the development of land at Middlemas Road and Lochend Woods the Council has introduced a higher density of homes per hectare for East Lothian. While the densities for houses have increased there is still a requirement for each

new development to provide sufficient open space for the new houses (60m<sup>2</sup> per household). In developing new housing areas, the relevant LDP policies (DP1, DP2, DP4 and DP8 and DP9 as well as NH8 etc) require existing physical or natural features to be retained and incorporated into the development design in a positive way. Additionally, the Development Brief (CD 061) for DR4: Brodie Road for example, requires the existing community woodland to be incorporated as part of the development, utilising the space to provide a sense of enclosure. Path links must be provided to link the development to the woodland and any proposals should enhance the community woodland edge. Views to Doon Hill are to be maintained. The Development Brief for DR2: Hallhill North (CD 061) notes that the area between the school and Hallhill Healthy Living Centre should provide an attractive open space utilising the existing woods. This area also has an attractive safe route to school through the woods that connects to DR1. The development of Earls Gate was a strategic development allocation, the design had input from ELC's Landscape officers. The signage at the junction of Spott Road and Brodie Road has advertisement consent for a period of 5 years from the date of consent, or until the development has been completed, and requires removal when no longer needed. **The Council submits that no modification of the LDP is necessary**

Kevin Bowler (0152)

The Council has set out the implementation requirements for new development in the Dunbar Cluster. Policy DEL1: Infrastructure and Facilities Provision and the associated draft Supplementary Guidance: Developer Contributions Framework (CD 063) will provide the framework to collect contributions from developers towards the necessary supporting facilities and infrastructure, including mitigation of impacts, including cumulative impacts, on the strategic and local transport network. The Council considers that this provides an adequate framework to accommodate new development without unacceptable impacts on local services and infrastructure. The key agency with the responsibility for health provision, NHS Lothian, was consulted during the publication of the LDP. As the local health board, it has not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care. The Council continues to work with NHS Lothian on healthcare capacity across East Lothian.

The traffic model results in the Transport Assessment (CD 041) will demonstrate that the existing road network will be able to cope with the increase in traffic as a result of the proposed developments.

The Council will provide an additional phased permanent extension to Dunbar Grammar to meet the need arising from proposed new housing developments in Dunbar. The Council will also provide additional phased permanent extension to pre-school and primary schools as required to meet the need arising as a direct result of new housing development in their catchment area.

The Council submits that waste collection, and amenity services including street sweeping functions are carried out within the area, but use of litter bins could be improved. The Council has no comment to make on the quality of existing supermarkets. Should an application be lodged for an extension, this would be assessed on its merits in the context of the area and relevant policies of the plan. Policy W4: Construction waste requires site waste management plans to be submitted with all planning applications for major developments, and the Council has powers to take enforcement action should this be necessary.



The Council submits that, at the time of writing, the Earls Gate did not form part of the adopted road network so remains the responsibility of the developer. Any issues concerning the construction standard would need to be resolved before the road is adopted by the Council.

Any open space requirements are subject to agreement as part of the planning application for that development and are in accordance with development plan policies and PAN 75. Phasing plans are required which set out when open space will be completed with the wider development. **The Council submits that a modification of the LDP is not necessary.**

#### Dunbar Community Council (0201/1)

**Communications across the railway line** – The Council notes the community council's comments and submits that connections between the north and south of the railway line have been and continue to be an important planning consideration in respect of Dunbar, particularly pedestrian and cyclist links. Beveridge Row was not widened as part of site DR1 and DR4 because if it was upgraded then it would increase vehicle speeds and encourage more traffic to use Beveridge Row and its junction with the A1087 which has poor visibility. A future plan could be to connect this road through the site DR6 to use a fit for purpose junction onto the A1087, and to restrain the use of the northern section of Beveridge Row to minimise through traffic there. As with Beveridge Row, the widening of Eweford Road would encourage greater use and the bridge under the East Coast Main line that is a pinch point which is already signal controlled, although some improvement of Eweford Road will likely be required to accommodate development related traffic. The A1087 / School Brae junction provides good visibility. A new footpath through the Spott Road employment site is being progressed in association with the Newtonlees site (DR5) through the Spott Road site (DR7). The Council further submits that the Development Brief for DR2 requires that vehicular and pedestrian access must be taken from Hallhill South West development over the access road between Beveridge Row and Hallhill Steading. Access proposals should incorporate appropriate traffic calming measures to retain the pedestrian and cycling priority along this existing east-west minor access road. Along the northern boundary of this site a 3m wide shared use path for walking and cycling must be provided between Beveridge Row and the primary school. Pedestrian access must be formed to connect it to Beveridge Row and under the bridge of the East Coast Mainline. The Council submits that the LDP is clear at paragraphs 2.133, 2.138 and 2.141 that additional pedestrian and cycle crossing points under the railway line will be needed to ensure that satisfactory access between locations to the north and south of the town. Developer contributions will be required towards the re-opening of the rail underpass from the DR2 site and similarly provision must be made for footpath connections underneath an existing underpass and across adjacent land from the DR5 site. The Council has already opened discussions with Network Rail on the re-opening of the rail underpass to progress matters. This will be further explored by the Council, Network Rail and relevant applicants. The Council notes the community council's comments in respect of other road network enhancements / new road and pedestrian and cycle links. The Council submits that the scale and kind of planning obligations will be considered in more detail at project level in line with what can reasonably be sought consequent on the development of sites.

**Education** - Dunbar Grammar School will be extended and designed not to impact on the current playing facilities at the school. Pupils will continue to use the playing field which will be upgraded to a 2G synthetic pitch to allow for more intensive use year round. In accordance with Policy DEL1, the Council has published draft Supplementary Guidance: Developer Contributions Framework (CD 063) to specify how appropriate provision for

planning interventions required in association with different types and scales of development planned for by the LDP in different areas will be secured from applicants or developers. An additional Education and Community sports pitch will be provided at Hallhill Healthy Living Centre, and proposal DR3 is allocated to provide additional capacity to serve both community and Grammar School needs. In order for the school to make full use of its own campus, the additional provision of a community pitch off site will mean the maximum access of the school pitch for the schools use. School revenue budgets and staffing complements are set in line with the pupil roll and calculated in accordance with the approved Scheme of Delegation for Schools and the Council's devolved school management policies. Any increases in pupil rolls due to an increase in children arising from committed and planned housing in the area will be reflected within the school revenue budget and staffing complement.

**Water and waste-** The implications of the allocated sites on this area could be accommodated by Scottish Water. Scottish Water and SEPA have been consulted throughout the LDP process and are aware of all allocated sites within Dunbar and the need for capacity in the Water Treatment Works. Part of the area, including Dunbar and West Barns lies within Potentially Vulnerable Area 10/25. Some sites will need Flood Risk Assessments. New development must not increase the risk of flooding and this will need to be mitigated by provision of appropriate mitigation, including SuDS.

**Health** - The key agency with the responsibility for health provision, NHS Lothian, was consulted during the preparation of the LDP. As the local health board, they have not indicated that expansion on the scale proposed would cause difficulties in the capacity of primary care facilities. The Council continues to work with NHS Lothian on healthcare capacity across East Lothian.

**Aging population** - The Council submits that this point is recognised at LDP paragraph 3.117 and within Proposal HSC2: Health Care Facilities proposals, and submits that the relevant wider strategies are finalised. The LDP supports the principle of specialist housing provision and provision for other specific housing needs. For Local Housing Strategy purposes, the HNDA will be supplemented by a further study on the need and demand for specialist housing including accessible and adapted housing, wheelchair housing and supported accommodation, such as sheltered and extra care housing. This is to help inform the needs to be met through the affordable housing policy of this plan as well as other forms of delivery in the area. Policy HOU5 and HOU6 also safeguard existing residential care and nursing homes and facilitate provision of new facilities. East Lothian housing providers are committed to the Scottish Government aims to help older and disabled people to live safely, independently and comfortably in their own homes. The Council supports the principle of adaptations to dwellings to facilitate more independent living.

**Affordable Housing** – the Council submits that the affordable housing policies of the plan will apply to all sites of five or more homes, including urban brownfield sites, and that this is the most appropriate basis to ensure that affordable housing is provided. The Council further submits that this approach will ensure that affordable housing is appropriately distributed and that a full range and choice of affordable housing types can be provided in a range of locations to meet needs.

**Golf Club** – The Council submits that any new application for planning permission would be assessed on a case by case basis in accordance with the policies of the LDP. The principle of such development would be considered against Policy DC1: Rural Diversification and Policy DC5: Housing as Enabling Development. This is similar to the policy basis against which the existing permission was approved by Planning Committee. Any new proposal would need to satisfy relevant development plan policies. On this basis, the Council submits that there is no need to include a specific proposal in respect of the golf club within the LDP.

**Transport Links** - Support for additional platform at Dunbar station and other LDP proposals noted. The Council also submits that there are ongoing discussions with regard to converting the yard at the south east corner of station road into additional car parking areas. **The Council submits that no modification of the LDP is necessary**

Scottish Environment Protection Agency (0252/5)

The Council submits that PAN 1/2010 (CD 016) is clear that SEA should focus on the strategic environmental effects of the plan (para 3.1) and avoid excessive data collection and descriptions of baseline data (para 5.2). The Council further submits that the sites set out in the relevant table are not allocations: this is made clear in the pre-text to the table. The LDP explains that the development of these sites in accordance with relevant LDP policies is supported in principle by the Council – i.e. not necessarily by consultees to any planning application, such as SEPA. Whilst some of the sites have been rolled forward from previous plans, the majority of the sites set out in the relevant table already have planning permission for development, so are committed sites. In SEA terms they have been treated as such and thus as part of the baseline, in accordance with PAN 1/2010 (para 4.22). It is important to note that this is also true of many sites where a policy reference is given. If the Reporter considers it useful, the Council could provide the relevant planning application references in respect of relevant sites. Development on some of these sites has already commenced, but in some cases stalled, so planning permissions are being implemented or remain live. For some sites their planning permission references are shown within the tables instead of policy references. This is because some of them are within the countryside etc and it would be impractical in a mapping sense or in a policy / proposals sense to specifically identify those sites on the proposals map(s) or strategy diagrams: yet the Council would support the principle of their development in line with LDP policies, subject to the development management process. **The Council submits that no modification of the LDP is necessary**

East Lothian Liberal Democrat Party (0300/2)

The Local Development Plan makes provision for developer contributions to be sought towards the opening of underpasses of the East Coast Main Line at Dunbar at paragraph 2.131, 2.133 and 2.138 and 2.141. The delivery of these links shall be dealt with at project level, with provision made by new development as appropriate. **The Council submits that no modification of the LDP is necessary**

**Dunbar Cluster Support**

Network Rail (0181/11); Stewart Milne Homes Ltd (0261/1); Hallhill Developments (0395/3); Hallhill Developments (0395/4); Scottish Environment Protection Agency (0252/54); Scottish Environment Protection Agency (0252/55)(0252/57) (0252/56) (0252/58); Jonathan Swift (0413/4)

Support noted

**Reporter's conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number



of matters raised in representations which are in support of the plan or which simply make comments and do not seek modifications of the plan. Therefore, unless these relate to an issue which is unresolved, they are not addressed in my conclusions.

### **Dunbar Cluster Strategy Map**

2. My consideration of the arguments for inclusion of five new housing sites in the Dunbar Cluster (Land at Newtonlees Farm, Dunbar, Land at Phantassie, East Linton, Land at Preston Mains, East Linton, Land at Drylawhill, East Linton and Land at Eweford) may be found under Issue 13: New Sites, where I conclude that there is no justification for the inclusion of those sites other than for Land at Newtonlees Farm. Under that issue, I also recommend addition of the site Land at Newtonlees Farm to the Dunbar Cluster Strategy Map.

3. The matter of cemetery provision at Deerpark is dealt with in Issue 17: Open Space. My consideration of the representation urging amendments to the boundaries of Proposal DR2: Hallhill North is set out under that heading below.

### **PROP DR1: Hallhill South West**

4. The representation from Alan Buchanan expresses concern that the layout of roads and paths within this development will follow the approach used in other recent development in Dunbar. That approach derives from the government's publication *Designing Streets* and the council has produced its own guidance based on that. I have no grounds for rejecting that approach.

### **PROP DR2: Hallhill North**

#### Railway underpass

5. The council considers that an additional pedestrian/cycle underpass beneath the East Coast Main Line is required to the north of site DR2 to ensure satisfactory access is available to other parts of the town. The plan stipulates that the developer of site DR2 should make a contribution to its construction. To that end, the council is in discussion with Network Rail over the reopening of a former underpass near Elm Street.

6. There are two existing railway crossings in the vicinity of the Hallhill North site. At the north-west corner of the site, is Beveridge Row, a public road leading to the A1087 road, which narrows to a single lane where it bends sharply and passes under the railway line. There is no provision for pedestrians other than for a path painted onto the road where it passes under the railway and a short length of footway to the north of the underbridge. Traffic through the bridge is signal controlled. Whilst this recent traffic control arrangement provides some assistance, this is a compromised and fairly inconvenient route for pedestrians.

7. About one kilometre to the east is a railway underpass for pedestrians and cyclists. It is adjacent to the Healthy Living Centre and leads through to Countess Rd close to Dunbar Primary School's John Muir Campus and is well used. This is also the direction of the town centre.

8. A new rail underpass would provide a safer and more direct route to Dunbar Grammar School in particular, as well as to the attractive coastline, recreational and other facilities.

9. Both Mr Hotchkiss and Hallhill Developments question the feasibility of reopening a former railway underpass for non-vehicular use as a requirement of the development. Hallhill Developments understand that Network Rail infilled the underpass with concrete some years ago because it was structurally unsound and that subsequently its reopening has been considered but found to be impractical. They maintain there is no evidence that it could be achieved at reasonable and proportionate cost. Hallhill Developments also dispute the need for an additional underpass given the existence of that onto Countess Road.

10. The site assessment undertaken as part of the draft Environmental Report, assesses the accessibility of site DR2 in generally favourable terms, commenting that it does not lie within 800 metres of a railway station, but is within 1500 metres of Dunbar town centre. It states that the site “has reasonable access to the town centre and a range of educational and community facilities and employment opportunities.”

11. The Transport Appraisal for the plan states that the proposed Ash Grove Underpass in Dunbar (which is to the south of land between Elm Street and Ash Grove) is anticipated to have a local impact to improve accessibility and connectivity and that this intervention is allocated to the immediately adjacent development sites. I have been presented with no hard evidence to demonstrate that the scheme is unrealistic.

12. I am satisfied that there is sufficient justification for the underpass and that it would benefit residents, including those of site DR2.

#### Concerns raised by Martin Hotchkiss

13. Martin Hotchkiss raises a number of concerns, which I address below. Vehicular access to this site would be taken from the Hallhill South West site (DR1) and not Beveridge Row, which is below the standard required to serve a development of the scale proposed. The council proposes that the east-west track through the site be retained and protected by appropriate traffic calming measures.

14. The site lies within the government’s recommended maximum walking threshold of many local services and facilities. Traffic and transport modelling at the regional level have not indicated a need for traffic interventions in Dunbar.

15. Through the Habitats Regulations Appraisal process, the potential impacts on wildlife have been assessed by the council as acceptable, subject to mitigation measures. Drainage and flooding issues have been assessed and the need for mitigation through a Flood Risk Assessment recognised.

16. The expansion of education capacity in local schools is addressed through Proposal ED6: Dunbar Cluster Education Proposals, Policy DEL1: Infrastructure and Facilities Provision and through draft Supplementary Guidance: Developer Contributions Framework. Similar arrangements may be made for other facilities and infrastructure. As part of the open space requirement for DR2, land for a community sports pitch will be required.

17. With respect to the woodland east of Lochend Kennels and the panhandle of land running east from the main site, these would not necessarily be used for built development. Their inclusion within the site boundary would allow these areas to be designed into the scheme as a whole rather than being treated as left-overs. Pedestrian safety, for school

children and others, can then be taken into account.

18. There are no scheduled monuments within the site and, although it lies within the Dunbar II battlefield designation, Historic Environment Scotland's Inventory indicates that the site does not lie within any of the key areas of activity during the battle. Policy CH4 of the plan requires archaeological assessment of such sites, including field evaluation, excavation, recording, analysis and preservation in appropriate cases. Such investigations can be a way of discovering the historic interest of a site.

### **PROP DR3: Hallhill Healthy Living Centre Expansion Land**

19. Proposal DR3 safeguards land adjacent to Hallhill Healthy Living Centre for an additional community sports pitch for shared use with education services. Proposal CF1 specifies that a full size grass pitch and two team changing rooms are to be provided in this location. They are required to serve an expanded Dunbar Grammar School. Hallhill Developments Ltd contend that this allocation should be removed in the absence of evidence that it is required in this location directly as a result of the development at site DR2. The safeguarded site lies on the opposite side of the railway line to the school.

20. The issue regarding Proposal DR3 relates only to the need for the proposed facility in this location arising from development, not how it would be provided or funded. In that respect, the facilities required have been assessed in relation to the council's draft Open Space and Sports Pitch Strategy 2012.

21. Dunbar Grammar School requires to expand in order to accommodate the additional pupils expected to come from new housing in the locality. The council has indicated that upgrading of an existing pitch at the school to allow more intensive use would not be sufficient. An additional shared use pitch would be needed. The justification for the site therefore arises from increased use for both education and the local community.

22. As Proposal DR2 indicates, mitigation (which would be in the form of developer contributions) would be on a proportionate basis for cumulative impacts with other proposals. So housing site DR2 would be considered alongside DR1, DR4 a small part of DR5 and DR6, all of which are located within the Sports Facilities Contribution Zone, as indicated in the plan.

23. On the basis of the above points, I consider that the proposed expansion land for the Healthy Living Centre and its linkage to Proposal DR2 is justified.

### **PROP DR5: Newtonlees**

24. In response to the representations of Scottish Natural Heritage (SNH) and Martin Hotchkiss, the council have pointed out that: a Transport Assessment demonstrates how the road network could cope with the extra traffic given some mitigation measures; a draft development brief shows how the development can integrate into its surroundings; and the developer is required to make contributions towards school expansion.

25. In any event, since planning permission has been granted for this site and construction is almost complete, it is too late for me to consider the concerns expressed by SNH and Martin Hotchkiss.

**PROP DR8: Pencraig Hill, East Linton**

26. Alex Gibson's representation objects to the enlargement of East Linton through development on this site on a number of grounds. The council's response addresses the matters which he raises and I have no reason to challenge their stance. I note, in particular, that the council has to find additional housing land to meet the SESplan requirement, that the village lies within a Strategic Development Area and that it has a range of existing and proposed facilities and services (some of which are planned to expand) to support such enlargement. The speed at which housing on the neighbouring Andrew Meikle Grove estate sold could be due to factors which would not apply to a development on this site.
27. Magnus Thorne is concerned about drainage and flood risk. He maintains that contention over whether Scottish Water will take on responsibility for ongoing upkeep of the Sustainable Drainage Systems (SuDS) at Andrew Meikle estate is unacceptable, and that the responsibility at the Pencraig Hill site should be settled in the local development plan, especially as the site lies upslope of Andrew Meikle estate and of the area near the railway underpass, which tends to flood. However, the detailed arrangements for management and maintenance of SuDS are for project level negotiation and decision. This matter is also considered in Issue 28 dealing with Policy NH10: Sustainable Drainage Systems.
28. The council has completed a Strategic Flood Risk Assessment which identifies Pencraig Hill as not lying within a medium or high risk flood area. The site is not within a Potentially Vulnerable Area, as identified in Scottish Environment Protection Agency's (SEPA) National Flood Risk Assessment. SEPA's flood map does not show the site as at risk. Nor has SEPA raised concerns about the site.
29. The proposed housing is expected to push the local primary school beyond its present capacity and therefore the developer of the site is required to contribute to increasing that capacity. I am satisfied that this would be a sufficient response to meet the pressures arising from the new housing.
30. The council satisfactorily explains the need to locate some development, such as this, on greenfield land. Questions of housing density are to be addressed in a masterplan which would be justified in terms of the design policies of the plan. As the council points out, the proximity of a safeguarded site for a rail station is a consideration, in the sense that having more people within easy reach of a rail service increases the sustainability of development.
31. The current lack of a rail connection is highlighted by Save East Linton from Excessive Expansion. However, a new station (Proposal T12) is a committed proposal through agreement with the Scottish Government and Transport Scotland – it is shown as a short/medium term project in the plan's draft Action Programme. Moreover, additional bus service routes have now been provided and are in walking distance of the site.
32. As to the alleged lack of viable employment opportunities, the council acknowledges that this is a challenge but opportunities for economic growth are promoted throughout the plan area and, locally, land at East Linton Auction Mart (Proposal DR9) has been allocated to this end.
33. In the period since the local development plan was submitted for examination, a

planning application has been lodged for 93 houses and 20 flats on the land identified as Proposal DR8. At appeal, a notice of intention to grant permission has been issued, which is subject to the completion of a legal agreement to secure affordable housing and developer contributions.

34. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified in the plan.

#### **PROP DR10: Innerwick East**

35. It is the responsibility of the water and energy companies to resolve existing problems with respect to water and electricity supply at Innerwick East. Some network reinforcement may be required in response to development. Scottish Water has been consulted and has raised no objection. Of the two water treatment works serving the village, Castle Moffat has available capacity. I have no reason to find that the reported electricity supply problems are intractable.

36. The education service confirms that there is sufficient capacity at Innerwick Primary School to accommodate the additional pupils projected from the proposed development. The council's transport department has not objected to the proposal, although it will be necessary to upgrade the adjacent footway and street lighting and to extend the 30mph speed limit. In relation to public transport, there is a minimum hourly bus service within walking distance of the site. Issues regarding traffic speeds, a bus stop and crime prevention are capable of resolution and should not obstruct the proposal.

37. The proposed alternative site to the east of the village has not been subject to assessment like the allocated sites, but it is in agricultural use, has a pipeline running through it and has not been promoted for development. I therefore have no basis to prefer that site.

#### **PROP DR11: St John's Street, Spott**

38. In relation to representations, I see no reason to disagree with the council's view that St John's Street is wide enough to cope with additional traffic from the proposed development. During my mid-afternoon site visit there was no traffic other than for one bus. New development may have its own septic tank drainage, which would require to be of an appropriate standard. Developer contributions would be required towards school extensions. SEPA has not raised any flood risk issues. The local health board has not raised concerns about healthcare capacity. Only part of the village has a linear form; at the western end, backland development and a spur road have created a different character, which the proposed site could be seen to round off. The proposed site is located outwith the conservation area.

39. An alternative site has been suggested between Spott Village Hall and Spott Church. This is a more sensitive location as it lies within the conservation area. Moreover, the landowner did not put it forward to the council as a potential development site so that it could be assessed. Therefore, I see no reason to recommend any change to the council's allocation.

40. Overall, I am satisfied that DR11 is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified in

the plan.

### **Dunbar Cluster Miscellaneous**

41. Various issues are raised which are outwith the scope of this local development plan examination. These include compliance with road construction standards, the possibility of a planning application coming forward, display of signs, dog fouling and litter.

#### Design

42. The council acknowledges that it has increased the standard density of housing since developments referred to by Alan Buchanan, but it has open space standards, design standards, development briefs, etc. to ensure that sense of place and openness are addressed in development proposals.

#### Infrastructure and facilities

43. Representations raise matters relating to infrastructure and facilities, none of which persuade me to recommend modifications for the following reasons.

44. The council has sought to ensure that infrastructure and facilities such as schools and health services are provided to meet the needs of occupants of the proposed new houses through consultation with the relevant bodies providing those services, a Transport Assessment which identifies the need for road network improvements, Policy DEL1: Infrastructure and Facilities Provision and draft Developer Contributions Framework Supplementary Guidance.

45. Discussions on additional car parking at Dunbar rail station are underway.

46. The extension of Dunbar Grammar School will not impact on current playing facilities and Hallhill will have an additional playing pitch for school and community use achieved with the help of developer contributions. School staffing will be increased in line with changes in the pupil roll.

47. Scottish Water is aware of the proposed additional demands on the water treatment works in Dunbar and has no objection to ensuring adequate capacity.

48. The plan includes general policies and proposals for the care and housing of elderly residents, which set the context for local provision. The suitability and feasibility of developing affordable housing on urban brownfield sites will vary from location to location and requires to be considered on a site specific basis.

#### Communications across the railway line

49. The concerns expressed by the Dunbar Community Council and East Lothian Liberal Democrat Party about vehicular, pedestrian and cycle links across the rail line are discussed in the council's response above. Measures to improve those links are included within the plan and I am satisfied that reasonable efforts are being made to improve those communications.



Flood risk/Strategic Environmental Assessment

50. SEPA object to the inclusion in the plan of the sites in Table DR1: Dunbar Established Housing and Employment Sites Summary as it is not clear that they have been subject to Strategic Environmental Assessment with the same rigour as other sites and the majority have not been subject to Strategic Flood Risk Assessment.

51. Paragraph 260 of Scottish Planning Policy requires local development plans to use strategic flood risk assessment to inform choices about the location of development. The sites set out in Table DR1 were either allocated by previous local plans or form part of the established land supply. Within the plan, the council’s assessment generally distinguishes between allocated sites (identified as proposals) and carry-forward sites. All, however, contribute to the total land supply for the proposed plan, as identified within Tables EMP1 and HOU1. Since the local plan was adopted, higher annual rainfall for East Lothian has led to the potential for increased in flood risk, and there have been legislative and regulatory changes. It is important, therefore, that the plan is informed by an up-to-date understanding of flood risk and that all sites to be included in the plan are suitably assessed, involving the appropriate consultation authorities as necessary.

52. In response to a further information request, the council confirm that two of the sites in Table DR1 have not been subject to Strategic Flood Risk Assessment or subject to an up-to-date flood risk assessment as part of a planning application process. These are two housing sites in the centre of Dunbar – Abbeylands (16 units) and Abbeylands Garage (8 units). The council maintain that they are not at risk from flooding. The other sites in the table are either operating employment sites or housing sites which are complete, under construction, with planning permission or the subject of a planning application. Consequently, the relevant assessments will have been undertaken and the appropriate mitigation required, where necessary. The council maintain therefore that they are not at risk from flooding.

53. While we acknowledge the council’s position, this approach does not entirely reflect the intent to undertake a strategic flood risk assessment at the plan preparation stage as indicated within Scottish Planning Policy. We have therefore sought further information from SEPA. Their response indicates that, within the Dunbar Cluster, flood risk is a potential issue at site DR3 only. I recommend that paragraph 2.139, referring to that site, should be amended accordingly.

54. With regard to sites within Table DR1, any emerging legislative requirements, including any unknown flood risk, would involve consultation with the relevant statutory bodies at the planning application stage. Suitable policy safeguards are also contained within the plan including Policy NH11: Flood Risk. However, to ensure clarity in how the council will deal with such matters in relation to any evolving situation with the physical environment and flood risk, an amendment to paragraph 2.149 is also recommended.

**Reporter’s recommendations:**

Modify the local development plan by:

1. In paragraph 2.139, adding the following sentences at the end:

“Should any culverted watercourses be found on the site, there should be no development on top of them. Advice should be sought from SEPA in respect of any planning

applications.”

2. In paragraph 2.149, inserting third and fourth sentences as follows:

“Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up-to-date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”



<b>Issue 9</b>	<b>North Berwick Cluster</b>			
<b>Development plan reference:</b>	North Berwick Cluster (pgs 51-56)	<b>Reporter:</b> Jo-Anne Garrick		
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>				
<table border="0" style="width: 100%;"> <tr> <td style="width: 50%; vertical-align: top;">                 Robert Simpson (0007)                  Peter and Anne Rintoul (0031)                  Natasha O'Connor (0042)                  John Finlay (0058)                  Terry Hegarty (0077)                  C M Imrie (0083)                  Mr and Mrs H D I Smith (0104)                  Robert and Jean Waddell (0109)                  Dirleton Village Association (0131)                  Andrew Dexter (0140)                  Kirsty Towler (0164)                  Gullane Community Council (0166)                  E MacDonald (0176)                  Network Rail (0181)             </td> <td style="width: 50%; vertical-align: top;">                 Donald Hay (0183)                  Muir Homes (0189)                  James Millar (Kilduff) Ltd (0204)                  Haig Hamilton (0219)                  Scottish Environment Protection Agency (0252)                  Scottish Natural Heritage (0280)                  Cycle Forth (0325)                  Mr and Mrs R Lothian (0345)                  Centuff Ltd (0350)                  Lawrie Main (0370)                  CALA Management Ltd (0393)                  Mark Holling (0425)                  Dirleton Village Association (0437)             </td> </tr> </table>			Robert Simpson (0007) Peter and Anne Rintoul (0031) Natasha O'Connor (0042) John Finlay (0058) Terry Hegarty (0077) C M Imrie (0083) Mr and Mrs H D I Smith (0104) Robert and Jean Waddell (0109) Dirleton Village Association (0131) Andrew Dexter (0140) Kirsty Towler (0164) Gullane Community Council (0166) E MacDonald (0176) Network Rail (0181)	Donald Hay (0183) Muir Homes (0189) James Millar (Kilduff) Ltd (0204) Haig Hamilton (0219) Scottish Environment Protection Agency (0252) Scottish Natural Heritage (0280) Cycle Forth (0325) Mr and Mrs R Lothian (0345) Centuff Ltd (0350) Lawrie Main (0370) CALA Management Ltd (0393) Mark Holling (0425) Dirleton Village Association (0437)
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<b>Provision of the development plan to which the issue relates:</b>	North Berwick Cluster pages 51 – 56.  (Excluding sites NK6, NK7, NK8 and NK9 in Gullane which are dealt with in Schedule 4: Issue 9a Gullane)			
<b>Planning authority's summary of the representation(s):</b>				
<p><b>North Berwick Cluster Strategy Map</b></p> <p><u>Mr &amp; Mrs R. Lothian (0345/1)</u></p> <p>The Local Development Plan (LDP) Proposed Plan defines the Williamstone Farm site the subject to planning applications 15/01043/P and 15/01045/P as being within the 'countryside'. The entire area of land should be included within the settlement boundary as planning permission has been given for alterations and extensions works to the listed farmhouse and for the conversion of the steading to 3 residential houses.</p> <p><b>North Berwick Cluster Introduction</b></p> <p><u>E MacDonald (0176/9)</u></p> <p>North Berwick:                  North Berwick Town Centre needs protecting by restricting retail, commercial and business at Mains Farm otherwise it will impact on the town centre. Adequate business and leisure provision is required at Mains Farm. Although there is open space at Mains Farm, land for sporting facilities is also required. Existing leisure facilities cannot cope. At least 30% of housing at Mains Farm should be for social housing for rent as well as affordable houses for sale this would help meet ELCs stated objective to reduce inequalities within and between communities. A new secondary school is required not further extension. Planning</p>				

permission has been given for development at Tantallon Road but with only 1 ha of employment land. The scale of development will impact on North Berwick and the coastal villages as tourist routes and destinations.

Dirleton:

There is no point safeguarding views to and from Dirleton Castle due to the large wind turbine.

Drem:

Road network to Drem is inadequate. The commuters use the B roads so an alternative route from North Berwick to the A1 must be found. Development at Drem is inappropriate. The principle of linking Gullane to Drem by a Green Network is acceptable but this must be surfaced and designed appropriately to accommodate a range of users.

Aberlady:

A recent development by Cala at Aberlady is ugly and of a style suited to urban south east England and are wasteful of energy and encourage car use.

East Lothian has taken its fair share of development to house Edinburgh working population. The Edinburgh Greenbelt should be prioritised over East Lothian's. Edinburgh should not be seen as the main employer and every town and village in East Lothian should be able to support some sort of employment to reduce the need to travel.

James Millar (Kilduff) Ltd (0204/3)

At 2.151 there is reference to Drem being the only settlement in this cluster within the SDA, with the majority of others with identified Countryside Around Towns designations to protect their setting, and this should be acknowledged by way of a safeguarded area in this plan.

### **NK1: Mains Farm**

Andrew Dexter (0140)

The representation states that the significant hedging and mature trees should be retained to the north of the site. The owls and bats should also be taken into consideration.

Scottish Environment Protection Agency (0252/17)

The representation states that development plans should identify site requirements to allocations where a potential flood risk has been identified (from any source) to ensure that a site specific Flood Risk Assessment (FRA) is undertaken in advance of the development. This FRA should be used to inform the siting, layout, design and capacity of development on the site in a way that avoids an increase in flood risk on and off site and ensures that there is safe dry pedestrian access and egress at times of flood.

In addition, the identification in a development plan that a FRA is required reduces the potential for additional costs, delays and uncertainties for planning applications if the need for a FRA is identified late in the process and the siting, design and layout of proposed developed has to be reviewed.

**NK4: Land At Tantallon Road**Scottish Natural Heritage (0280/4)

Expresses concern regarding potential allocation of this site throughout the plan preparation process. Scottish Natural Heritage consider that full development of this site, particularly on the sensitive upper reaches of the site, will intrude adversely on the important landscape setting of North Berwick Law. If this site is to be retained it considers these impacts could be reduced through the production of a Site Development Brief which retains upper areas of the site as landscaping or open space.

Cycle Forth (0325/1)

Suggests that there is an opportunity to create a shared-use (pedestrian/cycle) route through the northern part of this site, to connect with other routes and form a 'southern boundary ring' providing, amongst other benefits, safer routes to the local schools.

Mark Holling (0425/1)

Suggests that land should be secured to allow safe access for pedestrians and cyclists from and to this development and in particular to schools, North Berwick Law, Sports Centre and any other community buildings in the Mains Farm development. A through route through the development is required. Building up the hill will not preserve the landscape value of the eastern approach to North Berwick with its coastal views and up to the Law so houses should not be allowed past the level of the Tesco store.

**NK5: Land at Ferrygate Farm**Cycle Forth (0325/2)

There is an opportunity to create a shared-use (pedestrian/Cycle) route through the northern and eastern parts of this site, to connect with other routes and form a 'southern boundary ring' providing, amongst other benefits safer routes to the local schools.

Mark Holling (0425/2)

Land should be secured to allow safe access for pedestrians and cyclists from and to this development and in particular to schools, North Berwick Law, Sports Centre and any other community buildings in the Mains Farm development. A through route through the development is required and a means of crossing the railway to allow access into the Gilsland development area where there are good links to school.

**NK10 Aberlady**K Towler (0164/4)

Further housing in Aberlady will increase commuting, school traffic and traffic problems.

E MacDonald (0176/11)

Objects to PROP NK10 as East Lothian is seriously overdeveloped. A massive commuter housing coalescence from Musselburgh to Dunbar. Loss of identities of communities;

Impact on tourism; Sufficient luxury homes which are wasteful of energy and encourages the use of cars; despite CALA Homes building 100 new homes on the south side of Aberlady another 110 at West Aberlady are currently seeking planning permission. The facilities in the village and residents quality of life have not improved.

Aberlady Community Association (0183/4)

The LDP should be amended to include a new road layout for safety around The Pleasance/A198 junction. The existing layout of the A198 road near the proposed site allows dangerous speeding and irresponsible driving behaviour. A new pelican crossing at the Pleasance/A198 should be included.

Development of NK10 will lead to additional traffic on Mair Road east of the site, which is single lane and has little or no further capacity. There is no footway west of Glenpeffer Avenue, which makes it dangerous for pedestrians. The LDP should provide for road improvements to improve safety and amenity of Mair Road particularly and help manage additional traffic.

Aberlady does not have any formal social area for young people to meet, and with expected 22% increase in the village size such provision should be made.

New residents of NK10 are likely to commute to Edinburgh. Provision for new, safe pedestrian/cycle only route between Aberlady and Longniddry railway station should be made to encourage use of green modes.

**NK11 Castlemains, Dirleton**

Peter and Anne Rintoul (0031); Natasha O'Connor (0042)

The representation is titled 'Plans for Dirleton'. The CALA proposal [unspecified but likely planning application reference 16/00521/PM (CD168) on the site of NK11] is in a prominent position and would significantly alter the village's external profile, not least as properties are quite unlike others in the village. It would be a crime to let developments like this proceed anywhere in East Lothian. The location of the site does not fit with the surroundings; picturesque views of Dirleton and the castle will be lost. Foreshot Terrace is suitably discreet so that a degree of sensible infill would make sense. Once again it would be important to provide sympathetic design and good access but this would be an infinitely preferable site for new houses here and across East Lothian. The design of the houses is not in keeping with the surroundings. The proposed houses do not reflect need for reasonably priced, appropriately sized housing to encourage young families to the area.

John Finlay (0058)

Initially puzzled about why this site was chosen as:

- It is a high profile location that abuts Dirleton Castle, affecting views to and from the Historic Monument.
- It suffers from traffic noise
- it has access difficulties
- it will impact on low-key settlement edge
- it will represent a significant and disproportionate footprint in context of the Conservation Village.

Pleased to see a Development Brief for the site, and that it addresses key issues including single storey homes and village green, though it makes no reference to the need for a southern tree belt, as highlighted in 'Dirleton Expects' [not submitted].

Queries why CALA proposal makes no reference to the Development Brief, and comments that the application site is larger than LDP site, that there are no single storey homes or green, and that the design is suburban in character, too dense, and alien to the village. The road access appears unsafe. The community's aspirations have been ignored.

The idea of a new village green is supported, which would reinforce one of the most important parts of the village character (plan submitted to show this). The Development Brief should specify the size for the green to reflect use as a venue for sports activities.

C M Imrie (0083/1)

The representor agrees with the majority of the village to the proposed Cala development at Castlemains Place. The proposed houses are totally out of character with the village.

Robert and Jean Waddell (0109)

Have no problem with expansion of village as the village should not be immune from the housing requirements. However have issues with NK11 Castlemains because: the site is obtrusive, ruins views to the castle, has a suburban house design not in keeping with the village, too many units, and too expensive. The houses will suffer from noise pollution from the bypass, and the safety issues and disruption to residents both during works and with traffic thereafter. Would support an alternative site at Foreshot Terrace, as it is a smaller proposal, with fewer houses, and screened by trees. These houses would not suffer from noise from the road.

Dirleton Village Association (0131)

The entry for Castlemains site does not mention that the views to and from the castle, the castle setting and the Designed Landscape need to be explicitly mentioned and therefore protected in the LDP. The issue of noise from traffic on the bypass is not explicitly mentioned in the LDP and the associated site brief. The site is not capable of incorporating circa 30 houses without adverse environmental impacts. Mitigation required to address noise, landscape and visual impacts will reduce the area available for housing and the numbers of houses proposed reduced. A 13.6% growth rate is too high for a Conservation Village.

K Towler (0164/5)

Further housing in Dirleton will increase have increased commuting, school traffic and traffic problems.

Gullane Community Council (0166/5);

Seeks inclusion of reference to protecting the eastern setting of Dirleton Castle and the views both from the Castle and its designed landscape. Views from Dirleton Castle and the castle setting need to be protected. There is no explicit reference to this within the LDP. Notes that the proposed number of houses at around 30 may be overstated due to the need to mitigate noise, landscape and visual impacts.

Dirleton Primary School has no safe dedicated school or community playing field. School Premises Regulations require the local authority to satisfy itself that the provision complies. The current area used is on the village green with poor visibility for drivers and is clearly non-compliant. This should be addressed as part of the development of NK11.

E MacDonald (0176/12)

Objects to PROP NK11 as East Lothian is seriously overdeveloped. A massive commuter housing coalescence from Musselburgh to Dunbar. Loss of identities of communities; Impact on tourism; Sufficient luxury homes which are wasteful of energy and encourages the use of cars. The facilities in the village and residents quality of life have not improved. Despite extra housing the only village shop has closed.

Muir Homes (0189/1)

PROP NK11 Castlemains, Dirleton should be deleted from the LDP. The area should be retained outwith the defined settlement of Dirleton and protected by DC8. The site should also be specifically protected from development by introducing a safeguarding restriction in order to protect the setting of Dirleton Castle and the setting of Dirleton Conservation Area when viewed from the main A198 route. Representation questions why Castlemains was a preferred site in the MIR and has been included in the LDP despite issues identified in the IER; Issues raised in IER include Impact on Historic Environment and issues raised by Historic Scotland on the impact of development on Dirleton Castle, impacts on the setting of the conservation area and the setting of Dirleton as a whole.

Lawrie Main (0370/1)

Objects to the inclusion of PROP NK11 in the LDP and that this area should in fact be designated as an area with Policy DC8: Countryside Around Towns.

CALA Management Ltd (0393/7)

CALA continues to support the development of site NK11 for residential use with an indicative capacity for approximately 36 new homes. CALA has prepared and submitted an application for full planning permission for 36 new homes including 10 new affordable homes. 36 units represents a more efficient use of the site the capacity having been derived as a consequence of design-led approach. Pre-application discussions have taken place on layouts and design principles, which have been broadly welcomed by East Lothian Council as part of the ongoing application process. Castlemains will deliver a range of house sizes and styles as part of the development of this field to the south-east of Dirleton and providing a high quality outward facing edge to the settlement whilst looking to protect and enhance key views to Dirleton Castle. We make detailed comments with regards to the development brief for Castlemains as part of this consultation process (and as part of the response to the Development Briefs consultation document).

Dirleton Village Association (0437)

Made comments supporting the need for a "village green" within the site at Castlemains for a safe off road play zone, preferably the size of a primary school sized football pitch.

**NK12 Development Briefs**James Millar (Kilduff) Ltd (0204/4)

The introduction of a new PROP NK12: Drem Expansion Area necessitates a renumbering of the subsequent Policy.

Drem is a similar sized settlement to Athelstaneford, with a railway station, and in a location where other improvements are identified elsewhere in the LDP which can be facilitated (in part) by development at Drem, and elsewhere. This should be shown on the Main Strategy Diagram because the safeguarding sought can contribute to delivering the strategy identified. At Para 1.5 there are references to the Proposals Maps identifying areas “where land is safeguarded so as not to prejudice a certain type of development occurring” or to “ensure an area can be considered as a potential future development location”. However, from our review of the Plan we can only see one safeguard (at Blindwells), but there are references in the Plan to other potential locations which have not been safeguarded (such as at Drem at Para 2.154) and we believe they should.

CALA Management Ltd (0393/8)

We have removed reference to the Development Briefs and altered the title of NK12. The draft development briefs in their current form are not fit-for-purpose. There has been no engagement with landowners, developers (where known) or Council colleagues where they may have had up to date knowledge of the proposals for the sites. The development briefs do not accurately reflect the physical, technical or economic characteristics of the sites. Our submissions have addressed these issues in a constructive manner to provide an alternative development brief that reflects the considerable amount of work undertaken as part of the preparation and submission of planning applications for each of the sites. These applications were submitted following extensive pre-application processes including numerous meetings with East Lothian Council.

**North Berwick Miscellaneous**Terry Hegarty (0077)

Most of the major development proposals for North Berwick have already been given permission and the significant implications arising from these in terms of infrastructure and other support are dealt with in minimal detail. The proposals for North Berwick will have a major impact on the town, increasing population by at least another 2000 (over 30%). The LDP recognises some infrastructure constraints but these are largely fudged or ignored (other than the Primary School). The capacity of the current North Berwick Waste Water Treatment Works (WWTW) will be exceeded by housing plans already approved, and the implications for the future (a new WWTW) are not discussed.

Mains Farm will be a satellite to North Berwick, and there is little detail in how this will integrate with the town as a whole, even within the Master Plan to which the LDP refers. Details on what facilities will be next to the proposed Hub are lacking e.g. possible location of a new medical unit there.

Discussion of medical facilities in North Berwick ducks the possibility of a change in role of Edington Hospital site which although outwith the control of ELC advanced discussions with relevant bodies would be expected.

Traffic management is also ducked with reference to plans that will be developed. Surprised to see Lochbridge road was not mentioned in the LDP or Action Plan as it is an obvious route to the supermarket and also a school route.

The LDP has pre-empted discussion of housing development in North Berwick as almost all proposed developments have been approved and there seems to be no discussion of any future provision beyond 2024. It ducks issues for the town around significant population increase in a short time.

Mr and Mrs H D I Smith (0104)

Any future proposals affecting Drem and the surrounding area should be resisted. Drem being a conservation village should be protected from further development. The representor has submitted supporting information as to why Drem should not be developed. Drem should be excluded from any proposal consideration specifically as it is part of the East Coast SDA.

Kirsty Towler (0164/2)

A new doctors' surgery is needed in North Berwick. Why has no money been secured by developers.

Gullane Community Council (0166/2)

Seeks presumed new policy "Development in Aberlady or Dirleton will be conditional upon the expansion and introduction of secondary treatment at the Gullane WWTW". The statements about North Berwick area infrastructure ignore the capability of Gullane WWTW and its associated pollution of Yellowcraig beach, near Dirleton. As well as being expanded, the WWTW needs to have secondary treatment added as a matter of priority, and certainly before any further development is undertaken in Aberlady or Gullane.

Deeply concerned by the clear disregard for the South East of Scotland Strategic Plan and the Scottish Planning Policies upon which it was based. All three of our main villages are subject to one or more major developments. It is clear in the strategic Development Plan that there should in principle be none.

Looking across the three main villages in our area (Gullane, Aberlady and Dirleton) it is clear that issues relating to vehicle traffic (and parking) are seen as being low priority. In part this is compounded by the total lack of progress on Conservation Area Appraisal and Management. Commitments were made to this in the 2008 local development plan, but no progress has been made and thus there is no benchmark against which to assess the impacts of the over-development now being proposed. A half-hearted commitment is made in the proposed LDP to addressing this lack of progress, but it does not appear in the draft Action Programme and should therefore be viewed with scepticism.

Request not to include land at Foreshot Terrace, Dirleton [not allocated in the plan] for housing. Notes that applications for 24 houses at Foreshot Terrace and associated drainage have been lodged (16/00710/PM and 16/0711/P) and believes that these applications should be refused as:

1. not designated for housing in the LDP
2. the sites at Foreshot Terrace form part of an area along the whole of the northern edge



of Dirleton which is subject to Countryside Around Towns as set out in Technical Note 8  
 3. they conflict with the Dirleton Conservation Area statement in that they will interrupt the views of Dirleton and Dirleton Castle on the approaches to the village from the E, NE  
 4. They will affect the setting of Oatfield House.

Aberlady Community Association (0183/2)

Housing development in North Berwick should be strictly controlled. The level of development will place considerable strain on infrastructure especially on schools, public transport, community spaces and roads.

Haig Hamilton (0219/3)

It is submitted that Site H8 North Glebe, should be de-allocated in the Proposed East Lothian Local Development Plan. A planning application (ref: 08/00148/FUL) was submitted for the erection of 19 houses and associated works on this site in 2008. The application was never determined and no development has been forthcoming. The site is currently actively used by the community for vegetable beds and planting. The Interim Environmental Report provides a strong justification for the development of the site for residential use. The report has concluded that the primary school has very limited capacity leading to concerns of service infrastructure capability. East Lothian Council's Education Department, have confirmed to us that there is capacity at Athelstaneford Primary School to accommodate a development of approx 30 houses at Athelstaneford.

Scottish Environment Protection Agency (0252/6)

The representation states that although these sites in Table NK1 are not shown on the spatial strategy drawings within the proposed plan, the majority are shown on the proposal maps which accompany the plan. SEPA have not had an opportunity to comment on these sites previously, during the preparation of this LDP, i.e. SEPA have not been provided with GIS shapefiles which allow assessment of the sites against all relevant information held on record. It is not clear if these allocations have been through the SEA process with the same rigour as other sites and the majority have not been assessed by the SFRA and the requirement for Flood Risk Assessments (FRA) to be submitted with planning applications, where appropriate, has not been identified in the proposed plan. As less consideration of flood risk has been given to these sites, particularly taking into account significant changes in legislation, policy and the physical environment (such as the higher annual rainfall being experienced in East Lothian) it is not possible to establish the principle of development at these sites.

Centuff Ltd (0350)

The representation concerns the East Fortune Hospital site, for which Centuff Ltd is pursuing proposals. The site contains 7 listed buildings. The Council's objective in the adopted Local Plan 2008 is to secure the long term maintenance of the listed buildings and their setting and to provide appropriate use for the brownfield site. In the absence of any firm proposals for employment, leisure or tourism uses at the site, the Council accepted, in previously allocating this site, that the principle of residential use as enabling development was reasonable to fund the long-term future of the listed buildings, scale to be agreed.

The LDP makes no equivalent allocation and the future of the listed buildings may be threatened as a result, and a proposal for the site should be included in the LDP and on

the North Berwick Cluster map.

**North Berwick Cluster Support**

Robert Simpson (0007)

Supports site NK11, describing it as suitable. The Reporter may wish to clarify whether this representor has an interest in the site.

Network Rail (0181/12)

Network Rail welcomes the detailed analysis and information on the development within the cluster and how it seeks to ameliorate this through improvements, which accord with our own strategy and proposals. The cross reference to and the detailed policies set out through the Transport section of the LDP and in particular the detailed policies on improvement works and contributions required are welcomed. This forms a sound and detailed basis and one which we support.

Scottish Environment Protection Agency (0252/59)

The Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at NK6.

**Modifications sought by those submitting representations:**

**North Berwick Cluster Strategy Map**

Mr & Mrs R. Lothian (0345/1)

The representation seeks a modification to the strategy map for North Berwick to include Williamstone Farm within the settlement limit, subject to Policy RCA1: Residential Character and Amenity (RCA1) and outwith the countryside designation.

**North Berwick Cluster Introduction**

E MacDonald (0176/9)

No modification.

James Millar (Kilduff) Ltd (0204/3)

At Para 2.154 (Page 52) introduce a new final sentence to the Para to the effect “A safeguarding of land has been identified at Drem to enable these issues to be resolved and a deliverable and effective proposal formulated for consideration in the review of the LDP”.

**NK1: Mains Farm**

Andrew Dexter (0140)

No Modification.

Scottish Environment Protection Agency (0252/17)

Considers that a Flood Risk Assessment (FRA) to accompany planning applications at this site should be included as requirement for development of this site.

SEPA provided comments on a Development Framework by East Lothian Council titled "Mains Far and Gilsland, North Berwick" of 29 March 2011. The framework highlighted that a FRA would be undertaken for each allocation.

A small watercourse is located on the western boundary and could be culverted within the development site. This has to be assessed and no development should occur above any culverted waterbody.

**NK4: Land At Tantallon Road**

Scottish Natural Heritage (0280/4)

In terms of natural heritage impacts SNH consider that other alternative sites put forward at the MIR stage would have fewer impacts.

Cycle Forth (0325/1)

There is an opportunity to create a shared use (pedestrian/cycle) route through the northern part of this site.

Mark Holling (0425/1)

No modification.

**NK5: Land at Ferrygate Farm**

Cycle Forth (0325/2)

There is an opportunity to create a shared use (pedestrian/cycle) route through the northern and eastern parts of this site.

Mark Holling (0425/2)

No modification.

**NK10 Aberlady**

Kirsty Towler (0164/4); E MacDonald (0176/11)

No Modification

Aberlady Community Association (0183/4)

The LDP should be amended to provide for a new roundabout to be formed either at The Pleasance/A198 junction or at the Gosford Bothy/ Craigiellaw Cottages junction some 250m to the west.

The LDP should provide for a new Pelican light pedestrian crossing at The Pleasance/ A198 junction to ensure pedestrian safety.

The LDP should be revised to include provision for a new, safe pedestrian/cycle-only route between Aberlady and Longniddry railway station.

The LDP should be amended to require any developer of site NK10 to include proposals to help maintain the social infrastructure in the village particularly for younger people.

### **NK11 Castlemains Dirleton**

Muir Homes (0189/1); Lawrie Main (0370/1)

Removal of NK11

Peter and Anne Rintoul (0031); Natasha O'Connor (0042); John Finlay (0058); C M Imrie (0083); Robert and Jean Waddell (0109); Kirsty Towler (0164/5); E MacDonald (0176/12); Dirleton Village Association (0437)

None specified.

Dirleton Village Association (0131);

1. Amend the LDP [does not state where this should be inserted but refers to the entry for the Castlemains site in the housing proposals section which is at paragraph 2.170]. To include as constraints the need to protect the eastern setting of the castle and the views east from both the castle and its designed landscape.
2. Include in the [NK11] housing proposal section [paragraph 2.170] as a constraint the effect of traffic noise from the bypass on the amenity of NK11.
3. Add a requirement for the developer to provide an off-site playing field for the Primary School close to the school as a section 75 agreement.

Gullane Community Council (0166/5)

Seeks the inclusion of a reference to protecting the eastern setting of Dirleton Castle and the views both from the Castle and its designed landscape.

Seeks deficiency in Dirleton Primary School play provision to be addressed as part of NK11.

CALA Management Ltd (0393/7)

Change indicative capacity to circa 35 units.

### **NK12 Development Briefs**

James Millar (Kilduff) Ltd (0204/4)

Introduce a new "PROP NK12: Safeguarded Drem Expansion Area land north and south of Drem" (on Page 56) which would read:

*"Land is safeguarded to the north and south of Drem for a potential expansion of Drem. The landowner/developer will prepare a Design Framework for the Drem Expansion Area*

*spatially, including its associated infrastructure requirements. This Design Framework will be the basis against which the Council will seek to confirm if a comprehensive solution for the development of the area exists, as well as development agreements between the two landowners. The Design Framework should also provide information on delivery mechanisms for the provision and phasing of shared infrastructure as necessary to enable an appropriate phasing and timing of development. If a comprehensive solution to the known issues is found, the conversion from safeguarding to allocation shall be considered through the review of the LDP, or sooner in the event of a failure in the 5 year land supply emerging.”*

Re-number Policy NK12: Development Briefs to Policy NK13: Development Briefs.

CALA Management Ltd (0393/8)

Proposed amendment to Policy NK12: Development Briefs:

*“Policy NK12: Site Masterplans*

*As part of any planning application for any allocated site, comprehensive masterplan solutions for the entire allocated site must be submitted.*

*Proposed masterplans must demonstrate how the relevant objectives for the allocated site will be secured, how development will be delivered on an appropriate phased basis, and set out design requirements to ensure the development will properly integrate with its surroundings and the character of the local area”.*

#### **North Berwick Cluster Miscellaneous**

Terry Hegarty (0077); Mr and Mrs H D I Smith (0104); Kirsty Towler (0164/2); Aberlady Community Association (0183/2).

No Modification sought

Gullane Community Council (0166/2)

The representation requests that “Any development in Aberlady or Dirleton will be conditional upon the expansion and introduction of secondary treatment at Gullane WWTW”.

Request that land at Foreshot Terrace, Dirleton should not be included in the LDP.

Haig Hamilton (0219/3)

Site H8 should be de-allocated in the Proposed East Lothian Local Development

Scottish Environment Protection Agency (0252/6)

SEPA objects to the inclusion of sites within Table NK1 in the LDP, without them being subject to the same process and review as all other sites to be included in the LDP.

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

Centuff Ltd (0350)

Inclusion of policy/proposal in the LDP in relation to East Fortune Hospital.

**North Berwick Cluster Support**

Robert Simpson (0007); Network Rail (0181/12); Scottish Environment Protection Agency (0252/19).

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**North Berwick Cluster Strategy Map**

Mr & Mrs R Lothian (0345/1)

The steading buildings by being Category B listed are of special architectural or historic interest. They are all well contained within their landscape setting and are part of the historic form and character of this part of the East Lothian countryside. They make a positive contribution to the rural landscape and built heritage of the area. Inclusion within the countryside designation allows this to be maintained and reflects the character of the area.

Policy DC1 of the 2008 Local Plan allowed for the development at Williamstone Farm. It does not follow that the approved residential development needs to be included in the wider urban area. The Farm fits as countryside and any change to the boundary could set a precedent for further development to the north. If it is included within the urban area new build would be considered, and this may allow in-curtilage development harming the character, integrity and appearance of the buildings, including the setting of the listed buildings, and/or lead to an over-development of the site, create a density of built form harmful to the character and amenity of the area or cause harmful impacts on the privacy and amenity of neighbouring residential properties. For these reasons the Council does not consider it appropriate to include the site within the settlement boundary. **The Council submits that no modification of the plan is necessary.**

**North Berwick Cluster Introduction**

E MacDonald (0176/9)

North Berwick:

North Berwick Town Centre is recognised as a key element of the area's economic and social fabric, and is protected through Policy TC1 which recognises town centre locations as the most appropriate location for retail, commercial, leisure office and other development proposals that would attract significant footfall. Provision at Mains Farm is intended to serve local needs and is not expected to rival the town centre but rather complement it. Provision has been agreed for business use on Mains Farm through the approved Masterplan to which any associated detailed proposal must conform (CD140).

The open space and sporting facilities necessary have been agreed through grant of planning permission for this site. Extensive open space to the south of this site has been planned for through this development. Affordable housing provision was made through

grant of planning permission at Mains Farm and cannot now be altered (CD138).

The Education Scotland Act (1980) (CD004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. Officers from the Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. Projected secondary-aged pupils from the proposed sites will be accommodated in a future expansion of North Berwick High School. In line with East Lothian Council's Local Development Plan draft Supplementary Guidance: Developer Contributions Framework (CD063), developer contributions will be sought in respect of this allocation. North Berwick High School has potential for further expansion and additional land will be sought from the safeguarded area NK2 for this purpose.

The East Lothian Economic Development Strategy 2012-22 (CD084) identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future. The local development plan's policies and proposals seek to ensure that a balance is found between encouragement of tourism, including activity based tourism (e.g. walking and cycling) and the economic benefits. The scale of development proposed is not expected to adversely impact the tourist offer of the area.

Dirleton:

Dirleton Castle is a Category A Listed Building, as well as a Scheduled Monument. SPP (2014) (CD013) paragraph 141 requires that special regard should be given to the importance of preserving or enhancing the building and its setting. SDP1 (CD030) requires in Policy 1B that LDPs will ensure there are no significant adverse impacts on Listed Buildings and Scheduled Monuments. Dirleton Castle is a tourist attraction and it is important that views towards it are protected. The wind turbine is situated in close association with a group of farm buildings and the Castle can still be appreciated.

Drem:

The Council has undertaken transport modelling work on the committed development sites and undertaken a Transport Appraisal of proposed development with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. Additional traffic associated with the proposed new developments can be accommodated on the local road network. All proposals will have to accord with relevant policies of the LDP including Policy T2 General Transport Impact to ensure that sites can be safely and conveniently accessed by pedestrian, cyclists and traffic and that there will be no significant adverse impacts on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic, or residential amenity as a consequence of an increase in traffic.

Drem is within the SDA and benefits from a railway station on the East Coast Main Railway line. In the longer term, a significant scale of mixed used development could provide an opportunity to realign the road (which currently would be inadequate for significant growth). Since publication of the proposed LDP the Council has agreed to investigate the feasibility of a route for a cycle path to Drem Station from the C111 with the landowner (CD097).

In response to comments relating to Edinburgh see Schedule 4: Issue 2 Spatial Strategy.

**The Council submits that no modification of the plan is necessary.**

James Millar (Kilduff) Ltd (0204/3)

It should be noted that Drem is identified as a village with a defined settlement boundary, as shown on inset map 10. The Council submits that it has made its settled view clear in respect of Drem as a potential future development location that may be considered in to the longer term if housing need and demand were to require further land allocations in future LDP timescales. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP. However, for this LDP period, the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54), and the unique benefits that such a scale of development there would offer for East Lothian. **The Council submits that no modification of the plan is necessary.**

**NK1: Mains Farm**Andrew Dexter (0140)

Land at Mains Farm, North Berwick was allocated by the East Lothian Local Plan 2008. The Council has approved planning permissions (CD138) and a Masterplan (CD140) for the land at Mains Farm as well as detailed proposals for parts of the site, which are now under construction. As part of the planning application for this site a proposed scheme of landscaping was submitted to the Council and agreed by the Council's Landscape Project Officer. The implementation of the proposed scheme of landscaping has been secured by a condition imposed on the approval of matters specified in conditions of the proposed housing development 15/00794/AMM (CD151). In this instance a Habitats Regulations Appraisal was not required. **The Council submits that no modification of the plan is necessary.**

Scottish Environment Protection Agency (0252/17)

The Council has approved planning permission (CD138) and a Masterplan (CD140) for the land at Mains Farm as well as detailed proposals for a number of parts of the site, which is now under construction. As part of the applications for this site SEPA were consulted and no objections were raised (CD139). **The Council submits that no modification of the plan is necessary.**

**NK4: Land At Tantallon Road**Scottish Natural Heritage (0280/4)

No development brief was produced for NK4 however a Masterplan was agreed through the planning application process. Planning permission in principle has been granted for this site (15/00670/PPM) (CD147) with approval of matters specified pending consideration 16/00921/AMM (CD165). **The Council submits that no modification of the plan is necessary.**

Cycle Forth (0325/1)

The emerging Local Transport Strategy (CD077) promotes an enhanced active travel network that is integrated as part of the Green Network and with public transport options. The Council seeks to encourage walking and cycling as modes of transport to promote



sustainable travel, improve health and well being, and to maximise accessibility and social inclusion, particularly for those who do not own a car. Planning permission in principle has been granted for this site (15/00670/PPM) with approval of matters specified pending consideration 16/00921/AMM. **The Council submits that no modification of the plan is necessary.**

Mark Holling (0425/1)

The emerging Local Transport Strategy (CD077) promotes an enhanced active travel network that is integrated as part of the Green Network and with public transport options. The Council seeks to encourage walking and cycling as modes of transport to promote sustainable travel, improve health and well being, and to maximise accessibility and social inclusion, particularly for those who do not own a car. Planning permission in principle has been granted for this site (15/00670/PPM) (CD147) with approval of matters specified pending consideration 16/00921/AMM (CD165).

As part of the application for this site a Landscape assessment was submitted and agreed with ELC including restriction of building on the higher parts of the site. **The Council submits that no modification of the plan is necessary.**

#### **NK5: Land at Ferrygate Farm**

Cycle Forth (0325/2)

The emerging Local Transport Strategy (CD077) promotes an enhanced active travel network that is integrated as part of the Green Network and with public transport options. The Council seeks to encourage walking and cycling as modes of transport to promote sustainable travel, improve health and well being, and to maximise accessibility and social inclusion, particularly for those who do not own a car. Planning permission in principle was approved on appeal for a residential development of 140 homes and subsequently the Council granted consent for approval of matters specified in conditions and development of the site is underway 15/00966/AMM (CD170b). Suitable active travel routes to school and rail station will be required. There is a safer route to school defined under the Ferrygate Planning Permission 15/00966/AMM. **The Council submits that no modification of the plan is necessary.**

Mark Holling (0425/2)

The emerging Local Transport Strategy (CD077) promotes an enhanced active travel network that is integrated as part of the Green Network and with public transport options. The Council seeks to encourage walking and cycling as modes of transport to promote sustainable travel, improve health and well being, and to maximise accessibility and social inclusion, particularly for those who do not own a car. Suitable active travel routes to school and rail station will be required. Prop T5 notes that the Council will continue to develop and enhance the cycle network within a Cycling Strategy for East Lothian which is linked to regional and national strategies. There is a safer route to school defined under the Ferrygate Planning Permission 15/00966/AMM (CD170b). **The Council submits that no modification of the plan is necessary.**

#### **NK10 Aberlady**

K Towler (0164/4)

The Council has undertaken transport modelling work on the committed development sites and undertaken a Transport Appraisal of proposed development with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. Additional traffic associated with the new development can be accommodated on the local road network. All proposals will have to accord with relevant policies of the LDP including Policy T2 General Transport Impact to ensure that sites can be safely and conveniently accessed by pedestrian, cyclists and traffic and that there will be no significant adverse impacts on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic, or residential amenity as a consequence of an increase in traffic. **The Council submits that no modification of the plan is necessary.**

E MacDonald (0176/11)

The SDP (CD030) identifies Strategic Development Areas (SDAs) to prioritise as locations to accommodate the SDPs housing and employment land requirements. The East Coast SDA follows the key transport corridor of the A1 and East Coast railway line from Musselburgh to Dunbar. While it is accepted that the allocated sites for new homes represent a significant expansion, it is considered that this scale of development was unavoidable in the context of the housing land requirements and the Compact Growth Strategy adopted for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068).

In terms of the expansion of Aberlady, key objectives of Proposal NK11 are to ensure that reasonable measures are taken to ensure the integration of the new development with the existing settlement. The Council submits that it accepts that places will change as a result of development and that new development will have implications for local infrastructure; this has been fully considered and where appropriate, planned for as part of the development of the LDP. LDP Policy DEL1, and its associated Supplementary Guidance: Developer Contributions Framework (CD063), sets out where and how the necessary additional capacity within infrastructure and facilities will be provided.

The Council submits that the LDP retains sufficient land as Green Belt/ CAT that prevents coalescence of settlements and retains the separate identities of settlements. The East Lothian Economic Development Strategy 2012-22 (CD084) identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future. The local development plan's policies and proposals seek to ensure that a balance is found between encouragement of tourism, including activity based tourism (e.g. walking and cycling) and the economic benefits. Additionally, the Council's policies seek to integrate land use and transport to encourage a reduction in traffic growth, minimise the length of journeys people are obliged to make and promote sustainable alternatives to the private car – public transport, cycling and walking.

With regards to luxury housing being wasteful of energy, Policy SEH2 in accordance with SPP requires that all new buildings must include Low and Zero Carbon Generating Technologies to meet the energy requirements of Scottish Building Standards.

The Council has set out the need for additional capacity in infrastructure and services, including education and community services within the policies of the LDP, including Proposal CF1 and ED2. The Education Scotland Act (1980) (CD004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted

throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. Pupils from the proposed site will be accommodated in the existing primary school. The associated Supplementary Guidance Developer Contributions Framework (SG) (CD063) will provide the basis to collect contributions towards the necessary supporting facilities and infrastructure required. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. **The Council submits that a modification of the LDP is not necessary.**

#### Aberlady Community Association (0183/4)

There is an application (Ref: 16/00552/PM) (CD166) lodged for Aberlady West, as part of which appropriate on and off site mitigation measures will be applied as part of any approval in consultation with ELC Roads Services and other departments. However, a prerequisite of this proposal is to provide a new link road though the site to connect Kirk Road with the A198, utilising the exiting priority junction at The Pleasance to avoid traffic passing the primary school from the new housing area. If drivers are not driving to the road conditions and are driving dangerously or irresponsibly then this is a Police matter.

Developer contributions will be sought to provide two classrooms, hall/dining extension and core accommodation and alterations and an outdoor classroom for the nursery. There will also be a requirement for contributions towards improved quality of existing 11 a side grass pitch. **The Council submits that no modification of the plan is necessary.**

#### **NK11 Castlemains, Dirleton**

Peter and Anne Rintoul (0031); Natasha O'Connor (0042); John Finlay (0058); C M Imrie (0083/1); Robert and Jean Waddell (0109); Dirleton Village Association (0131); K Towler (0164/5); Gullane Community Council (0166/5); E MacDonald (0176/12); Muir Homes (0189/1); Lawrie Main (0370/1); CALA (0393/7); Dirleton Village Association (0437).

Prominent in landscape terms/alter village profile/location doesn't fit with surroundings/picturesque views of Dirleton Castle will be lost:

The Council submits that houses at Castlemains Place were developed by the Council as part of a Rural Housing Programme in the late 1980s to provide mixed use small scale houses and workshops in small villages with the aim of improving the sustainability of the villages including facilities such as schools, commercial premises and local employment opportunities. The housing provided was designed to reflect the nature and form of housing in the eastern part of Dirleton, to be orientated to look south and to minimise any impacts on Dirleton Castle. The Council submits that site PROP NK11 can be developed with cognisance of the same principles and that the retention of a significant area of land as a field in the foreground allows new development to be added to the village without harming its characteristic form of development. The Council submits that a well designed development that takes full account of its local context will not adversely affect the setting of Dirleton Castle, block views towards it from the A198 or adversely affect the overall setting of the village. A bypass for the village was provided in the 1970s and cut through agricultural fields. Housing is set back from the road with long narrow agricultural fields between the road and the houses which provides the characteristic of this southern edge of the village, with the castle standing high above the farm buildings. The Council submits that PROP NK11 will not harm the setting of the castle or the village and notes that HES

has not objected to its inclusion in the LDP, accepting that a well designed scheme can be accommodated successfully on the site.

Integration of new development:

In terms of the expansion of Dirleton, key objectives of Proposal NK11 are to ensure that reasonable measures are taken to ensure the integration of the new development with the existing settlement. The Council submits that it accepts that places will change as a result of development and that new development will have implications for local infrastructure; this has been fully considered and where appropriate, planned for as part of the development of the LDP. LDP Policy DEL1, and its associated Supplementary Guidance: Developer Contributions Framework (CD063), sets out where and how the necessary additional capacity within infrastructure and facilities will be provided.

Traffic noise from bypass:

The Council submits that this is a matter that will be addressed in detail at the stage of a planning application and that the retention of the agricultural field, which will provide a buffer of varying distance along the southern site boundary, from the road will help.

Issues relating to noise can be addressed through conditions on planning applications. The conditions would be prepared in conjunction with the Council's Environmental Health and Transportation section and would apply the national standards on noise to the development.

Increased Traffic in Dirleton and Access to NK11:

The Council submits that Roads Services were consulted during plan preparation, and consider the site can be satisfactorily accessed (CD060h-i). The Council has undertaken transport modelling work on the committed development sites and undertaken a Transport Appraisal of proposed development with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. Additional traffic associated with the new development can be accommodated on the local road network. All proposals will have to accord with relevant policies of the LDP including Policy T2 General Transport Impact to ensure that sites can be safely and conveniently accessed by pedestrian, cyclists and traffic and that there will be no significant adverse impacts on road safety, the convenience safety and attractiveness of walking and cycling in the area, the capacity of the road network to deal with the increase in traffic, or residential amenity as a consequence of an increase in traffic.

Dirleton Settlement Boundary:

The Council submits that PROP NK11 covers approximately one half of the field between Castlemains Place and the A198 bypass, thereby retaining a significant open field that is part of the character of the village. The Council submits that a well designed development that takes full account of its local context will not adversely affect the eastern part of the village.

Site Capacity:

The Council submits the site should be developed for circa 30 homes which allows

flexibility to suit the proposed design layout that must be appropriate to the Dirleton Conservation Area, taking into account the urban grain of the local area and any site characteristics that may need to be addressed.

A planning application was submitted for development of the site for 36 units, 16/00521/PM (CD168) this has been withdrawn. Submission of a new application is likely in due course. The Council does not consider it necessary to amend the indicative site capacity to reflect the withdrawn planning application figure. As stated above, reference in the LDP to circa 30 homes is considered to allow suitable flexibility for the site.

#### Affordable Housing:

The Proposed LDP requires 25% of all of the number of houses consented to be affordable housing. The Council will support a variety of tenures of affordable housing including, among others, social rented, mid-market rent, discounted sale and shared equity homes. For the market housing the Council expects a variety of house types with different prices to be available.

#### Construction Noise:

Issues relating to noise and air quality during construction can be addressed through conditions on planning applications. The conditions would be prepared in conjunction with the Council's Environmental Health and Transportation section and would apply the national standards on noise and air quality to the construction phase of the development. Any breaches can be addressed through the planning process. Issues relating to post construction noise and air quality, and breaches of national standards, can also be addressed through liaison with Environmental Health. The Council appreciates the developments will create change but does not expect national standards on noise and air quality to be breached.

#### Development Brief:

The Council submits that the location of PROP NK11 within Dirleton Conservation Area requires a development brief. A draft development brief has been prepared but will not be finalised until after the Examination.

#### Views to Dirleton Castle – not specified in Proposal NK11:

The Council submits that the pre-amble to the PROP NK11 para 2.170 clearly identifies the need for the design and layout of the site to respond to its surroundings including the retention of views to Dirleton Castle. The Council notes that HES has not objected to the inclusion of PROP NK11 in the LDP, accepting that a well designed scheme can be accommodated successfully on the site.

#### Views from Dirleton Castle need protected – not referenced in LDP:

The Council submits that views from the castle should not be adversely affected by the presence of further development close to the castle, when there are already houses and other forms of development situated close to the castle. This will depend on the detailed design and layout proposed for the development which must take full account of its local context and surroundings.

Introduce a safeguarding area to protect setting of Dirleton Castle and setting of Conservation Area from A198:

The Council submits that the setting of the castle which is a scheduled monument is important and will be assessed by HES at the time of any proposals for development. The Council submits that the setting of the village, which is wholly within Dirleton Conservation Area, can accommodate a development at PROP NK11 provided that it is well designed and full account is taken of its local context and surrounding. The Council notes that HES has not objected.

Foreshot Terrace as an alternative:

The Council submits that allocation of the site at Foreshot Terrace would result in development which is on the main tourist route to Yellowcraig, and would adversely affect views of the northern side of the village and Dirleton Conservation Area. The Council has recently refused planning permission on this site (14/00324/PP) as (among other reasons) the north boundary of the application site is not contained within a robust, defensible boundary, and the residential development of the application site would set a real precedent for subsequent future expansion to the north and that the proposed development would result in a highly visible and obtrusive extension of urban development into an area of agricultural land which would not integrate into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner which would not preserve but would be harmful to the character and appearance of the Dirleton Conservation Area.

The SEA site assessment (reference PM/NK/HSG018) (CD060h-i) notes that there are no landscape features along the proposed northern boundary to provide shelter from northerly winds, which together with the northerly aspect of the site will result in it being highly exposed. SNH have advised that there are records of Firth of Forth SPA qualifying interest birds using the area, there is potential habitat on site, and that there is potential connectivity to the Firth of Forth SPA. Habitats Regulation Appraisal would require to be carried out for the site to ensure that it was capable of development. The site is within Dirleton Conservation Area and development of the site would extend Dirleton beyond its current boundaries and could affect the character and setting of the Conservation Area. The site is under cultivation and there is moderate to good potential for unknown archaeological remains. The development of the site would encroach into the rural landscape. There are Tree Preservation Orders along the southern boundary of the site and development here could potentially impact on the protected trees.

See Schedule 4: Issue 13 New Sites.

Impact on Tourism:

The Council submits that Dirleton is an important area in terms of tourism in East Lothian. In addition to the castle which is operated as a visitor attraction by HES, Yellowcraig to the north of Dirleton is a very popular beach attracting on average 280,000 visits per year many of whom will access the beach using Ware Road which also accesses a caravan park. The Council submits that well designed new development of the size proposed in PROP NK11 will not harm the tourism offer of Dirleton.

Loss of identity of Dirleton:

The Council submits that the development of PROP NK11 will add a new development to the village but that it is of a size that will not adversely affect the character and identity of the village, provided that it is well designed and takes full account of its local context and surroundings.

Insufficient community play space associated with the school – can NK11 address this?

NK11 can be accommodated within the current school capacity therefore the pupils projected to arise from NK11 can be accommodated within the existing school campus. The Council Education Service advises that there is no existing deficiency and none arising from the planned development therefore no additional play space will be sought.

Impact on Historic Environment/Impact of development on Dirleton Castle/setting of Conservation Area and setting of Dirleton as a whole:

The Council submits that new development of circa 30 homes will affect a Conservation Area but provided that it is well designed and laid out will not cause an adverse affect.

The SEA ER site assessment (PM/NK/HSG048) (CD060h-i) identifies the potential for significant impacts on the setting of Dirleton Castle. It also identifies the potential for a fundamental change in the character of the conservation area.

The development brief identifies appropriate and effective mitigation measures for impacts on the setting of Dirleton Castle. Historic Environment Scotland (HES) is content that development proposals following these key points would be likely to be able to mitigate significant adverse impacts. HES note that no reference is made to the conservation area in this document, and would recommend that this is updated, with reference to a completed conservation area appraisal.

Without the mitigation of impacts on the Dirleton Castle as identified in the development brief, there is the potential for development in this area to have such a significant adverse impact HES has indicated that they may object to a planning application which did not correspond to the brief in its current form. HES would welcome the opportunity to comment on any proposals for this area and to provide advice for our remit at the earliest possible stage of the planning process.

**The Council submits that a modification of the LDP is not necessary.**

E MacDonald (0176/12)

The SDP (CD030) identifies Strategic Development Areas (SDAs) to prioritise as locations to accommodate the SDPs housing and employment land requirements. The East Coast SDA follows the key transport corridor of the A1 and East Coast railway line from Musselburgh to Dunbar. While it is accepted that the allocated sites for new homes represent a significant expansion, it is considered that this scale of development was unavoidable in the context of the housing land requirements and the Compact Growth Strategy adopted for the reasons given in p42 of the MIR: Table 5 Preferred Approach Compact Growth (CD068).

The Council submits that the LDP retains sufficient land as Green Belt/ CAT that prevents



coalescence of settlements and retains the separate identities of settlements. The East Lothian Economic Development Strategy 2012-22 (CD084) identifies tourism as one of the strengths of the East Lothian economy and a source of employment opportunities in the future. The local development plan's policies and proposals seek to ensure that a balance is found between encouragement of tourism, including activity based tourism (e.g. walking and cycling) and the economic benefits. Additionally, the Council's policies seek to integrate land use and transport to encourage a reduction in traffic growth, minimise the length of journeys people are obliged to make and promote sustainable alternatives to the private car – public transport, cycling and walking.

With regards to luxury housing being wasteful of energy, Policy SEH2 in accordance with SPP requires that all new buildings must include Low and Zero Carbon Generating Technologies to meet the energy requirements of Scottish Building Standards.

The Council has set out the need for additional capacity in infrastructure and services, including education and community services within the policies of the LDP, including Proposal CF1 and ED2. The Education Scotland Act (1980) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. The Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. Pupils from the proposed site will be accommodated in the existing primary school. The associated Supplementary Guidance Developer Contributions Framework (SG) (CD063) will provide the basis to collect contributions towards the necessary supporting facilities and infrastructure required. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. **The Council submits that a modification of the LDP is not necessary.**

### **NK12 Development Briefs**

#### James Millar (Kilduff) Ltd (0204/4)

It should be noted that Drem is identified as a village with a defined settlement boundary on inset map 10. The Council submits that it has made its settled view clear in respect of Drem as one potential future development location that may be considered in to the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP. However, for this LDP period, the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54), and the unique benefits that such a scale of development there would offer for East Lothian. **The Council submits that no modification of the plan is necessary.**

#### CALA Management Ltd (0393/8)

The Council submits that draft development briefs have been prepared but will not be finalised until after the Examination. The Council considers that development brief are an appropriate way to guide development and therefore the reference to them in policy NK12 should remain. The finalisation of the development briefs will include consideration of the consultation responses. **The Council submits that no modification of the plan is necessary.**



**North Berwick Miscellaneous**Terry Hegarty (0077)

Proposals with planning permission have been included in the LDP for completeness and as they may form part of the housing/employment land supply. Implications for infrastructure arising from these proposals have been addressed through the planning application process.

Infrastructure constraints - Extensive consultation on various aspects of infrastructure has been undertaken during plan preparation, and infrastructure- including roads, schools, medical facilities, water and drainage, community facilities - is either available or can be expanded to meet the requirements of new development proposed.

Waste Water Treatment Works (WWTW) - Drainage capacity is sufficient for existing commitments including consented sites though North Berwick WWTW does have very limited capacity. For further significant development in this area a solution will require to be found and Scottish Water will make adjustment to capacity levels to serve new development if necessary.

Masterplanning - The Council has adopted a Development Framework for Mains Farm and Gilsland, as well as approving the masterplan for these sites through the planning application process, both of which were open for public consultation at the time.

Medical facilities/Edington Hospital site - NHS Lothian was consulted during plan preparation and through the preparation of the Developer Contributions Supplementary Guidance. Further information about requirements is available Technical Note 14. Edington Hospital will be considered through the review of frail elderly services by the East Lothian Health and Social Care Partnership. Further expansion or re-provision of the existing premises at North Berwick is still required and these facilities may in due course reach capacity as their local population continues to grow. It is the responsibility of NHS Lothian to ensure provision; they have not sought developer contributions for this during this plan period for committed developments.

Traffic management/Lochbridge Road – East Lothian's Transport Appraisal was carried out in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD029) and predicts the impact from sites on the national and local transport road network and identifies capacity constraints and mitigation required. It is accepted that roads may become busier but other than where specific issues have been identified and mitigation proposed through the LDP the increase would be within their capacity. ELC Roads Services was consulted throughout the plan preparation and planning application process and did not raise this as a concern with regard to housing at Mains Farm (13/00227/PPM).

Housing Provision beyond 2024 - SDP with its Supplementary Guidance on Housing Land requires the LDP to ensure sufficient housing land is available that can deliver 6,250 homes in the period 2009 to 2019 and a further 3,800 homes in the period 2019 to 2024. The period beyond this will be covered by a subsequent LDP. **The Council submits that no modification of the plan is necessary.**

Mr and Mrs H D I Smith (0104)

The spatial strategy for East Lothian is a compact one as it focuses the majority of new development in the west of East Lothian. It should be noted that Drem is identified as a village with a defined settlement boundary, as shown on inset map 10. The Council submits that it has made its settled view clear in respect of Drem as a potential future development location that may be considered into the longer term if housing need and demand were to require further land allocations in future LDP timescales. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP.

The SDA area is set within SESplan approved SDP1 as approved by the constituent SDP Authorities including East Lothian Council and by the Scottish Ministers therefore development in the Drem area could not be precluded by it being within the SDA. **The Council submits that no modification of the plan is necessary.**

Kirsty Towler (0164/2)

NHS Lothian has been consulted on the proposed plan and the East Lothian Health and Social Care Partnership have identified proposals to help address demand for services and additional projects may also be identified in future See LDP Proposal HSC2 (page 82). Nearly all GP practices in the county are run by GPs as independent contractors and developer contributions for expansion of existing premises will not be sought. **The Council submits that no modification of the plan is necessary.**

Gullane Community Council (0166/2)

Scottish Water has been consulted during the process of plan preparation. Gullane WWTW has limited capacity however Scottish Water will make adjustment to capacity levels if necessary to enable development (Scottish Water response CD067). This will be secured if necessary during the planning application process. The applicant cannot be expected to address any existing deficiency.

The SDP sets out the spatial strategy for the SESplan area and sets an overall housing requirement of 107,343 homes up to 2024. East Lothian is required to provide land capable of delivering 10,050 homes in this time period, with an interim, requirement for land capable of delivering 6250 homes up to 2019. The LDP must by law be consistent with the SDP. SESplan's Supplementary Guidance on Housing Land, sets the Housing Land Requirement for East Lothian at 10,050. This development cannot be re-allocated and must therefore be met within East Lothian. The Council's full response on these issues is set out in its response to Issue 12. The spatial strategy of the LDP is a compact one, as it focuses the majority of new development in the west of East Lothian. This is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. Some additional development has been distributed further east. This is in recognition of the need and demand for new homes and economic development opportunities in other appropriate and accessible parts of East Lothian where local service provision and sustainable transport options are good, consistent with SDP Policy 7.

At Paragraph 3.72 on pg 74 of the proposed LDP it is acknowledged that new housing development will generate demand for education, community, health and social care services and for the provision of more capacity throughout East Lothian. As part of the

strategy, consideration has been given to where best use can be made of existing facilities and where and how new facilities can be provided to support a sustainable pattern of development and local service provision in the area. The spatial strategy distributes development to locations where such capacity exists or can be provided. The LDP addresses the need for developers to contribute towards additional capacity in infrastructure and services through Policy DEL1: Infrastructure and Facilities Provision, and the associated Supplementary Guidance: Developer Contributions Framework.

In respect of traffic and parking issues the Council submits that it has carried out a transport appraisal and modelling work a full explanation of which is provided in Schedule 4: Issue 18 Transport. In respect of conservation area appraisals and management plans the council submits that the current local plan contain conservation area character statements to provide a basis for planning decisions and these will be published in due course as supplementary planning guidance following adoption of the LDP. These will be replaced by more comprehensive conservation area appraisals and management plans as soon as possible as explained in paragraph 6.44 of the LDP. The council further submits that the Action Programme: action 2, guidance action 1 (page 18-19) sets out the conservation area SPG will be concluded in the short term.

The Council submits that allocation of the site at Foreshot Terrace would result in development which is on the main tourist route to Yellowcraig, and would adversely affect views of the northern side of the village and Dirleton Conservation Area. The Council has recently refused planning permission on this site (14/00324/PP) (CD141 and CD142) as (among other reasons) the north boundary of the application site is not contained within a robust, defensible boundary, and the residential development of the application site would set a real precedent for subsequent future expansion to the north and that the proposed development would result in a highly visible and obtrusive extension of urban development into an area of agricultural land which would not integrate into its surroundings and would simply extend the northern edge of the village into the undeveloped surrounding countryside in a conspicuous and incongruous manner which would not preserve but would be harmful to the character and appearance of the Dirleton Conservation Area. See Schedule 4: Issue 13 New Sites. **The Council submits that no modification of the plan is necessary.**

#### Aberlady Community Association (0183/2)

The LDP identifies the key additional infrastructure capacity, new facilities or other interventions that will be required in association with the development of LDP sites, and ensures that applicants or developers make provision for the delivery of these as appropriate. This is set out in Policy DEL1.

New development should be located so as to allow choice of means of travel and to encourage the use of sustainable transport modes. If a significant travel generating development would be reliant on private car use it should not be supported unless there is a way to provide sustainable transport options, including active travel. For development proposals that are expected to generate a significant number of trips a Transportation Assessment will be required. Where new development creates travel demands, the Council will seek provision of, or a contribution towards, necessary improvements to the transport network required as a direct result of it, including provision for public transport and the enhancement of active travel networks consistent with promoting an appropriate order of travel priority. This is set out in the Developer Contributions Framework Supplementary Guidance (CD063). Dirleton Primary School is currently within capacity. Primary pupils

from the proposed site will be accommodated within the existing capacity. Secondary pupils from the proposed site will be accommodated in a future expansion of North Berwick High School, and in line with East Lothian Council's Local Development Plan Draft Developer Contributions Framework, developer contributions will be sought in respect of this allocation. **The Council submits that no modification of the plan is necessary.**

Haig Hamilton (0219/3)

Technical Note 14 states that from the current proposed allocations at Athelstaneford there will be no LDP impact. The committed site in the LDP (Table NK1 p56) is located within the settlement boundary of Athelstaneford and its location would round off the boundary of the settlement while avoiding intrusion into the rural landscape. The site is outwith a particularly visually sensitive location. The proposed site put forward by the representor would extend Athelstaneford beyond its existing boundary into arable farmland and is not seen as a preferable site for proposed allocation in the area. There is currently sufficient capacity within the existing primary school to accommodate the planned housing developments in this catchment.

The Council's response to a proposed allocation to the east of Athelstaneford is discussed in Schedule 4: Issue 13 New Sites. **The Council submits that no modification of the plan is necessary.**

Scottish Environment Protection Agency (0252/6)

The Council submits that PAN 1/2010 (CD016) is clear that SEA should focus on the strategic environmental effects of the plan (PAN 1/2010 para 3.1) and avoid excessive data collection and descriptions of baseline data (PAN 1/2010 para 5.2). The Council further submits that the sites set out in the relevant table are not allocations: this is made clear in the pre-text to the table. The LDP explains that the development of these sites in accordance with relevant LDP policies is supported in principle by the Council – i.e. not necessarily by consultees to any planning application, such as SEPA. Whilst some of the sites have been rolled forward from previous plans, the majority of the sites set out in the relevant table already have planning permission for development, so are committed sites. In SEA terms they have been treated as such and thus as part of the baseline, in accordance with PAN 1/2010 (paragraph 4.22). It is important to note that this is also true of many sites where a policy reference is given. If the Reporter considers it useful, the Council could provide the relevant planning application references in respect of relevant sites. Development on some of these sites has already commenced, but in some cases stalled, so planning permissions are being implemented or remain live. For some sites their planning permission references are shown within the tables instead of policy references. This is because some of them are within the countryside etc and it would be impractical in a mapping sense or in a policy / proposals sense to specifically identify those sites on the proposals map(s) or strategy diagrams: yet the Council would support the principle of their development in line with LDP policies, subject to the development management process. **The Council submits that a modification of the LDP is not necessary.**

Centuff Ltd (0350)

While there is no specific policy or proposal specific to East Fortune Hospital, the LDP sets out in DC1 that Development in the Countryside, including changes of use or conversions of existing buildings, will be supported in principle. Proposals must satisfy other relevant plan policies. Development affecting listed buildings is considered under Policy CH1 of the

proposed plan. Policy DC5: Housing as Enabling Development may also be a consideration. **The Council submits that no modification of the plan is necessary.**

### **North Berwick Cluster Support**

Robert Simpson (0007); Network Rail (0181/12); Scottish Environment Protection Agency (0252/19).

Support noted.

### **Reporter's conclusions:**

#### **Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

#### **North Berwick Cluster Strategy Map**

2. Mr and Mrs R Lothian request that the proposed East Lothian Local Development Plan is modified to include the area at Williamstone Farm within the settlement boundary. The site has planning permission for an extension to the listed farmhouse and the conversion of the steading to three dwellings. The site is identified within the plan as being located within the open countryside.

3. The council submit that the steading buildings are: of special architectural or historic interest, as they are Category B listed and that they are well contained within their landscape setting and are part of the historic form and character of the countryside. It is the view of the council that inclusion within the countryside designation will allow these special characteristics to be protected. In addition, that it should not follow that because the site has planning permission for residential development it therefore needs to be included within the wider urban area.

4. At my site visit I observed the close proximity of the site to existing housing to the east which forms part of the defined urban area. However, I agree with the council that despite the location of the farm steading, it is well contained within its landscape setting and is more rural than urban. I also agree with the council that simply because there is planning permission for residential development, it should not automatically follow that the site should be included within the urban area. In addition, I note that the site that is suggested for inclusion within the urban area is substantially larger than the area occupied by the farm house and steading. No modifications are therefore recommended in response to this representation.

#### **North Berwick Cluster Introduction**

5. Ms E Macdonald has identified that in relation to the Mains Farm site: the local centre should not take businesses away from the town centre; should include adequate business and leisure provision, including sporting facilities; at least 30% of housing should be social

housing for rent as well as affordable properties to purchase; and land should be made available for a new high school.

6. The representation goes on to state that: views to and from Dirleton Castle should not be safeguarded as a result of the impact of a recent decision to grant permission for a wind turbine; there is a need for a new route to the A1 road from North Berwick; a significant scale mixed use development is totally inappropriate for Drem as it is a major part of East Lothian's cultural heritage; and there is a need for large development sites to include employment/ business development.

7. Policies TC1: Town Centre First Principle, TC2: Town and Local Centre and TC3: Protection of Local Facilities, provide a framework that seek to protect North Berwick as a vibrant town centre and that the scale of development is appropriate for the role and function of the centre.

8. The approved masterplan for Mains Farm (Proposal NK1) includes business use. The level of open space, sporting facilities and affordable housing have been agreed through the planning permission for the site. With regard to education provision and the need for a new high school, the council submit that projected secondary aged pupils from the proposed sites will be accommodated in a future expansion of North Berwick High School, with land available for this expansion. The draft Supplementary Guidance: Developer Contributions Framework identifies the necessary level of contribution towards infrastructure provision for planned development. The context for this is set out in Policy DEL1. I consider this approach to be appropriate.

9. Dirleton Castle is a category A listed building and a scheduled monument, it is therefore appropriate for the plan to refer to the impact of development on views to and from the Castle. I have recommended a modification to this effect as dealt with in my response under site NK11 Castlemains, Dirleton.

10. With regard to the need for a new route to the A1 road, the council's Transport Appraisal has considered the highways implications of the sites identified within the plan and has identified the interventions necessary to allow the council to manage road capacity and traffic generation issues in an acceptable manner.

11. Paragraph 2.154 indicates that there may be a long-term development opportunity at Drem. The plan does not allocate Drem as a location for a significant scale mixed use development in the current plan period nor does it propose to safeguard it for longer term development in a similar way established for other sites such as Blindwells. As land is already safeguarded at Blindwells, the potential of Drem as a location for large scale development would need to be considered through the preparation of a future local development plan. However, the plan suggests some ambiguity as to its current status, hence the submission of representations on this issue. To avoid any confusion on the status of Drem within the plan and to ensure clarity, I recommend the deletion of the references to Drem as a longer term development in paragraph 2.154.

12. For the reasons explained in paragraphs 7 to 10 above, no further modifications are recommended in response to the other elements of the representation by Ms E Macdonald.

13. James Millar (Kilduff) Ltd submit that the plan should safeguard the potential for development at Drem. The council state that the only site they have chosen to safeguard

in the plan period is the Blindwells Expansion area. The council explain that Drem was considered in the Main Issues Report, which identified limited public transport accessibility and that the road network was inadequate to support a significant scale of growth. As a result, the plan identifies safeguarded land at Blindwells, which is identified in the strategic development plan (SESplan) as a location with significant long-term growth potential. The council submit that Drem may be a potential future development location that may be considered in the longer term if housing need and demand were to require further land allocations in the future. I have recommended a modification to provide clarity on the current status of Drem (see paragraph 11 above).

14. Therefore, in response to this particular representation to safeguard Drem, I revert to the recommendation referred to above and to my conclusions reached in Issue 13: New Sites.

#### **PROP NK1: Mains Farm, North Berwick**

15. Andrew Dexter requests that the significant hedging and mature trees are retained on the Mains Farm site and that the presence of owls and bats in the area should also be taken into consideration. Planning permission and a masterplan for the site have been approved, which include details of landscaping. A habitats assessment was not required in relation to the proposals and work has commenced on site. As a result, no modifications are recommended in response to this representation.

16. The Scottish Environment Protection Agency (SEPA) object to PROP NK1 and request an amendment to include a requirement for a flood risk assessment to accompany planning applications. This is as a result of a small watercourse, which is located on the western boundary and could be culverted within the site. I agree with the council that as planning permission and a masterplan has been approved for the site and as the site is under construction, that no modifications are necessary.

#### **PROP NK4: Land at Tantallon Road, North Berwick**

17. Scottish Natural Heritage express concern regarding the adverse impact of the full development of the site on the important landscape setting of the North Berwick Law scheduled monument. The representation states that if the site is to be retained within the plan, that the impacts could be reduced through the production of a site development brief which retains the upper areas of the site as landscaping or open space. Concern regarding the impact on the landscape setting of the scheduled monument is also expressed by Mark Holling.

18. Information provided in response to a further information request has identified that planning permission was granted for the development of the site in July 2017. Should a revised proposal be submitted in the future, the council would again be required to consider whether the proposal would have an adverse impact on the setting of the scheduled monument as required by: paragraph 145 of Scottish Planning Policy; the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013; and the Historic Environment Scotland Policy Statement (2016). No modifications are therefore recommended in response to these representations.

19. Cycle Forth consider that there is an opportunity to create a shared pedestrian/cycle route through the northern part of the site to connect with other routes, providing a number of benefits. Similarly, the representation by Mark Holling states that land should be

secured to allow safe access for pedestrians out of the development on to the Heugh.

20. The plan identifies that new development should be located so as to allow choice of means of travel and encourage the uses of sustainable travel modes, this is reflected in Policy T1: Development Location and Accessibility and Proposal T5: Cycle Route network. Given this policy context and that planning permission has been granted at the site, no modifications are recommended in response to these representations.

**PROP NK5: Land at Ferrygate Farm, North Berwick**

21. Cycle Forth consider that there is an opportunity to create a shared pedestrian/cycle route through the northern and eastern parts of the Ferrygate Farm site, connecting to other routes and providing a number of benefits. Similarly, the representation by Mark Holling states that land should be secured to allow safe access for pedestrians and cyclists from this and to other developments, in particular schools, North Berwick Law, the sports centre and other community buildings. The council highlight that planning permission has been granted for the development of the site - this includes a safer route to school, and the site is under construction. Given this, no modifications are recommended in response to these representations.

**PROP NK10: Aberlady West, Aberlady**

22. Ms E Macdonald seeks the removal of Proposal NK10 from the plan. The representation states that East Lothian is seriously overdeveloped and expresses concern over coalescence, loss of community identity and negative impacts on tourism, particularly when the site it is considered alongside the other proposals, sites with planning permission and sites under construction.

23. The spatial strategy of the plan focuses the majority of new development in the west of East Lothian as the most accessible part of the area and proposes to allocate sites that are or can be integrated with sustainable transport options. This approach seeks to ensure that new development will have good access via sustainable transport modes to existing or new employment locations or community facilities. The spatial approach also supports some new development in accessible parts of the east of the area, in recognition of the need and demand for new homes and economic development opportunities. I agree with the council that the spatial approach accords with the presumption in favour of development that contributes to sustainable development, as set out within Scottish Planning Policy. This matter is addressed in detail in Issue 2: Spatial Strategy.

24. As part of the site assessment process, coalescence was considered in the council's draft Environmental Report. Policies within the plan, particularly policies DC7: Development in the Edinburgh Green Belt, DC8: Countryside Around Towns and DC9: Special Landscape areas, seek to prevent coalescence and protect community identity. In addition, land to the north and east of Aberlady is identified within the plan for protection under the Countryside Around Towns designation, with the objective being to conserve the landscape setting, character or identity. With regard to the impact of new development on tourism, in addition to those policies identified above, a number of policies within the plan aim to protect, conserve and enhance the natural heritage of East Lothian. I am satisfied that a robust site assessment process was undertaken and that the plan contains policies that provide an appropriate framework for decision making. I therefore recommend no modifications in response to this representation.



25. Aberlady Community Association express concern with regard to the access to site and identify other highway safety issues. The representation states that the following are required: a new roundabout; a pelican light crossing; a new separate and permanent pedestrian and cycle pavement; paved vehicle passing places; and warning signs. The representation seeks developer contributions from Proposal NK10 to be used to help maintain the social infrastructure of the village, particularly for younger people and also the inclusion of a new pedestrian/cycle only route between Aberlady and Longriddy Railway station. Comments are also provided on the draft development brief for the site.

26. As a further information request, the council indicates that it is minded to grant planning permission for the development of the site, subject to a section 75 legal agreement. The council state that a prerequisite of the proposal is to provide a new link road through the site. I agree with the council, that the highway safety matters identified in the representation should be addressed through the transport assessment and consideration of the planning application. With regard to developer contributions, the council submit that these will be sought to provide additional facilities at the school and towards improving the quality of an existing 11-a-side grass pitch. No modifications are therefore recommended in response to this representation.

27. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan. For the reasons set out above, no modifications are recommended in response to these representations.

**PROP NK11: Castlemains, Dirleton**

28. Representations by Peter and Anne Rintoul, Natasha O'Connor, John Finlay, C M Imrie, Robert and Jean Waddell, Dirleton Village Association and Lawrie Main object to Proposal NK11, for the following reasons:

- the site is in a prominent position
- impact of the proposed site on the views of Dirleton castle
- the proposed plan should refer to the need to protect the views east from both the castle and its designated landscape
- the scale of development – 30 dwellings is too high
- the proposed development is out of character with the village
- lack of affordable housing
- an alternative site, opposite Foreshot Terrace would be more appropriate
- the need for sympathetic design and good access
- poor amenity for future residents given the impact of traffic noise from the bypass
- need for a tree belt on the southern boundary
- the site is subject to a planning application which does not reflect the guidelines set out within the development brief for the site
- disruption to residents during construction and additional traffic.

29. Gullane Community Council submit that the plan should refer to the need to protect the views east from the castle and its designated landscape and that there is a need for the site to provide an off-site playing field for the primary school. In addition, the representation refers to a current planning application for 24 dwellings at Foreshot Terrace, to which they object.

30. Dirleton Village Association also provide comments on the site development brief and the proposed Countryside Around Towns policy approach.

31. The representation from Muir Homes identifies that development of the site would have significantly detrimental impacts on the setting of Dirleton, the character and appearance of Dirleton Conservation Area, and the setting of Dirleton Castle. It is stated that the initial assessments of the site undertaken by the council, Historic Environment Scotland and Scottish Natural Heritage do not support the development of the site. The representation also questions the viability and deliverability of the site given the constraints. The representation seeks:

- the deletion of Proposal NK11 from the plan;
- the retention of the site outwith the defined settlement of Dirleton;
- the identification of the site as forming part of the Countryside Around Towns designation; and
- the introduction of a safeguarding restriction in order to protect the setting of Dirleton Castle and the setting of Dirleton and its conservation area when viewed from the A198 road.

32. Ms E Macdonald seeks the removal of the site from the plan. The representation states that East Lothian is seriously overdeveloped and expresses concern over coalescence, loss of community identity and negative impacts on tourism, particularly when the site it is considered alongside the other proposals, sites with planning permission and sites under construction. The representation highlights that facilities in the village and residents' quality of life have not improved; despite extra housing the only village shop has closed.

33. CALA Management request that the indicative site capacity is increased to 35 dwellings which represents a more efficient use of the site and has been informed by a design led approach.

34. At my site visit I observed the prominent position of the site within the village and its important relationship with Dirleton Castle, as well as its landscape setting and the conservation area.

35. Whilst I agree with the concerns of the local community and Muir Homes, that a badly designed scheme could have a negative impact on these important heritage assets, the plan contains a number of policies which proposals for the development of the site will be assessed against, including: CH1: Listed Buildings), CH2: Development Affecting Conservation Areas, CH4: Scheduled Monuments and Archaeological Sites, CH6: Gardens and Designed Landscapes. In addition, paragraph 2.153 of the plan identifies the importance of the impact of new development on Dirleton Castle and its setting as well as views to and from the Castle; however paragraph 2.170 only refers to views to the Castle. To ensure clarity and consistency, an amendment is therefore recommended.

36. I do however agree with the council that it will be possible to design a scheme which takes the local context fully into account and does not adversely affect the heritage assets, particularly taking account of the development criteria contained within the draft development brief for the site. A number of policies within the plan will ensure the issues of design, scale, landscaping, amenity, access, traffic, noise and affordable housing are addressed as part of the consideration of a planning application. These policies include: DP1: Landscape Character; DP2: Design; DP3: Housing Density; T2: General Transport

impact; HOU3: Affordable Housing Quota; and HOU4: Affordable Housing Tenure Mix. Issues regarding construction noise can be addressed through conditions attached to any subsequent approval of planning permission.

37. With regard to the requirement to provide an off-site playing field for the primary school, the council education service have advised that there is no existing deficiency and no issues will arise from the development of the site. Contributions from sites can only be required for the provision of infrastructure required as a result of their development. Should this need arise in the future, this matter will be addressed through the application of policies within the plan.

38. The alternative site proposed at Foreshot Terrace is considered in Issue 13: New Sites and the requested inclusion of the site within the proposed Countryside Around Town designation is addressed in Issue 26: Special Rural Landscapes.

39. A number of representations refer to a current planning application at the site and the draft site development brief. It is not my role to examine the merits of the proposed scheme (now withdrawn) or the draft site development brief.

40. The matters raised by Ms E Macdonald regarding the overall strategy of the plan are addressed in paragraph 23 above and in more detail in Issue 2: Spatial Strategy. With regard to the lack of facilities in the village, the plan supports the protection of existing through Policy TC3: Protection of Local Facilities. The spatial strategy acknowledges that the level of existing facilities varies but the requirement to provide for new housing development necessitates development in some of the villages.

41. In response to the issue of the proposed site density, I agree with the council that the wording within the plan provides flexibility and there is no need to change it to reflect a planning proposal.

42. No modifications, other than the amendment to paragraph 2.170, are therefore recommended in response to these representations.

### **Policy NK12: Development Briefs**

43. James Millar (Kilduff) Ltd submit that a new proposal should be added to the plan as PROP NK12, to safeguard an expansion area at Drem. This representation does not relate to Policy NK12 and is addressed within my conclusions in Issue 13: New Sites.

44. CALA Management request an amendment to the policy title from “development briefs” to “site masterplans” and propose an amendment to the policy to reflect this. CALA Management consider the draft development briefs are not fit for purpose. Whilst the concerns are acknowledged, it is not my role to examine the draft development briefs as they do not form part of the plan. The general concerns raised over compliance with a development brief and the need for flexibility is considered further in Issue 30 under Policy DP9: Development Briefs.

45. Within Issue 30, it is acknowledged that there is inconsistency between Policy DP4: Major Development Sites (which requires only major developments to submit a masterplan) and Policy NK12 (which requires any allocated site to submit a masterplan). Policy DP4 appears to provide the approach intended by the council with regard to the submission of a masterplan. It is therefore recommended that Policy NK12 is deleted.

**North Berwick Miscellaneous**North Berwick

46. Terry Hegarty states that most of the major development proposals for North Berwick are either already under construction or have planning permission. The representation expresses concern that the plan:

- will have a major impact on the town, increasing the population of 6,455 by 2,000, which equates to 30%;
- does not address sufficiently the infrastructure requirements of this development, particularly waste water treatment capacity, road capacity and health facilities; and
- contains no details of how the Mains Farm site will integrate with the town as a whole.

47. The plan is required to plan for the development requirements set out within the strategic development plan. To meet these requirements, as explained in paragraph 23 above and in more detail in Issue 2: Spatial strategy, the strategy of the plan focuses the majority of new development in the west of East Lothian as the most accessible part of the area and proposes to allocate sites that are or can be integrated with sustainable transport options. North Berwick is one of the six main towns in East Lothian, with key facilities and services, it is therefore appropriate that development is focused within this location. This approach accords with the presumption in favour of development that contributes to sustainable development, as set out within Scottish Planning Policy.

48. Paragraphs 2.155 and 2.156 of the plan identify infrastructure and resource constraints within the North Berwick cluster and Policy DEL1: Infrastructure and Facilities Provision states that new development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012.

49. The council state that there is sufficient drainage capacity for existing commitments but that for further significant development in the area, Scottish Water will make adjustment to capacity levels to serve new development. The proposed plan has been informed by a Transport Appraisal which has identified capacity constraints and the mitigation measures required to ensure the highway network maintains appropriate capacity and proposed Policy T2: General Transport Impact seeks to ensure that new development has no significant adverse impact on the highway network.

50. With regard to health care provision, paragraphs 3.114 and 3.116 of the plan explain that the primary care services provided by NHS Lothian have a major role in meeting the health care needs of an increased population. The NHS board has a duty to ensure all residents can register with a GP. The plan supports the wider provision of locally accessible health care facilities, through Policy HSC1: Health Care Sites and Proposal HSC2: Health Care Facilities Proposals.

51. Planning permission and a masterplan for the site have been approved for the Mains Farm site which include details of linkages with the surrounding area.

52. No modifications are therefore recommended in response to the representation by

Terry Hegarty.

53. Kirsty Towler states that a new doctors surgery is needed in North Berwick and questions why funding has not been secured by developers. The NHS board has a duty to ensure all residents can register with a GP and the plan supports the provision of locally accessible health care facilities. No modifications are therefore recommended in response to this representation.

#### Drem

54. Mr and Mrs H D I Smith state that any future proposals affecting Drem and the surrounding area should be resisted. As explained in paragraph 11 above and in Issue 13: New Sites, the plan does not allocate or safeguard Drem as a location for a significant scale mixed use development in the current plan period nor do I recommend that it is safeguarded for longer term development. No modifications are therefore recommended in response to this representation.

#### Gullane

55. Gullane Community Council express concern that no cumulative assessment of the impact of the four sites proposed in Gullane has been undertaken. The representation requests a number of amendments to the plan. These issues are addressed within Issue 9a: North Berwick Cluster – Gullane.

#### Dirleton

56. Aberlady Community Association express concern that the level of development proposed within the plan will place a considerable strain on infrastructure, particularly: school capacity; public transport provision; open space, play provision and access to the countryside; and highway capacity. As explained within paragraph 48 above, Policy DEL1 requires appropriate infrastructure provision as a consequence of new development.

57. The council state that Dirleton Primary School is currently within capacity and pupils from the proposed site in Aberlady will be accommodated within the existing capacity and that secondary pupils will be accommodated in a future expansion of North Berwick High School.

58. With regard to public transport provision and highway capacity, a number of policies within the plan seek to locate development where it can be accessed by a means other than the private car, including Policy T1: Development Location and Accessibility. Policy T2 requires that new development must have no significant adverse impact on: road safety, walking and cycling; public transport operation; the capacity of the road network; and residential amenity as a result of an increase in traffic.

59. Policies OS1, OS3 and OS4 dealing with open space protection, provision and play space provision, will ensure that the required level of open space and play provision is provided as part of new developments. In addition, Policy DC10: The Green Network promotes active travel and access to the countryside.

60. No modifications are therefore recommended in response to the representation by Aberlady Community Association.

East Fortune Hospital Site

61. The representation by Centuff Ltd requests an amendment to the plan with regard to the former East Fortune Hospital site, which is allocated in the adopted East Lothian Local Plan. The current policy approach supports the use of the former hospital site for employment, leisure or tourism uses whilst safeguarding and securing the long term maintenance of the listed buildings and their settings. It also identifies that a housing use will only be acceptable as enabling development and defines three criteria to be met. Centuff Ltd submit that in the absence of any firm proposals for employment, leisure or tourism uses, the council accept, in allocating the site in the local plan, that the principle of residential use as enabling development was reasonable.

62. As the East Fortune Hospital site is located in the countryside any future residential development proposal would be assessed against Policy DC5: Housing as Enabling Development. The proposed policy approach identifies that housing in the countryside may exceptionally be supported where it will fund the restoration of a listed building. As a result, I do not consider that a specific policy or proposal is required for the site and recommend no modifications in response to this representation.

Table NK1: North Berwick Established Housing and Employment Sites Summary

63. Haig Hamilton request site H8, identified in Table NK1: North Berwick Established Housing and Employment Sites Summary as Athelstaneford Glebe, should be deallocated for the following reasons:

- the site has been allocated since 1998 and whilst a planning application was submitted in 2008, the application has not been determined; and
- the local community are using the site as a public amenity area and it should be used for this in the longer term.

63. At my site visit I observed the site and I agree with the council that it would round off the settlement, avoiding an intrusion into the open countryside. Whilst I note that the site has been allocated for some time and development of the site has not been progressed, I note from the site assessment within the draft Environmental Report that there are limited constraints to the development of the site. I therefore recommend no modifications in response to this representation.

64. SEPA object to the inclusion of the sites within Table NK1 as it is not clear if they have been subject to Strategic Environmental Assessment (SEA) and the majority have not been subject to Strategic Flood Risk Assessment

65. Paragraph 260 of Scottish Planning Policy requires local development plans to use strategic flood risk assessment to inform choices about the location of development. The sites set out within Table NK1 were either allocated by previous local plans or form part of the established land supply. Within the plan, the council's assessment generally distinguishes between allocated sites (identified as proposals) and carry-forward sites. All however contribute to the total land supply within the plan as identified within Tables EMP1 and HOU1. Since the local plan was adopted, higher annual rainfall for East Lothian has led to the potential for increased in flood risk, and there have been legislative and regulatory changes. It is important therefore that the plan is informed by an up to date understanding of flood risk and that all sites to be included within the plan are suitably assessed involving the relevant consultation authorities as necessary.

66. In response to a further information request, the council confirm that one site identified within Table NK1 has not been considered as part of the Strategic Flood Risk Assessment process or subject to an up-to-date flood risk assessment as part of a planning application process. The council confirms that this site (New Mains) would require a surface water drainage assessment. The other sites in the table are either operating employment sites or housing sites which are complete, under construction, with planning permission or the subject of a planning application. Consequently, the relevant assessments will have been undertaken and the appropriate mitigation required, where necessary. The council maintain therefore that they are not at risk from flooding.

67. While we acknowledge the council’s position, this approach does not entirely reflect the intent to undertake a strategic flood risk assessment at the plan preparation stage as indicated within Scottish Planning Policy. We have therefore sought further information from SEPA. Their response indicates that a flood risk assessment would be required as part of any future planning application for the New Mains site.

68. With regard to sites within Table NK1, any emerging legislative requirements, including any unknown flood risk, would involve consultation with the relevant statutory bodies at the planning application stage. Suitable policy safeguards are also contained within the plan including Policy NH11: Flood Risk). However, to ensure clarity in how the council will deal with such matters in relation to any evolving situation with the physical environment and flood risk, an amendment to paragraph 2.172 is recommended.

**Reporter’s recommendations:**

Modify the local development plan by:

1. In paragraph 2.154, deleting the final two sentences.
2. In paragraph 2.170, amending the end of the final sentence to read: “views to and from Dirleton Castle.”
3. In paragraph 2.172, inserting third and fourth sentences as follows:

“Since they were previously allocated, these sites may be affected by legislative and regulatory changes, as well as identified changes to the physical environment including updated flood risk mapping. Up to date information, including flood risk assessment where necessary, will require to be submitted to ensure compliance with current legislation and the policy provisions of the plan.”

4. Deleting Policy NK12: Development Briefs.

<b>Issue 9a</b>	<b>North Berwick Cluster – Sites in Gullane</b>	
<b>Development plan reference:</b>	Sites in Gullane pages 54-55.	<b>Reporter:</b> Jo-Anne Garrick
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Jennifer Dudgeon (0010) Ann and Tony Elger (0011) Tom Walker (0014) David &amp; Audrey Rattray (0015) Charlie Laidlaw (0016) Jennifer Hartt (0017) Pat Morris (0018) Hellen M Clark (0023) David Robinson (0024) Philip Smyth (0025) Alan &amp; Geraldine Mogridge (0026) Barbara Gibb (0027) A Walker (0028) David Farrer (0029) Antonia Ward (0030) Sir Peter Burt Viking (0035) Janette Mosedale (0036) Laura Thomas (0037) Guy Tulloch (0038) Gillian Kirkwood (0039) J McCollom (0043) T I L Burns (0044) W R E Thomson (0045) Fiona Stephenson (0048) John Slee (0049) K M Gray (0051) Dennis W Harding (0052) Carolyn Fox (0053) Adam Fox (0054) John Dillon (0055) I A M Cowan (0056) Gordon McLelland (0059) Robert H Pitcairn (0060) Robert Auld (0061) Mr and Mrs Lancaster (0062) Charles Herd (0063) Lucy O'Riordan (0064) A Darrie (0065) Elspeth Walker (0066) Alison Smith (0067) Marion Caldwell (0068) Michael Black (0069) Roderick Robertson (0070) Lizzie Gray (0071)</p>	<p>Martin White (0158) W Watson (0159) Colin Hawksworth (0160) Duncan and Julia Sutherland (0163) Kirsty Towler (0164) Gullane Community Council (0166) Peter Wright (0167) Rod Sylvester-Evans (0170) Margaret Reid (0172) E Macdonald (0176) Mary McCreath (0184) Elizabeth MacCallum (0186) Yvonne B Haycock (0187) Gill Morrison (0192) Alasdair Hutchison (0193) Mary Chase (0194) Carol Yarrow (0196) The Honourable Company of Edinburgh Golfers (0197) Jamie Perry (0200) Rachel Wallace (0206) David Haycock (0210) Jennifer Nisbet (0211) A W Blackett (0215) Shirley Blair (0220) Alan Blair (0221) Janet Anderson (0222) Emma van der Vijver (0223) Mark van der Vijver (0224) Barry Morrison (0226) Shirley &amp; Andrew Graham (0235) Tim Jackson (0236) William Harry Jackson (0237) Frances Cowie (0238) Gordon Cowie (0239) Trish Sims (0244) Elizabeth Gillian Tennent (0247) Stuart Bendoris (0248) Peter Rae (0249) Abigail Hoppe (0250) Scottish Environment Protection Agency (0252) Andrea Rae (0253) Gillian C Turton (0254)</p>	



<p>David Hollingdale (0072)          Nicola Black (0073)          Joyce Williams (0078)          Debbie Chisholm (0079)          Linda Pitcairn (0080)          Val Chisholm (0081)          Ruth Fraser (0084)          Greywalls LLP (0085)          Alice du Vivier Ellis (0086)          Alan Fraser (0087)          M Cochrane (0088)          Russell and Gillian Dick (0090)          Rita Aitken (0091)          Anne Forsyth (0092)          Mr and Mrs R Taylor (0094)          Winifred Walker (0095)          Karin E Jamieson (0096)          Simon Haynes (0098)          Rosie Creyke (0100)          Grace Blair and Balfour Blair (0101)          Dorothy Arthur (0105)          Elizabeth A Allan (0106)          Alistair D W Allan (0107)          John Downie (0110)          Julia Low (0111)          Kenneth and Winifred Wright (0113)          Joan E Montgomery (0116)          S M Reid (0117)          Roger G Smith (0118)          John M M Todd (0119)          Margaret S Smith (0120)          Michael J Walker (0121)          Mary Scovell (0122)          Alastair Creyke (0123)          Alistair C Beaton (0124)          Lynne Simpson (0125)          D McCreath (0126)          Alastair and Carol McIntosh (0129)          Johanna Hoar (0133)          Jack Weaver (0134)          Ros Weaver (0135)          Flora Mclay (0136)          Freddy Weaver (0137)          Maureen Coutts (0139)          Andrew Dexter (0140)          William and Dorothy Miller (0145)          Clare Jones (0149)          P W Millard (0156)</p>	<p>Jason Low (0255)          Caroline Hitchen (0258)          Peter Dornan (0260)          Joy Grey (0264)          Keith Anderson (0265)          Peter Grey (0266)          Susannah Jackson (0267)          David Scott (0269)          Catherine Joshi (0270)          Kenneth Howey (0271)          Manish Joshi (0272)          Alasdair Anderson (0275)          Thomas Gillingwater (0276)          Andrew Bellamy (0278)          Dr Fiona Ferguson (0279)          Clare Tulloch (0288)          Gemma Langlands (0289)          Alasdair Langlands (0290)          Andrew-Henry Bowie (0292)          Karen Chapman (0293)          Dr C E Thackwray (0294)          Ben and Jenni Carter (0298)          East Lothian Liberal Democrat Party (0300)          Anne Watson (0301)          Jenny and Stefan Gries (0302)          Gullane Parent Carer Council (0304)          Suzanne McIntosh (0309)          Gullane Resident (0318)          G K Sims (0321)          Abigail Edmondson (0322)          Duncan Edmondson (0324)          Joanna Greensit (0355)          David Maitland (0356)          Toby Durant (0365)          Alan Lindsey (0369)          Lawrie Main (0370)          Joe Cox (0378)          Alex Brougham (0390)          CALA Management Ltd (0393)          Simon Capaldi (0401)          Simon Capaldi (0402)          Anna Buckby (0403)          Clare Cavers (0416)          Gail Hardy (0420)          Mark Holling (0425)          Dirlton Village Association (0437)          James Marshall (0439)</p>
<p><b>Provision of the development plan to which the issue relates:</b></p>	<p>Sites in Gullane pages 54 – 55 (NK6, NK7, NK8 and NK9)</p>

**Planning authority's summary of the representation(s):**Jennifer Dudgeon (0010)

The representation requests the removal of NK7 Saltcoats, NK8 Fentoun Gait East, and NK9 Fentoun Gait South from the LDP as:

- The cumulative effect of these sites is too much for the village to cope with. It is too much for local services, especially the school and medical facilities.
- The roads are not able to cope with this increase and trains and access to trains is insufficient.
- Greenfield sites should not be considered when there is a brownfield site in the village as this will compromise its development.

Ann and Tony Elger (0011)

The submission objects to the proposed housing development at NK7 for the following reasons:

- The proposal alongside other proposed developments in Gullane is disproportionate to the size of the village and will drastically alter its character.
- It will impose unreasonable strains on facilities and transport links.
- The LDP should prioritise the brownfield former Fire Training School site.

Tom Walker (0014)

The submission requests that NK7, NK8 and NK9 be disallowed as it will result in unsustainable conditions for the infrastructure of Gullane.

David & Audrey Rattray (0015)

Strongly against housing development on NK7, NK8 and NK9 for the following reasons:

- The school, medical centre and roads are not suitable for more cars.
- Parking at the shops is currently difficult which affects disabled people.
- The village will not cope with all the new housing.
- The number of houses proposed at this site should be halved, giving more garden space and greenery, as it is a village. Over-development should be avoided.

Charlie Laidlaw (0016)

Requests removal of NK7, NK8 and NK9. The representation states "most residents do not wish to see their village become a small town". There has been no increase in jobs locally, and housing development on the scale proposed is unnecessary and would be of permanent detriment to the village, its people and infrastructure.

Jennifer Hartt (0017)

Objects to NK7, NK8 and NK9, due to negative impacts on amenities, roads, infrastructure, school and medical services. Development of these greenfield sites would compromise development of Gullane's brown field site [unspecified but probably intends NK6].

Pat Morris (0018/1)

Objects to NK7, NK8 and NK9. Most residents and visitors come to Gullane because it is a village not a town or building site.

Tourists will be driven away by this development, which is out of proportion with local amenities, facilities, roads, drainage, sewage disposal, school capacity and medical facilities.

The increase in housing is out of proportion with the rest of the village.

Greenfield sites would be lost which some people wish to retain.

The roads are already overloaded; the submission queries who has assessed the impact and notes the C111 is used by walkers, cyclists and horse-riders with existing risk of accident there. Speed controls through the village are inadequate leading to problems with construction traffic for years.

If more houses are needed they should be inland, not on the coastal strip which should be a pleasant place to visit.

The car park at Drem station is inadequate. New residents will presumably work in Edinburgh, leading to more car commuting.

Development of NK6 is preferable to greenfield sites with impacts on birds, mammals, flora and fauna. Visitors come to see the coast and other attractive features, not identical homes.

There are no shops near the proposed sites leading to more traffic and risk.

The school is at capacity now, the village hall is mostly at capacity, and doctors would struggle to recruit more staff.

Most local people are against this.

Hellen M Clark (0023)

Objects to NK7, NK8 and NK9 being allocated for housing. Local village life will be adversely impacted as the character of Gullane will change and it will no longer be a village. There will be too many additional residents for the existing facilities. Local businesses will suffer as it is hard to park near them.

Train services are overcrowded and parking near the station inadequate.

The bus takes an hour and twenty minutes to get into Edinburgh, leading to people choosing train or car leading to busier roads, with consequent traffic noise and pollution.

The land at Saltcoats is beautiful with views to North Berwick Law and this would be adversely impacted by housing development.

Development of greenfield sites is bad for rural counties, changing villages into characterless dormitories.

David Robinson (0024)

Objects to the development proposals for the Gullane area.

Development should be as near as possible to work opportunities; these proposals would lead to a significant increase in commuter traffic.

Allocation of green field sites [NK7, NK8, NK9] will lead to the former Fire Training School not being developed for housing.

Housing on the proposed sites will lead to increased local traffic due to its distance from facilities.

Disproportionate scale of proposals to Gullane; there will be significant capacity issues regarding the school, medical facilities, parking and other amenities.

Large increase in traffic on country roads, with safety issues.

Philip Smyth (0025)

Seeks removal of proposals NK7, NK8 and NK9 for the following reasons:

- The development is not sustainable with regard to employment, leisure and recreation, and would have a negative impact on local people.
- It constitutes over-development as it would increase the village size by a third.
- It is an undue proportion (50%) of coastal development.
- The impact on the rural road network.
- Access to public transport is below that needed.
- Car parks at Longniddry and Drem stations are already full.
- Road safety issues will result.
- Use of greenfield sites when brownfield sites are available.
- Community facilities will not be able to cope with increased demand.
- Negative impact on tourism.
- Negative impact on village life.
- Primary school will be unable to absorb the increase in demand.
- Medical facilities will be unable to absorb the increase in demand.

Alan & Geraldine Mogridge (0026)

Seeks removal of proposals NK7, NK8 and NK9 for the following reasons:

- Facilities in the village including the GP and School are already at or beyond capacity; further increase would be detrimental.
- Over-development as the scale of growth (30%) is unreasonable.
- Cumulative impact has not been properly assessed
- impact on the rural road network, in particular the C111 towards West Fenton, has not been properly assessed.
- Road traffic issues and potential increase in accidents due to limited parking.
- Bus and train services inadequate to cope with peak commuting traffic.
- Previously advised the old Fire Training School site was green belt.
- Village hall cannot meet increased demand.
- The character of the village will be lost.

Barbara Gibb (0027)

Seeks removal of NK7, NK8, NK9 as housing sites. Gullane village facilities (medical centre, school, roads, and parking) will not be able to cope. Duration of building work will adversely affect residents, including impact on traffic through the village.

A Walker (0028)

Objects to NK7, NK8 and NK9 for the following reasons:

- Overpopulation of Gullane without infrastructure improvements.
- Burden on the primary school.
- Burden on local facilities (e.g. Village hall, doctors and dentists).
- Increase in traffic through the village.
- Increase in construction traffic
- Negative impact on tourism.

- Negative impact on local day-to-day life.

David Farrer (0029)

Seeks removal of NK7, NK8 and NK9 for the following reasons:

- No substantive evidence that infrastructure including roads, transport, schools, medical centre, community facilities, foul drainage among others could support the proposed housing.
- Significant effect on the character and appearance of Gullane and the Conservation Area.
- Impact on neighbouring properties from disturbance.
- Impact on neighbouring properties from loss of view.
- Adverse impact on setting of Listed Buildings at West Fenton.
- Adverse impact on residential amenity of West Fenton residents from increase in construction and commuter traffic.
- The proposals do not fulfil East Lothian's policy of growing and diversifying the local economy as shown by recent housing development in North Berwick.

Antonia Ward (0030)

Seeks removal of NK7, NK8 and NK9 for the following reasons:

- The scale of over-development in terms of impact on the local community and existing residents, amenities, public transport access and volume of traffic is catastrophic.
- Questions sufficiency of proposed educational provision.
- Development of brownfield site the former Fire Training School is preferable to greenfield development on arable land.
- Detrimental to the environment.

Sir Peter Burt Viking (0035/1)

It is illogical and unjustifiable to further develop Gullane when the LDP recognises it ranks 10th/11 for accessibility. The only access to Gullane is the A198, which as the main access to the coastal strip is a busy road. There is also the unrated road that leads to West Fenton. There is a small bridge on that road which does not meet the statutory requirement for 2-way traffic. The Saltcoats, East Fenton Gait and South Fenton Gait developments are only accessible from this onto the A198 unless they are routed past West Fenton. The pedestrian access to the west of the Saltcoats development is a private road and unavailable for general vehicular access.

Infrastructure development should include employment prospects. As the LDP recognises, most houses will be occupied by people commuting to work in and around Edinburgh. Access roads into Edinburgh and the bypass are already unable to cope with traffic volume and access cannot be significantly improved. Commuter rail capacity is limited by high speed express trains. Parking at North Berwick, Drem and Longniddry is inadequate. Proposed developments at Saltcoats, East Fenton Gait East and South do not fit with the LDP Strategic Policy Objectives. They are greenfield sites and according to the LDP include geological and rare minerals.

It is incorrect to describe Gullane as a town that provides a wide range of facilities. It has

two general stores, is about to lose the Post Office, while the primary school and medical centre are over capacity.

The brownfield Fire College site is available and better from a planning perspective than any greenfield site, with direct access onto the A198 and bus stops within the maximum distance from development which none of the other sites have. Combined with other recent infill development it provides a proportionate approach to expanding Gullane.

Janette Mosedale (0036)

Objects to NK7, NK8 and NK9 and it would make more sense to build on NK6 in line with government policy as:

- Schools, roads and doctors cannot cope with the increased population.
- Buses and trains are already at capacity.
- A controlled number [not stated how many] new houses would make more sense.
- Brownfield sites should be used first.

Laura Thomas (0037)

Objects to NK7, NK9, NK9 for the following reasons:

- Community facilities especially the village hall and school cannot meet the increased demand.
- Access to public transport in the area is very poor. There is little capacity for increased use of trains into Edinburgh where major employment opportunities lie.

Guy Tulloch (0038)

Seeks removal of NK8, NK8 and NK9 and is concerned about the implications for the local community as:

- The expansion of Gullane by 30% is excessive and will be detrimental.
- The school, medical practice, village hall and parking facilities will struggle to cope.
- The cumulative effect of development of four sites is not being taken into account.
- Gullane has poor transport links which will lead to a dramatic increase in traffic especially for the Saltcoats site as the access would be via the C111 towards West Fenton, a quiet road used recreationally. Development of this site will push commuter traffic onto this road which will be dangerous.
- Development of the former Fire Training School is sensible and supported by the local community and will provide housing at a scale the village can absorb.

Gillian Kirkwood (0039)

Seeks removal of sites NK7, NK8 and NK9 as housing sites for the following reasons:

- The village cannot sustain the estimated 219 new houses in terms of vehicles and children.
- New residents will not bring any benefit to the village. They will be commuters, probably to Edinburgh.
- The roads on which the new houses will be are narrow and will not be able to cope

with increased traffic.

- The school will not be able to cope with extra pupils.
- There is limited parking at Gullane village shops.
- Poor transport links between Gullane and Edinburgh; no train service and very poor bus service.
- If new houses are needed in Gullane, the former Fire Training School and grounds should be used which re-uses an existing building.
- The submission appends previous objections to planning application on the NK7 site which includes in addition the following reasons for objection:
  - The area around Gullane is already at its limit for housing.
  - Parking is difficult in the village and Drem and Longniddry rail stations where additional parking is needed prior to further development.
  - Parking, transport and road safety should be prioritised before any further development.
  - Gullane is a village not a commuter development for Edinburgh. Where will new residents work?
  - If new houses are needed in Gullane, it would be preferable to convert the former Fire Training School and old Marine Hotel [on that site] and surrounding buildings.

J McCollom (0043)

Seeks the removal of NK7, NK8 and NK9 for the following reasons:

- The proposals would change the nature of Gullane village and its surroundings.
- Impact on services such as transport, health and education and the visual impact on the locality.
- Increase in number of cars and consequent emission and congestion issues.

T I L Burns (0044)

Seeks the removal of NK7, NK8 and NK9 for the following reasons:

- Lack of parking capacity at North Berwick, Drem and Longniddry stations.
- Crossing the main street in Gullane is hazardous now.
- New homes are too far to walk to Gullane shops, and they will have difficulty parking.
- Building on prime agricultural land is not justified.
- Development should be on brownfield sites and not greenfield sites.

W R E Thomson (0045)

Seeks removal of NK7, NK8 and NK9 for the following reasons:

- Scale: overdevelopment of Gullane.
- The delivery of development of the brownfield former Fire Training School will be compromised.
- Poor road access particularly for the C111 towards West Fenton, where use by vulnerable users will become impossible.
- Poor public transport access.
- Distance from village facilities will require vehicle transport leading to parking problems.

- Impact on medical facilities.
- Difficulties of accommodating new pupils within the existing school; extending school into playground is not sensible.

Fiona Stephenson (0048)

Objects to NK7, NK8 and NK9 as:

- Gullane cannot sustain so many new houses.
- Village infrastructure - school, doctor, village hall - will not be able to cope.
- Access to public transport is poor.
- Car traffic will increase and road safety issues will arise.
- Supports the brownfield site.

John Slee (0049)

Objects to NK6, NK7, NK8 and NK9 for the following reasons:

- Urbanisation of rural east of East Lothian
- Overpopulation of Gullane.
- Roads are already dangerously busy.
- Parking is already difficult.
- Negative impact on facilities such as shops, school and medical facilities.
- The character of Gullane would change in a way unwanted by residents.
- Loss of agricultural land in context of increasing world population, reduced poverty decreased yields due to climate change and rising sea levels.
- There is a case for a fundamental re-examination of the overall plan for 10,000 houses in East Lothian.

K M Gray (0051)

Seeks the removal of NK7, NK8, NK9 as housing sites as the current environment and facilities will be overwhelmed by the combination of extra houses, vehicles, school-aged children, pre-school children and extra commuters. The former Fire School is the only possible site for development without destroying the village, a place of beauty.

Dennis W Harding (0052)

Seeks removal of NK7, NK8, NK9 as:

- Level of development is incompatible with local infrastructure in terms of roads, access, public transport, schools, medical services.
- The cumulative increase in residential development will impair quality of life and tourist potential of the area.

Carolyn Fox (0053)

Seeks removal of NK7 and NK9 as:

- The development of all 4 Gullane sites would increase the village by 30%, which is unsustainable and unreasonable.



- Impact on school.
- Impact on GP practice.
- Transport infrastructure cannot support this number of houses. A car journey will be needed to access village amenities and there is insufficient parking. New residents will mostly commute to Edinburgh, many by train. There is insufficient capacity on trains. There is inadequate parking at Drem [station]. The C111 would be used to drive to Drem and is not wide enough for increased traffic.
- The cumulative effect on the Conservation Area would impact on tourism.
- Prime agricultural land should not be lost.
- Development of these sites would compromise the development of the brownfield former Fire Training School, which would become an eyesore.

Adam Fox (0054)

Requests removal of NK7 and NK9 as the cumulative effect of development of all 4 Gullane sites will have the following negative impacts:

- Transport infrastructure cannot support the scale of development in particular village parking and parking at Drem Station.
- Village amenities in particular the village hall and GP practice cannot cope.
- Schools do not have capacity.
- Developing these fields will force geese to move elsewhere, affecting tourism.
- Unsustainable expansion of the village
- Compromises development of the Fire Services College.

John Dillon (0055)

Objects to NK7, NK8 and NK9 when there is a brownfield site, NK6. The proposed developments would put too great a strain on the C111. The increase of 30% would adversely affect local amenities and transport through the village as the amenities are at the other end of the village.

I A M Cowan (0056)

Objects to further development of areas for housing in Gullane. Some development of NK6 is sensible. Housing on greenfield sites would stretch community and medical facilities. Car usage and consequently CO2 emissions would increase. Gullane does not have the range and variety of shopping to cope with increased population, leading to travel to North Berwick which has inadequate parking.

Gordon McLelland (0059)

Objects to NK7, NK8, and NK9 as:

1. Transport:

- Para 1.29 - 1.33 of the Transport Appraisal refers to the transport network being at capacity but offers no solution.
- Additional parking at Drem and Longniddry are identified as required but no indication as to when this would be done. Cycle parking is underused but car park is full indicating it is too far to cycle to station. It is unrealistic to include this 'green'

transport policy into the plan.

- People in East Lothian have higher than average car ownership indicating that people need their cars.
- If car travel is to be reduced additional station parking is needed as well as an express bus to Edinburgh.
- Fenton Road is inadequate to accommodate all the traffic from the 3 sites as are the roads to Drem Station.
- The LDP contains platitudes like "further commitment to agreeing transport constraints" which is taken to mean the Council will not take any responsibility for delivering.
- The report makes scant mention of the Sherrifhall roundabout and city bypass both of which are overloaded and in need of upgrade.
- The Council and Scottish Government need to invest in transport infrastructure before any further developments are started in Gullane and Dirleton.
- LDP para 4.4. says planning consent should not be supported if the development relies on the private car; residents of these site will rely on the private car to get to shops, station, schools, surgery &c.
- LDP para 4.46 states that there is a parking strategy for town centres yet Gullane does not have one.

2. Recreation - the plan provides for football pitches but ignores provision for other sports.

3. Village character and tourism – NK6 should be developed before it becomes an eyesore, which will have an adverse impact on tourism and house prices.

4. Social housing - the plan is not clear on the provision and siting of much needed social housing.

Robert H Pitcairn (0060)

Requests removal of NK7, NK8 and NK9; priority should be to conversion of the brownfield NK6. Reasons for objection are:

- Huge number of extra houses, residents, school and pre-school children, and cars
- Problems in trying to absorb this increase and amenities of local people would be decreased
- Strain on schooling
- Strain on medical facilities
- Unwanted traffic, road safety concerns and parking problems
- Due to poor public transport, new residents would likely travel mostly by car, leading to greater carbon emissions

Robert Auld (0061)

Requests removal of NK7, NK8 and NK9. The redevelopment of NK6 will achieve a big enough increase in population without using any greenfield sites, which would unacceptably change the character of Gullane.

125 houses at NK6 will already put too much pressure on educational and medical facilities, apart from additional strain on traffic and parking of this number of new properties within the village.

Mr and Mrs Lancaster (0062)

NK7, NK8 and NK9 should be removed from the plan due to significant cumulative impact

(which has not been properly assessed from all four sites proposed for development). The only site that should remain for housing development is NK6.

Charles Herd (0063)

Objects to the inclusion of NK7, NK8 and NK9.

The cumulative impact of adding these developments to brownfield NK6 in a short space of time will have a devastating adverse impact on the ability of schools and medical centre's ability to cope. The destabilising effect on the fragile social cohesion of the village of a 30% population growth could be considerable.

Lucy O'Riordan (0064)

Objects to NK7, NK8 and NK9 as the brownfield Fire Station (NK6) should be developed first. Fields should not be used when this large site is available for infill. Planning for these sites should be suspended until the NK6 has been fully developed. The local roads from Saltcoats and Fenton Gait would not cope with the traffic.

A Darrie (0065)

Requests removal of NK7, NK8, and NK9 as:

- They are not sustainable
- Poor access to transport would damage any future leisure opportunities in the area
- If all sites were developed Gullane would be unable to absorb it

Would like to see NK6 go ahead as it will not have the impact on roads, traffic, school and surgery of the other sites. If these other sites go ahead will the brownfield site lie derelict for years?

Elsbeth Walker (0066)

Objects to the inclusion of NK7, NK8, and NK9.

- Village centre is already busy with parking difficult, a particular problem for the elderly; the benefits of living in a village with good amenities will be ruined if it becomes hard to access them
- The surgery will not cope with the increased workload
- Village Hall and community facilities will not be able to meet demand
- Two extra classrooms for the school is inadequate
- The roads will become dangerous especially the C111 to West Fenton, and small roads will become 'rat runs'
- Tourists will stop coming if it is hectic with busy roads, impossible parking and too dangerous for cycling. They come for beauty of the area not extension to the suburbs.
- Development of the 3 greenfield sites would be catastrophic to the village and unreasonable
- The station car parks at Drem and Longniddry are full and over-flowing. Where will new cars go?
- The over-development is excessive and unreasonable
- Development of NK6 is necessary.

Alison Smith (0067)

Requests removal of NK7, NK8 and NK9. Supports development at NK6 as it is within walking distance of village amenities. Reasons for objection are:

- The three sites are too far east for walking access leading to car journeys with consequent parking, pedestrian safety and pollution problems.
- Major impact on school and health centre would lead to facilities being inadequate
- Quality of life in the village would be destroyed.
- As the homes will be large 3 – 4 bedroom homes at least one adult per household would be in employment outwith the immediate East Lothian area. This will lead to impact on local roads and train service
- The popularity of the East Lothian coast with tourists is economically important and further major housing development in Gullane would have a very negative impact on visitor numbers.
- Four development sites would be far too many for a village of this size

Marion Caldwell (0068)

The representation is titled 'Gullane Local Development Plan'. The representation states that they object to the plan as:

- the brownfield site [NK6] should be developed and completed before any consideration is given to the greenfield sites. Developing all of these sites would damage future opportunities for leisure and recreation and impact negatively on the amenities of local people
- The scale is unreasonable
- Inclusion of all 4 sites is unbalanced and overestimates the capacity of Gullane to absorb it
- Cumulative impact has not been properly assessed
- Impact on rural road network has not been properly assessed, in particular the C111 where use by vulnerable road users will become impossible
- Access to public transport in particular trains is well below what is needed, especially for Saltcoats
- The facilities of Gullane are at the opposite end of the village so even simple errands will need a car journey

Michael Black (0069)

Objects to the inclusion of NK7, NK8 and NK9 as:

- The cumulative effect is unreasonable
- Infrastructure, school and medical facilities cannot cope
- It is beyond realistic in a community that has already expanded over the last 20 years.

Roderick Robertson (0070)

Objects to the LDP as:

- NK7 is to be built on farmland

- NK7 is a large development on a small country road not fit to cope with the increased traffic.
- NK5 is also a greenfield site and will have to use the same small road.
- The use of greenfield sites should be discouraged.
- The overall size is too large, and Gullane's poor transport links will lead to considerable extra car use.
- There will be extra pressure on the medical facilities and school.
- The Fire College is the only brownfield site. Access to the main road for traffic is possible and it will provide the extra housing that is required without destroying green field areas.

Lizzie Gray (0071)

Concerned about the proposal for four new housing sites in Gullane due to huge impact on the local community. The area is outstandingly beautiful and must be preserved. Growth on the scale proposed would change it beyond recognition and the village does not have the facilities (medical, school, transport) to cope.

The development of the old Fire School (NK6) is essential but the proposed developments on greenfield land are a step too far and will not deal with the housing shortage. They are large houses that will likely be bought as second homes when there is a lack of housing for those who really need it.

There are other areas in and around East Lothian where there is land ripe for development with better facilities and transport links

David Hollingdale (0072)

Requests the removal of NK7, NK8 and NK9 as agrees with others and 'Gullane Opposed to Over-development' though main objection is it would be irresponsible to grant planning permission for any greenfield sites until NK6 has been developed. Development of this site alone would stretch Gullane infrastructure to the limit. The representation refers to a letter of objection to 16/00587/PM which includes the following reasons:

- Prejudice to the re-development of the Fire Training School, which would fall into dereliction
- Gullane is a village with clearly defined boundaries; tacking on a highly visible 49 houses would be a grotesque blot on the landscape
- A path cannot be created through Muirfield Steading due to ownership issues
- The LDP shows the development boundary of NK8 encroaching into land west of the existing boundary fence between Muirfield Steading and land to the east. Representation considers there is no lawful right to this encroachment (plans enclosed). What is the lawful justification for taking this land into the development site?

Nicola Black (0073)

Requests the removal of NK7, NK8 and NK9 as:

- Medical and education facilities are already at maximum capacity
- Proposed development is totally beyond what is reasonable
- Infrastructure is not capable of handling such a large increase
- Railway station and road to it at Drem is already over-used

- No proposals in the LDP to alleviate existing problems let alone those that would be created by new development
- Coastal strip has already received a huge number of homes and their effects should be taken into consideration before more are built

Joyce Williams (0078)

NK6 should be the priority, not the greenfield sites. Appreciates need for new housing here.

All the new planned houses are well away from the shops so it will cause more congestion in the already over-crowded parking spaces by the shops. Very few jobs available so more commuting into the city.

The access road to these sites is not good with no footpath making it dangerous.

Objects to NK7, NK8 and NK9. They will ruin the village with an increase of 30% and the infrastructure is not in place. School, shops and doctor's surgery will all suffer, as will the present residents.

Debbie Chisholm (0079)

Seeks the removal of NK7, NK8 and NK9 as:

- Including these sites as well as NK6 is poor planning due to the scale of the increase and that Gullane is contributing 50% of all new sites from North Berwick area
- The impacts on infrastructure have not been assessed
- The roads are currently busy and the Fenton Gait development would add extreme pressure to an already over-used country road
- Use of greenfield sites would compromise delivery of brownfield NK6
- School and medical services not set up to take additional housing and even if buildings were adapted recruitment of staff would be difficult
- Gullane is a small, friendly community and residents don't think this amount of change is fair or well planned

Linda Pitcairn (0080)

Requests the removal of NK7, NK8 and NK9 from the LDP as:

- The scale of the proposal is unreasonable and overestimates the capacity of Gullane residents and amenities to absorb it
- World famous village would become a town with reduced access to facilities and services
- Access to public transport is poor and additional car usage would be large. It is likely most new householders would be commuters and that local shopping trips would be made by car.
- Impact of additional cars in terms of increased traffic, road safety and parking appear to have not been properly considered.
- Road safety for elderly residents in the east of the village would be compromised
- Scale of change over a decade and ongoing disruption involved in building work would affect the daily lives of residents unreasonably
- Impact on tourism in one of Scotland's most famous and beautiful locations
- Inclusion of both Fenton Gait sites could compromise and delay development of the

Fire Training School (NK6)

- A major impact on school and medical facilities would result from this expansion

Val Chisholm (0081)

Seeks removal of NK7, NK8 and NK9 as:

- Including these sites as well as the Fire College [NK6] is poor planning as if all go ahead the cumulative effect on local infrastructure would be devastating
- Inclusion of greenfield sites would compromise delivery of the brownfield Fire College site [NK6]
- The school and medical services are not set up to take the additional housing at this rate; even if the buildings were adapted finding staff would be difficult
- Gullane is a small community and development at this scale will see it change at too quick a speed

Ruth Fraser (0084)

Objects to the inclusion of greenfield sites at NK7, NK8 and NK9 as:

- they are on prime agricultural land
- The brownfield site should be prioritised as it could become an eyesore
- Road safety issues at Fenton Gait
- over-development of the village
- infrastructure cannot support the proposed developments: trains to Edinburgh are already overcrowded and station parking problematic; commuter bus to Edinburgh takes too long, leading to increased car use.
- facilities such as the medical centre would be severely impacted

Greywalls LLP (0085)

Objects to the LDP as it recommends that Fentoun Gait East be developed with 15 houses. The development of this site would:

- damage the landscape setting and the associated design landscape for Category A building designed by Edwin Lutyens
- compromise the existing strong settlement edge to Gullane.
- Greywalls is on the Inventory of GDL. Partners at Greywalls have exercised stewardship of Greywalls carefully and resisted previous developer led attempts to extend the village of Gullane eastwards. The ELLP 2000 contained Policy GE2 which stated “Development that harms the landscape setting of Greywalls and its associated designed landscape will not be permitted”. The preamble stated “The particular importance of the landscape setting of the Grade A listed Greywalls and its associated design landscape is recognised. Greywalls should remain the focus in its setting at all times and should never be distracted by the presence of new development”.
- Para 2.168/PROP NK6 states that the suggested development at Fentoun Gait is “set back from the Greywalls key view corridor” but it would clearly be in view from the Greywalls property.
- The proposed development would extend east beyond the end of Duncur Road and would therefore specifically extend the perimeter of the village of Gullane

eastwards.

- This may lead to further development in the field to the north of the A198.
- Greywalls Hotel provides up-market residential accommodation, which assists the local economy and tourism and provides substantial employment in the immediate area partly because of the quality of the building and its setting.

Alice du Vivier Ellis (0086)

Requests that NK7, NK8 and NK9 are removed from the LDP as:

- Amenities are only just suitable for the existing population.
- LDP does not take into consideration the volume of people and resulting pressure on the community
- Gullane is attractive and tourism a vital income source. The duration of development will impact on this as well as spoiling the beauty of the area.
- It is not necessary to build on beautiful greenfield sites when there are plenty of brownfield sites that should be developed first no matter where they are
- The increase in number of vehicles on the roads is detrimental to the environment and a hazard for our local community

Alan Fraser (0087)

Requests removal of NK7, NK8 and NK9 as:

- 1) Gullane relies heavily on car use as there is no train and the bus to Edinburgh takes over an hour. The majority of workers commute to Edinburgh by car and there is little prospect of more employment within the village or opportunity to improve transport infrastructure
- 2) Infill development is accepted as the best way to achieve population and housing growth: incoming residents would be less car reliant in accessing village amenities
- 3) Location is unsustainable: remote from employment, with inadequate infrastructure
- 4) Policy in East Lothian's Single Outcome Agreement suggests these sites should be rejected including:
  - a) "East Lothian's natural environment and attractiveness of ... villages are major factors in the quality of life appreciated by residents and visitors, underpinning the health and well-being of our communities and supporting our local economy. Protecting and enhancing that environment is a key priority for the East Lothian Partnership". Development of these sites will increase road traffic to the extent that some outdoor pursuits will be compromised and the overall environmental impact will be severely negative
  - b) "Young people and financially disadvantaged people are particularly affected by the high cost of rural public transport". There is a lack of logic in placing affordable housing in Gullane if all other aspects of daily living remain higher than average.
  - c) The SOA notes East Lothian has some of the best arable farming land in Scotland, which development of these sites would remove.
  - d) The SOA notes the potential for economic growth related to tourism. The development of these sites would be detrimental to tourism.
  - e) The draft transport objectives are to deliver a more attractive and safer environment for pedestrians and cyclists; to reduce overall dependence on the car; and to reduce the need to travel. Development of these sites will increase road traffic and so not achieve this. A further objective is to maximise accessibility for all and reduce social exclusion. People in affordable housing in Gullane will feel exclusion due to the



- higher than average cost of everyday living in Gullane.
- f) "The quality of the natural environment is one of East Lothian's greatest assets" – don't destroy it
  - g) SOA notes that significant additions to existing communities should be accompanied by the community infrastructure required to make viable, balanced and sustainable communities. There are no plans for anything but housing in Gullane which will destroy the equilibrium of the community.
  - h) The East Lothian Partnership is committed to ensuring that communities are empowered to develop strategies and devolve decision making to the most appropriate local level

M Cochrane (0088)

Requests removal of NK7, NK8 and NK9 as:

- Site of old Fire School [NK6] is crying out to be used which would give us more than enough adults/children/vehicles/commuters
- Station car parks at Drem and Longniddry can lack capacity and trains can be full
- There are road safety issues with limited parking in the village and very young and very elderly people needing to cross the road

Russell and Gillian Dick (0090/2)

Requests removal of NK7, NK8 and NK9 as they run counter to many of the LDP's main aims:

- 1) From the Spatial Strategy:
  - a) Minimise the need to travel by car as well as travel distances and associated CO2 emissions (para 2.3)
  - b) Settlements further east are near the limit of what can be achieved without significant changes to their landscape setting, character and infrastructure (para 2.7)
- 2) From Our Infrastructure and Resources
  - a) The Council's policies seek to integrate land use and transport to encourage a reduction in traffic growth
  - b) Resist proposals...where their siting would encourage longer journeys, especially by private car (see also Policy T1 and T2).
- 3) From Diverse Countryside and Coastal Areas
  - a) Resist proposals that would promote car based traffic pattern, would suburbanise the countryside or would harm the character and appearance of the rural area (5.2 and 5.8)

Issues arising from deficiencies in the Environmental Assessment are:

- 4) There is no attempt to assess the combined impact on the village as a whole, which would be adverse e.g. for accessibility
- 5) Gullane is not capable of supporting anything other than a small growth in local employment; almost all new working residents will commute by car, which would lead to massive effect on road infrastructure
- 6) Proposed new developments are right at the end of comfortable walking distance leading to frequent use of cars for local shopping
- 7) The A198 within the village will require more than mitigation to make it suitable and safe for the increase in car use; ditto parking.

- 8) Public transport is only passable in terms of access to buses and inadequate in terms of rail
- 9) The increase in parking spaces at Drem station is inadequate
- 10) The B1345 would require more than mitigation to cope with any increase in car travel. The C111 would be used by a good proportion of cars from Saltcoats or Fenton Gait. This is a small rural lane never designed for substantial car use and would present a danger to non-motorised users. Speed limits would be ineffective.
- 11) If boundaries preserving green fields are breached then there is no argument for opposing future proposals to develop further into green field land
- 12) Character of the primary school would change from village to town experience
- 13) Development would only succeed if there is very large investment in resources for improvements in public transport, roads, parking and education. Gullane could cope with development on NK6.
- 14) If the proposed developments go ahead it will lead to a significant change in the character of the village and the well-being of its inhabitants.

Rita Aitken (0091)

Objects to housing being proposed for Gullane other than NK6 as:

- Building should start on the brownfield NK6 before greenfield sites are considered
- Impact on Doctor's surgery, primary school, over-used buses and trains, and parking.
- Over-stretching of the library, the community hall and other services and would totally take away the meaning of village life

Objects to NK7 specifically as:

1. Plans to use the C111 as the main road into the Saltcoats development with a proposed road down West Fenton Road doesn't seem a good plan. This road is used by older people walking, Riding for the Disabled, and dog walkers. It can barely take two cars, and shudders to think of the traffic.
2. This should not go ahead when the fire station [NK6] can be used instead.

Objects to NK8 as the proposed path through Muirfield Steading is not needed and it is not safe to then come out onto the C111. It would be safer for children to walk to school along new pavements at the access to this site where there are pavements. Muirfield Steading is a nice safe cul-de-sac with mainly older people and an opening leading to a development of 51 houses is unwanted.

Objects to NK9 due to problems with traffic coming onto the C111.

Anne Forsyth (0092)

Requests that NK7, NK8 and NK9 are removed from the LDP as:

1. The old Fire School is available for re-development but developers will prioritise greenfield sites over this
2. Gullane has limited facilities and proposal for 4 new developments will impact heavily on infrastructure
3. Public transport is limited and due to the size of developments and lack of work opportunities locally, the houses will include at least one commuter; neither road nor rail can cope with insufficient seating on trains and station parking

Mr and Mrs R Taylor (0094)

Requests the removal of NK7, NK8 and NK9 as:

- The roads around Gullane are already overflowing with traffic; many of these have no pavements. New development will worsen this. The C111 is especially narrow and the Council do not maintain the hedges properly.
- Unsustainable development with poor access to employment and services
- Scale is unreasonable
- Unless facilities are made available first, fewer tourists will come
- The School and Medical practices are close to capacity
- Access to public transport is below what is required.
- Gullane is not capable of taking up all four sites in the LDP. As a Conservation Area its amenities would be ruined and roads would become more dangerous.
- The village hall will not cope
- The sites are at furthest part of village from amenities, so residents will use their cars; there is insufficient parking.

Winifred Walker (0095)

Requests that NK7, NK8 and NK9 be removed from the LDP due to:

- The impossibility of parking near shops in village
- Where are all the people going to shop and work? How are people going to get to Edinburgh given parlous state of the rail network, bus service and over-crowded roads?

Karin E Jamieson (0096)

Requests removal of NK7, NK8 and NK9 from the LDP as:

- All 3 sites are at the east end of Gullane away from the centre, so are in the wrong area.
- Development would be on high quality agricultural land
- Vast improvements to infrastructure would be required – roads, school, medical and leisure facilities
- The duration of building works including upgrading infrastructure would take years which would adversely impact amenity for residents and tourists.
- The effect of (3) and (4) above do not appear to have been considered.
- If houses are built they should be of a size and number suitable for the local population.
- We do not want to become another dormitory for Edinburgh with all the traffic and pollution that would be involved.

Simon Haynes (0098)

Requests removal of NK7, NK8 and NK9 from the LDP as:

- Developments of this scale are completely inappropriate
- The amenities of the area will be changed for the worse, for ever
- The quality of day to day life will be diminished

- Gullane does not have the infrastructure to cope
- The impact on local roads will be significant and there could be safety implications for cyclists
- Rail and bus services will not be able to cope
- Distance of the sites from village amenities will lead to increase in use of cars, demand for parking and road safety issues for pedestrians and cyclists
- Development on this scale will make Gullane a less attractive place to visit
- The proposed brownfield site [NK6] will enhance the appearance of the village

Rosie Creyke (0100)

Requests removal of NK7, NK8 and NK9 from the LDP as:

- The inclusion of all four sites is disproportionate level of housing being allocated to Gullane
- All types of infrastructure, already operating at capacity will be stretched
- The type of housing planned is for families yet only 2 extra classrooms are being accounted for in the Primary School. Where do the other children go? This will harm children's quality of education provision.
- It would be like living on a building site for 10 years, which will harm the tourist economy
- The developments would be unsustainable
- Public transport is poor and rail already at capacity in terms of parking and services.
- There is no employment within the area so any new resident will be a commuter – queries whether people will commute by car
- The sites are so far from village shops people will drive there leading to awkward parking and potentially road accidents.
- The cumulative effect would ruin the amenity of Gullane Conservation Area and denigrate the cultural and tourism values of the village
- The delivery of the brownfield Fire College would be compromised; it is Scottish Government Planning Policy that brownfield sites must be developed on first.

Copies in objections to planning applications at Fenton Gait East (16/00587/PM) and Saltcoats (16/00594/PM).

Grace Blair and Balfour Blair (0101)

Requests the removal of all four Gullane sites NK6, NK7, NK8 and NK9 as:

- The road network will not cope especially the C111
- Transport in general would not cope
- Queries the impact on the development of the Fire College site [NK6] of the allocation of greenfield sites
- If all sites are developed this will impact heavily on village life. Gives examples of construction issues at Muirfield care home.

Dorothy Arthur (0105)

Requests removal of sites NK7, NK8 and NK9 as:

- Drainage: according to Scottish Water, the Gullane WWTW is at capacity. Drainage

would have to be taken through a field to the south as it cannot be taken through Muirfield Steading. Cala have measured in dry periods: will ELC flood engineers do their own checks? The report from SW [unspecified] was dated 22 June 2016, asking for a Drainage Impact Report. Has this been done yet? States septic tank is co-owned with neighbours and does not wish to join the main sewer but retain servitude rights. The soak away from the septic tank travels 110m into the field and building on this site would damage this soak away.

- Drem station car park is at capacity so more people will use cars than public transport. This will cause increased CO<sup>2</sup> emissions.
- There is a natural habitat on Fenton Gait East (NK8) field. Pink-footed geese are a regular visitor in autumn, deer, owl and bats are seen regularly in this area.
- Brownfield sites should be developed before greenfield. The Fire Training School (NK6) could provide 20% increase in village population. Greenfields should be used for growing food for our increasing population.
- Traffic: the proposed entrance to the development is immediately in front of my house which will invade my privacy. There is already a problem with traffic speeding out of the village (quotes from Transport Statement [unspecified] from Cala).
- West Fenton Road is narrow and often floods in winter and will not be able to cope with an increase in population.
- There will be increased traffic due to the distance from the centre of the village and there will be parking problems.
- The LDP states that if a development generates a significant amount of traffic due to private car use, with no means of sustainable transport, planning for the application should not be supported.

- Contradicts Scottish Planning Policy as:

The proposals do not comply with the Vision or the pattern of development the planning system should support (paragraph 270 of SPP), namely: optimise the use of existing infrastructure, reduce the need for travel, provide safe and convenient opportunities for walking and cycling and facilitate travel by public transport; enable integration of transport modes.

(Paragraph 271) – development plans should take account of traffic, patterns of travel and road safety:

(Paragraph 287) planning permission should not be granted for significant travel generating uses at locations which would increase reliance on a car and where direct links to local facilities via walking or cycling networks are not available; access to local facilities via public transport methods would involve walking more than 400m; transport assessment doesn't identify satisfactory ways of meeting sustainable transport requirements

Cumulative Effects – it is unreasonable to expect Gullane to accept over 25% of homes scheduled for building in North Berwick. There is not sufficient infrastructure in terms of medical facilities, schools, parking, and roads. There will be no increase in employment leading to more commuting. Lack of parking at rail stations and space on trains.

Tourism will be affected by increased noise, pollution, overcrowding and construction work. This will affect local businesses. There is already more pollution on the beaches.

Elizabeth A Allan (0106)

Requests that NK7, NK8, NK9 are removed from the LDP.

Encloses copies of objections to planning applications by Cala Homes for Saltcoats and Fenton Gait East. Supports development of NK6 though considers impact on village

character and amenities would be significant.

- Building on all four sites would result in unreasonable cumulative over-development over-stretching local amenities – schools, medical and dental services. 2 additional classrooms would be inadequate.
- Roads would be over-crowded and become dangerous, and public transport links by road and rail would not be adequate given commuting to Edinburgh as local employment opportunities are limited.
- The amenity of Gullane Conservation Area would be ruined and attractiveness of Gullane to visitors reduced given that road capacity and parking in Gullane are barely adequate. Proposed sites are not within walking distance of the village centre.
- The construction period would be of long duration.
- Asking Gullane to accept 50% of North Berwick cluster area houses cannot be justified.

Alistair D W Allan (0107)

Requests that NK7, NK8, NK9 are removed from the LDP.

Encloses copies of objections to planning applications by Cala Homes for Saltcoats and Fenton Gait East. Supports development of NK6 though considers impact on village character and amenities would be significant. Issues raised:

- Building on all four sites would result in unreasonable cumulative over-development over-stretching local amenities – schools, medical and dental services. Two additional classrooms would be inadequate.
- Roads would be over-crowded and become dangerous, and public transport links by road and rail would not be adequate given commuting to Edinburgh as local employment opportunities are limited.
- The amenity of Gullane Conservation Area would be ruined and attractiveness of Gullane to visitors reduced given that road capacity and parking in Gullane are barely adequate. Proposed sites are not within walking distance of the village centre.
- Long duration of construction period would be of long duration.
- Asking Gullane to accept 50% of North Berwick cluster area houses cannot be justified.

John Downie (0110)

Objects to sites NK7, NK8 and NK9 as:

- These are not sustainable developments as there is neither infrastructure nor facilities to support them.
- There is not public transport available, particularly trains, which will lead to a large increase in car use. The rural roads in and around Gullane are not suitable for this.
- There will be pressure on school and medical facilities
- The scale and duration of the development would cause significant disruption and have a negative impact on tourism and village life

Julia Low (0111)

Requests removal of sites NK7, NK8 and NK9 as:

- Overdevelopment of Gullane; the village cannot sustain these developments.
- The cumulative effect of all the sites on the roads would cause problems; the main road accessing the village would become too busy.
- The C111 cannot cope and road safety issues would be caused.
- Access to the LDP's [proposed sites] is completely inadequate
- Access to public transport is inadequate for the increase in population. The trains are already full and so are the station car parks.
- Proposed sites are at the other end of the village from amenities which would lead to car journeys and congestion.
- Massive impact on primary school would be detrimental to children who live in Gullane. There would no longer be room at the local school. 2 extra classrooms would not be enough.
- The medical facilities will not cope
- Inclusion of the greenfield sites would compromise deliver of the brownfield site which is a prime site for development, has ready access, does not affect any essential farming land or recreational areas for people of Gullane
- The idea of development is unreasonable, and will impact on tourism and everyday life in Gullane.

Kenneth and Winifred Wright (0113)

Object to proposals NK7, NK8 and NK9 as

- all of these combined with NK6 would provide overkill for the area. Gullane does not have the capacity to cope with this scale of development as:
  - a) There are not enough school places
  - b) The medical centre is already struggling
  - c) The stations at Drem and Longniddry cannot deal with likely increase in passengers.
  - d) The road network in and around Gullane is already restricted. Only a by-pass would assist.
  - e) The quantity of new housing at North Berwick is increasing pressure on Gullane and Dirleton, and adding to overloading of rail and road capacity into Edinburgh.
  - f) Gullane does not have enough retail to provide for this quantity of new residents.
- The first priority should be NK6.
- The inclusion of all these developments is unbalanced and over-estimates the capacity of Gullane to absorb it.
- The ambience of the coastal village would be ruined
- Village life would be ruined

Joan E Montgomery (0116)

Requests removal of NK7, NK8, NK9 from the plan and supports NK6. To develop all 4 sites (NK6, NK7, NK8 and NK9) would result in over development of the village, an increase of 30% which would totally change the character of the village. Gullane is less accessible regionally than most other East Lothian towns and larger villages and further from major centres of employment. It is also less accessible by public transport. Trains and

station car parks are both full. The C111 is not suitable for all the cars accessing NK7. Shops and facilities are at the opposite end of the village leading to an increase in car based journeys with limited parking and consequent CO2 emissions. The primary school and medical facilities would not cope. NK6 should be developed before the greenfield sites, in line with SPP.

S M Reid (0117)

Objects to NK7, NK8 and NK9 as

- The development would over-stretch amenities and leisure and recreation facilities in this most attractive area enjoyed by tourists who bring in revenue.
- The roads around Gullane are ill-equipped to cope.
- Supports the use of NK6
- Impact on farming land
- We are being over-developed

Roger G Smith (0118)

Requests the removal of NK7, NK8, NK9 as:

- the scale of development is unreasonable;
- The C111 is not suitable for the extra traffic with potential for injury to non-motorised road users
- Facilities are at the west end of the village leading to more car use
- The inclusion of the two major greenfield sites would compromise development of the brownfield site
- If all developments are approved the nature of the village would change from leisure and recreation to commuter, with negative impacts on the amenities and current residents of Gullane
- The only and logical development is the Fire School site.

John M M Todd (0119)

Requests removal of sites NK7, NK8, NK9 as:

- All 3 sites consist of prime agricultural land. NK6 is a substantial brownfield site which should be prioritised; allocation of these sites would compromise its development.
- Having 3 major sites grouped together in the same part of the village is over-development. This is unsustainable when there is poor access to jobs, services and inadequate public transport links.
- Existing community amenities, including education, medical facilities and shops cannot cope.
- There would be road safety issues e.g. congestion and parking from the increased traffic
- Retaining all 4 sites would be unfair as it is half of all new sites required for the North Berwick Coastal Area
- The effect of years of construction work will be damaging

Encloses copies of objections to proposed developments (16/00594/PPM, Saltcoats Field,



and 16/00587/PPM Fenton Gait East) for information, raising the above and:

- Saltcoats development is unreasonably large for a settlement of Gullane's size and character and location could not be further away from local amenities.
- Public transport links to Edinburgh where residents would be employed are poor; the bus takes an hour and there are no bus stops within acceptable walking distance of the site. Drem is 3 miles away and suffers serious lack of parking spaces.
- More cars will use the peaceful C111; this and need to alter the road would destroy its character.
- There are far fewer 16-29 year olds living in Gullane than the national average, CALA seem to use this to justify large houses rather than affordable smaller units needed by first time buyers.

Margaret S Smith (0120)

Requests that NK7, NK8, NK9 are removed. NK6 is the logical site for development.

- Community facilities especially the Village Hall will not cope.
- The cumulative effect on Gullane Conservation Area would ruin its amenity.
- Cumulative effect would create road safety issues. As main shops &c are at the west end of Gullane cars will be used to access these.
- The C111 is not suitable for additional vehicles from NK7 and NK9.
- Access to public transport, especially trains, is below what is needed. There would be increased car use. It is likely that most new houses will have 2 cars.
- There is poor access to employment and services. If all 4 sites were developed Gullane would change from a haven for leisure and recreation to a commuter town.

Michael J Walker (0121)

Requests removal of NK7, NK8 and NK9 as

- No thought seems to have been given to the impact of such huge development on the small village, which is already finding it difficult to cope with influx of people and cars.
- Impact on surrounding roads from increase in traffic
- Road, rail and bus services are inadequate for commuting. Station parking at Drem and Longniddry are full.

Mary Scovell (0122)

Requests removal of NK7, NK8, NK9 as the school, medical facilities and general parking will not be able to cope. No objection to NK6 being developed. Encloses receipts of previous objections made to 16/00587/PM (Fenton Gait East) and 16/00594/PPM Saltcoats, though not the objection themselves.

Alastair Creyke (0123)

Requests removal of NK7, NK8 and NK9. The inclusion of all 4 proposed sites in Gullane is grossly imbalanced in terms of percentage increase in population, impact on the environment and pressure on infrastructure. The premise of the increase in housing is

flawed. Reckless unsustainable housebuilding fuelled by such a premise will scar the landscape, distort the housing market and make inadequate infrastructure dangerous.

1. The proposed number of sites is overdevelopment; there will not be enough places for school children and medical facilities are insufficient.
2. Development threatens tourism by making the village unattractive and dangerous. This is environmentally unsound and dangerous to residents and tourists. Sites can be found around the A1 corridor and main train stations. A wealthy expanding city like Edinburgh needs leisure and recreation opportunities not urbanising villages that provide this outlet from the city.
3. The cumulative impact has not been properly assessed, including on the rural roads; there are existing safety issues on the C111.
4. Main Street in Gullane can barely accommodate 2 cars, as such this is not a sustainable route to encourage more traffic down; there are existing safety issues here for pedestrians also. Cars from new development will use this road due to the distance from facilities.
5. Allowing these sites to be used would compromise the delivery of the brownfield site. Canada Geese will not benefit as they fly close to and graze on the greenfield sites.

They key areas of environment, infrastructure, safety of residents/tourists and pressure on public services/medical facilities, none of these key areas are satisfied by these developments.

Alistair C Beaton (0124)

Requests removal of NK7, NK8 and Nk9 as the rate of development will destroy the ambience of Gullane. Adding 4 sizeable housing developments simultaneously to a community whose resources, such as roads, schools and medical facilities are already under strain is ridiculous.

Lynne Simpson (0125/2)

Objects to NK7, NK8 and NK9 as:

- There is a circular argument with the need to provide more housing. If 70% of new housing is expected to come from inward migration, sensibly that will only happen if there are houses to bring these people to East Lothian rather than elsewhere. It seems ELC has more control over this than is apparent in the document. If the whole amount of housing provided is less there will simply be less inward migration, and not necessarily a large homeless population.
- It seems that Gullane has been singled out for development not for transport and other reasons but because it offers a cash-cow for ELC who know they will get premium prices for housing here.
- NK6 is an obvious choice for housing and a sensible mix of housing, leisure and some business opportunities will prevent a derelict eyesore in the village, though all the arguments still apply in relation to poor transport links, lack of local employment opportunities, pressure on health and education facilities. It is a compromise and should be viewed in those terms.
- Most new residents will work in Edinburgh. The train services is beyond capacity, and bus not good enough to support regular commuting, so extra travel will be by road, with a knock-on effect on Aberlady and Gullane, as well as the Newcraighall roundabout.
- NK8 and NK9 would push a volume of traffic onto the C111 which is unsuitable

- Health centre is at capacity
- Local facilities such as the village hall are at capacity
- Fields are agricultural land and should be preserved
- Gullane is a poor choice for affordable housing as you need a car and daily shopping is expensive.
- Developments will destroy the attractive character of the village and impact tourism
- The living environment will not be good due to poor transport links and lack of facilities in the village

D McCreath (0126)

Objects to inclusion of NK7, NK8 and NK9 as

1. These sites are unsustainable with poor access to employment and services impacting adversely on tourism and recreation
2. There would be gross overdevelopment
3. Development of all 4 sites is too much and cannot be absorbed
4. LDP shows no improvement in Gullane infrastructure and therefore will be an adverse impact on rural roads. The traffic increase will result in noise and pollution. Some pavements are too narrow and others do not exist
5. Access to trains at NK7 is inadequate and there is very limited parking at stations Impact on the Conservation Area will spoil the amenity and attraction of the village.
6. Compromised delivery of NK6
7. Building work over 10 years will impact on tourism

The Proposed extension of the school is inadequate and medical facilities will be stretched too far.

Alastair and Carol McIntosh (0129)

Supports NK6. Objects to NK7, NK8 and NK9 as:

1. 344 houses in Gullane is overdevelopment
2. Supports the development of the Fire Training School but loss of prime farmland is unacceptable
3. Developments are not sustainable with regard to infrastructure. Local facilities such as the school, medical centre and day centre have only recently been completed and would be inadequate to accommodate increase in population.
4. Other community facilities are inadequate
5. There appears to have been no impact assessment as regards road traffic. Public transport is inadequate to meet demand. There is no rail link and Drem and neighbouring stations have insufficient parking
6. It would change the character of the village which is a serious tourist and golf attraction as well as being home to 3000 people.

Johanna Hoar (0133); Jack Weaver (0134); Ros Weaver (0135); Flora Mclay (0136); Freddy Weaver (0137)

Object to the plan as it recommends Fenton Gait East. Development of this site would:

1. Damage the landscape setting and designed landscape of Greywalls which is on the Inventory of Gardens and Designed Landscapes in Scotland. Previous local plans have contained policy specifically mentioning protection of Greywalls and views from it. Para

2.168 and Proposal NK8 of the LDP states that the suggested development at Fentoun Gait is 'set back from the Greywalls key view corridor' but it would clearly be in view from the Greywalls property.

3. Compromise the existing strong settlement edge to Gullane as it extends east beyond the end of Duncur Road and so would extend the perimeter of Gullane eastwards.

Greywalls provides up-market residential accommodation, which assists the local economy and tourism and provides substantial employment in the immediate area partly because of the quality of the building and its setting, which the plan would diminish.

Maureen Coutts (0139)

Objects to the inclusion of NK7, NK8 and NK9 as:

- 1) Outwith the SDA; as growth in East Lothian is driven by employment in Edinburgh so already inadequate transport links would be rendered unviable; contrary to principle that development should go where local service provision and sustainable transport options are good
- 2) Adverse impact on medical and school facilities; mitigation in the LDP is inadequate in terms of timing and capacity
- 3) No linkage to local jobs for local people or employment. Gullane is a prime centre for leisure, recreation and tourism, not least because of its relatively unspoilt village centre and surroundings. Its attractiveness and consequent benefit to the local economy would be damaged by this overdevelopment. Its future as an internationally recognised area to live, work and do business is jeopardised. These sites are a significant part of further ribbon development along the coast road which is spoiling its character.
- 4) NK6 should be a priority for development; the addition of these sites would be a 30% of Gullane and represent 50% of sites in the North Berwick Coastal area.
- 5) Inclusion of these 3 sites is counter to the Edinburgh City Region vision of a healthier, more prosperous and sustainable place due to more polluting car journeys. Post-brexite, people are becoming aware that reliance on imported food is dangerous. NK7 is prime agricultural land and using it for housing runs counter to sustainability.
- 6) There are existing problems with roads infrastructure in Gullane because of increased traffic and unregulated, poor parking. Crossing the A198 is becoming increasingly dangerous.
- 7) Gullane's farming hinterland is important for wildlife. Sacrificing the habitat of animals to the unrestrained needs of humans is repugnant.
- 8) Copies objection to Saltcoats planning application, raising the following:
  - a) Conflict with East Lothian's published objective to be Scotland's leading coastal, leisure and food and drink destination.
  - b) Tourists will stop coming because of traffic congestion
  - c) Aberlady Bay is a major birdwatching attraction, but numbers of pink-footed geese there are declining because of loss of local feeding habitats. Very large numbers of pink footed geese have fed after the harvest in the field on the far side of the track to West Fenton for many years, and will be displaced due to disturbance.
  - d) Conflicts with Local Transport Strategy objectives to locate new developments to reduce the need to travel.
  - e) The housing is aimed at young executives and Gullane has poor transport links. It will be a dormitory development. There is poor parking at the stations.
  - f) Gullane is a small enough village there is a reasonably high level of familiarity among its inhabitants and a sense of community. This helps reduce crime and anti-social behaviour. Overdevelopment is known to destroy these benefits.

- g) There is no clear economic benefit to be derived from the proposed development and there is clear economic, environmental and social detriment as outlined above.

William and Dorothy Miller (0145)

Seeks removal of NK7, NK8 and NK9 as:

1. It is Scottish Government Policy to build on brownfield sites. These sites are prime farming land and the UK is 40% dependent on food imports. Approval would delay delivery of NK6.
2. The C111 is unsuitable for the number of cars given non-motorised use.
3. The impact on school and medical facilities.
4. The drain on West Fenton Road which connects to the Scottish Water combined sewer is unable to cope in excess rainfall. What plans will be taken to overcome this?
5. There is inefficient parking space at the local shopping area. What plans are there for additional parking?
6. Access to public transport is poor
7. What action will be taken to ensure proper maintenance of NK6 with regards to weeds prior to development?

Clare Jones (0149)

Supports NK6. Development of NK6 alone would put pressure on existing services, but could be managed and add to the village positively. Objects to the inclusion of NK7, NK8 and NK9 as:

- Cumulatively the total of all 4 sites would be over 300 new houses in an area that does not have the infrastructure to cope.
- It is not appropriate to allow development, especially of this scale, on greenfield sites when NK6 remains undeveloped and which these allocations would compromise. To add a further 2000 [as well as NK6] would be unsustainable over-development and destroy the nature of the village.
- The services in the village should not cope – schools, medical facilities, village hall.
- Unsustainable – poor access to employment and transport; the roads are already busy and unsafe. Given poor public transport links and few jobs, the result would be more traffic in Gullane. Main Street is already dangerous at school times and would become unmanageable especially for younger or older/less mobile residents.
- The sites are at the opposite end of the village from amenities leading to car use and parking problems.
- Gullane will be contributing 50% of all new sites in the North Berwick Coastal Area, which is disproportionate.
- The scale of change and construction time would unreasonably impact on day-to-day village life and tourism.

P W Millard (0156)

Objects to NK7, NK8 and NK9 as:

- The proposals will completely ruin the beautiful village of Gullane. It will become overpopulated and without the necessary infrastructure, schools, medical facilities and shops to service the proposed increase in population.
- There are road safety issues in the High Street due to driver behaviour in the High

Street, and parking is inadequate.

- There is no new employment opportunity in and around Gullane and the train service to Edinburgh is already over-stretched.
- Irrelevant to the local situation

Martin White (0158/1)

Requests removal of NK7 and NK9, in that order, and retention of NK6.

Includes objection to planning application 16/00594/PPM (NK7) which is referred to.

1. The main point of objection was unacceptable impact on vulnerable users and residents and visitors to West Fenton using the road to West Fenton. Refers to objection letter which includes that the nature of the road will make it unsafe and hence journeys from West Fenton to Gullane will have to be made by car, removing options for exercise and recreation. Children will be unable to walk to school. Increased traffic will have a safety impact due to difficulties of leaving Craighead Cottage and other properties at West Fenton.

2. The proposal in the plan is for 4 sites in Gullane, all within close proximity to each other, all at the opposite end of Gullane to where its facilities are located in a Conservation area.

3. The proposals show no appreciation of the value of what would be destroyed in Gullane and the historic Ferm Toun of West Fenton (with its set of historic listed buildings). The proposals appear to have been looked at on a site by site basis rather than overall effect. No cumulative assessment has been done.

4. A 30% increase is at odds with SESPLAN, with 3 major sites when there should really be none, or certainly no more than NK6.

Objection to 16/00594/PPM

Objects to this application for the following 6 reasons:

A. Impact on use and amenity of the West Fenton Road through increase in traffic and consequent road safety issues including preventing children walking to school.

B. Safety impact relating to leaving Craighead Cottage and others at that end of West Fenton

C. Inappropriate location for houses from which the vast majority of people will be car commuting to Edinburgh

D. Impacts from houses outside convenient distance to local facilities – location is such that errands will be done by car compromising the future of the centre of the village where parking is already a problem.

E. Prejudice to LDP – inclusion is at odds with SESPLAN.

F. Prejudice delivery of NK6.

W Watson (0159)

Encloses copies of objections to planning application reference 16/00594/PPM and 16/00587/PM.

Requests removal of NK7, NK8 and NK9 and retention of NK6. Objects to the LDP due to massive scale of development shown for Gullane as:

1) Gullane would be overwhelmed.

2) Limited thought given to impact of scale of development on a single, small, village community. This would hold for any other village community in the East Lothian Coastal Area.

3) Sites in Gullane would contribute 50% of all new housing in the North Berwick coastal area. This is not balanced.

4) Cumulative impact has not been properly assessed. Gullane Main Street is congested,

suffers from speeding and has parking problems. Development of these sites will increase this will 600 extra vehicles needing access to shops &c, 344 commuters including those trying to access Drem station where there are current parking problems. There will be impacts on and safety issues for non-motorised users of the C111.

- 5) Local amenities will be over-stretched – school, medical facilities. Mitigation suggested in the Local Plan for the school is inadequate.
- 6) Scale and duration of development cannot be mitigated thus adversely affecting tourism and day to day village life.
- 7) Delivery of this scale of development is not sustainable due to poor access to employment and services. Future opportunities for leisure and recreation will be damaged.
  - i) Objection to 16/00594/PPM (NK7)
  - ii) Object to this development as:
    - b) SPP says that brownfield development should take precedence over greenfield. The proposal will build 150 houses on prime agricultural land, change the village footprint and ruin the amenity of Gullane Conservation Area.
    - c) Comments on timescale for build out related the specific planning application.
    - d) Increase in traffic would result in increased traffic noise, pollution and rise in pedestrian safety concerns.
    - e) Gullane has a limited range of local facilities which struggle to match increasing population – school, medical and other community facilities would be impacted.
      - i) Objection to 16/00587/PM (NK8)
      - ii) Objects to proposed Fenton Gait East development as:
        - f) Detrimental impact on the local environment. Against SPP advocating brownfield over greenfield development. The proposal will build 150 houses on prime agricultural land, change the village footprint and ruin the amenity of Gullane Conservation Area.
        - g) Duration of development cannot be mitigated thus adversely affecting tourism and day to day village life.
        - h) Gullane has a limited range of local facilities, which struggle to match increasing population – school, medical and other community facilities would be impacted.
        - i) Increase in use of local roads with the entrance to the site planning to come off Gullane Main Street at a point where the 30 mph zone starts. Many drivers speed, so this will lead to increased road safety issues.
        - j) Increase in traffic volumes will impact wider road and rail links used by tourists and local people. Car parking at Drem and Longniddry is limited.
        - k) Proposal would overwhelm the village.

Colin Hawksworth (0160)

Objects to the inclusion of four sites, three of them greenfield, in Gullane.

1. The combined scale of the potential developments and inability of infrastructure to absorb them – school, GP lists, roads, parking, little public transport leading to more over-reliance on cars. The character of the village would be changed, and risk of driving away tourists significant.
2. Unique geography. Even the most junior planner would attempt to balance the expansion and spread it out across the village; Gullane presents unique problems in achieving this. To the north lies Gullane Bents, beach and sea, to the west, Gullane golf courses, to the east, Muirfield. The centre is a Conservation Village over-developed with infill. Having 3 greenfield sites to the south where a car journey will be need even for simple errands makes no sense.

The proposed brownfield redevelopment of the Fire Service Training College (NK6) makes sense and should be welcomed.

Duncan and Julia Sutherland (0163)

Requests the removal of NK7, NK8 and NK9. Development of the Old Fire College (NK6) is sensible and beneficial. Issues raised are:

- Unsustainable expansion of Gullane due to impact on school, medical centre and other local amenities.
- Road safety for roads around Gullane and surrounding villages. The A198 is unsuitable to heavy traffic. The road from Longniddry to Gullane is full of tight bends and blind spots; motorcyclists view it as a race track, nervous drivers going dangerously slowly leading to frustration and dangerous over-taking from other drivers. Dangerous overtaking is made worse by large groups of cyclists taking up the whole side of the road. 344 houses would mean approximately 593 more cars. This will be higher once the other developments along the coastal villages are taken into account. This is unsustainable for the A198 between Longniddry and Gullane.
- Other smaller roads such as the C111 could also become seriously dangerous.

K Towler (0164/3)

The identification of large new housing sites in Gullane is peculiar. Gullane is not a sustainable location. There is no employment and all new residents will have to travel by car. The roads are busy and unsuitable and the train is overworked. The two sites to the east end of the village do not work well together and should be redrawn so that a brief can be prepared to get a good road layout. The opportunity should be taken to provide a further set of lights on Main Street to the east of the existing set. This would slow traffic into the village.

Gullane Community Council (0166/1)

We are deeply concerned by the clear disregard for the South East of Scotland Strategic Plan and the Scottish Planning Policies upon which it was based. All three of our main villages are subject to one or more major developments. It is clear in the Strategic Development Plan that there should in principle be none.

Our assessment for Gullane, which with three major sites and one smaller one would be subject to the greatest scale of over-development (resulting in a projected population increase of approximately 30%) has been based on our responses to two Planning Applications recently lodged by developers in respect of Saltcoats (NK7) and Fenton Gait East (NK8). These are 16/00594/PPM and 16/000587/PM respectively. In our view these were premature and intended to prejudice what should be a plan led process.

Although we were concerned about its overall size, we have been supportive of the major re-development of the Fire Service college site (NK6), which was given outline planning approval earlier this year.

We could see no evidence from the proposed LDP that a cumulative assessment of impacts on Gullane or beyond Gullane had been conducted across all four sites. This has led to ignorance of the wider impacts and to a set of proposals for Gullane that would be bad planning. In our opinion this falls short on some 14 different areas, as set out in the



attached supporting document (SD XX).

The wording for the Fire Service college site (NK6) regarding C111 should be removed. The connection to the C111 was strongly opposed during the application for outline planning permission 15/007600/PPM. It was excluded from that proposal, was not highlighted by the Council Officials in their report and was not included as a condition of the approved application.

We note that at least three of the Gullane sites are controlled by CALA. They previously indicated that they would roll out housing on their sites at two houses per month. This statement (which could be marketing related) and the apparent extent of their commitments elsewhere in East Lothian is slower than the presumed build out shown in the Technical Note.

In the event of the Fenton Gait East site not being zoned for development we believe it should instead be given DC8 status given that this sits perfectly with its location relative to the other DC8 zoning.

Peter Wright (0167)

The plan proposes multiple greenfield development before the readily available brownfield site at the redundant Fire School is developed. There should be no development of proposed greenfield sites until the brownfield sites have been developed and completed and the needed increase in the infrastructure and public transport delivered. Proposals will impact on Gullane Nursery Schools, Gullane Primary School, Gullane Medical Centre Local, North Berwick, High School Recreational facilities which are all at capacity. Commuting would increase due to lack of local employment. Local infrastructure is inadequate to support development - C111 is used by many vulnerable road users, but would become the main thoroughfare to Drem station. There is limited public transport. The train is inadequate with Drem station being full and no suitable safe cycle route. The trains are full at peak times with commuter. Agricultural land and important wildlife habitat will be lost, and once lost cannot be replaced. Gullane's conservation area will be spoiled which will damage tourism and recreation.

The scale of development is unreasonable and will bring increased journeys for shopping, school and commuting. When developments at Dirleton and North Berwick are added the whole infrastructure of the east of East Lothian is under pressure to cope, and no joined up solutions have been proposed.

Rod Sylvester-Evans (0170)

Building at NK6 should be given priority over greenfield sites and should be the only site allocated. The cumulative effect of the 3 greenfield sites would:

- damage the character of Gullane:
- present little employment opportunities for residents and encourage commuting:
- Create intolerable pressures and safety issues on local transportation routes, especially on the back roads, parking at stations and in the village centre:
- exceed places at the school:
- pressurise medical and community facilities:
- threaten the fabric and tourism.

Quotes paragraph 1.25 and 1.26 of adopted East Lothian Local Plan 2008

Margaret Reid (0172)

Building at NK6 should be given priority over greenfield sites and should be the only site allocated. The cumulative impact of 4 sites needs to be properly assessed:

- School and medical facilities will not be able to cope:
- Access to public transport especially the trains which are already overcrowded and inadequate parking at stations will be problematic:
- Rural roads won't cope with volume of traffic
- Overall too much impact on infrastructure

E Macdonald (0176)

Objects to housing proposal NK7, NK8 and NK9. East Lothian is seriously overdeveloped - a massive commuter with housing coalescence from Musselburgh to Dunbar:

- Loss of identities of communities
- Impact on tourism
- Sufficient luxury homes which are wasteful of energy and encourages the use of cars.

Mary M McCreath (0184)

Objects to proposed development of NK7, NK8 and NK9 as in addition to NK6 it would

1. result in an unsustainable increase in the population of 30%.
2. infrastructure will be inadequate with poor access to employment and services
3. increase in traffic overall will result in noise & pollution spoiling the amenity & quality of life.
4. Parking at the railway stations will not meet the demand.
5. Greenfield sites might jeopardise development of the Brownfield site at Firestation
6. Extending the school by two class rooms only will be insufficient and medical facilities won't be sufficient
7. Gullane village is not capable of taking up all four sites without redevelopment

Elizabeth MacCallum (0186)

Requests the removal of NK7, NK8 and NK9 as:

- Cumulative impact cannot be supported by local infrastructure:
- Development of NK6 is necessary and the community supports this but adds to cumulative impact
- Road safety implications at West Fenton Road/Main Street junction
- Public transport facilities especially at Drem Station are inadequate
- Community facilities – Day Centre, Medical Centre and Village Hall cannot sustain this.
- Distance of sites to community facilities would necessitate car travel, leading to parking and road safety issues.
- Cumulative impact on Gullane community, the A198 and rural road network,

particularly the C111.

Yvonne Haycock (0187)

Objects to NK8 as:

- Was assured 29 years ago and since that village boundary to would not be extended eastwards from my back fence
- Greenfield sites should not be included when there are brownfield sites available NK6 would be left to become an eyesore
- Residents of Fentoun Gait and Muirfield Steading will be surrounded by building work for 10 years bringing noise and pollution, plus carbon emission increase.
- Developments are unsustainable having poor access to employment and service.
- Developments would damage future leisure and recreation opportunities of one of the region's most attractive visitor locations.
- Negative impacts on amenities.
- Over-development on a scale beyond that which is reasonable; having 3 to 4 major sites concentrated in the East of the village with an unprecedented 30% growth in the village.
- Cumulative impact on Gullane and what it would do to the rural road networks namely C111 towards West Fenton and the main A198. The increase in road traffic is too much for the roads to accommodate.
- Train capacity has now been exceeded and access to parking in and around the local stations has reached saturation.
- Shops are at the opposite end of the village so vehicle traffic would increase.
- There would be a negative effect on Gullane's Conservation Area and its amenity, and would create road safety issues arising from awkward parking.
- Heavy traffic will be detrimental to wildlife as well as impacting on people and tourism.
- The geese settle in the fields at Fenton East and the numbers have been reducing year on year and any building work will add further to the reduction in numbers.
- Two additional classrooms are inadequate for the school.
- The doctors in the surgery will not cope with demand.
- Previous appeal decision in 2000 found against development of Fenton East for reasons including that the development would extend the natural boundary and impinge on Greywalls including views from this. Cannot see that anything has changed since then.
- Once you extend the boundaries of the village when do you call a halt?

Gill Morrison (0192)

Priority should be given to developing brownfield sites and in particular the Old Fire Station in Gullane for Affordable Housing.

The roads in the Gullane area simply cannot cope with this influx. The roads are narrow, will quickly become rat runs, become more dangerous and we will lose the beautiful nature of the area, where it is a relaxing place for those that already live here and those that visit are able to enjoy. It is already difficult to park when you live near the shops. The infrastructure is simply not available to cope with these proposals. The area is already experiencing huge issues as a result of the large estates being built in North Berwick. Trains to and from Edinburgh are full by Longniddry. Other forms of public transport are

limited. If these proposals happen, more space will be required to improve the necessary infrastructure for the School, Health and Welfare Services.

Alasdair Hutchison (0193)

Understands the importance of increasing the shortage of housing stock in Scotland, but this must be kept to a limit which is reasonable and does not change the dynamics of a much loved historic town. These sites would overstretch Gullane's local amenities and facilities including the local health centre and transport, and would increase traffic to an unmanageable degree. The village's roadways and parking are already stretched. The increase in traffic will make the roads dangerous.

Mary Chase (0194)

Object to the 3 sites because: Urban creep of vast areas around villages destroy their character and are outwith previous village boundaries.

- The coastal villages need to be protected as previous generations did, and not turned into dormitories for Edinburgh.
- There would be so many more commuters on the small county roads, all in a hurry.
- Station car parks are already inadequate, Drem now has even less space with the new "Residents Only" signage so where will all the commuters park? There is no cycle track to Drem.
- Green field sites should not continually be stolen from the agricultural sector.
- Brownfield improvement is ok.
- A huge strain will be put on services: many more cars on roads, the primary school, doctors and so on. It is highly unlikely that these services can all be expanded to suck up this huge increase in demand when they are already struggling.
- Tourism in the whole area will suffer with disruption from years of development: trucks, noise, dirt and delays.

Carol Yarrow (0196)

There are too many sites for housing development being put forward for the Gullane area and would request that Saltcoats (NK7) and Fenton Gait East (NK8) and Fenton Gait South (NL9 - *sic*) be removed.

All 4 housing sites would put too much pressure on our local amenities – doctors, schools. The large amount of extra traffic would put pressure on village parking and the local roads and so would have a very big impact on the village.

Gullane brings a lot of tourists to the area with its beaches and bird Conservation Area could not cope with all the extra traffic and parking needed. The site suggested is so far away from the local shops that all the new residents would need to drive and park, which the High Street couldn't accommodate. The Village Hall cannot cope with additional demand. This is overdevelopment.

The Honourable Company of Edinburgh Golfers (0197)

Proposals NK6, NK7, NK8 & NK9 will have a significant impact on traffic and services at the east end of Gullane. The increase in traffic will cause issues for golf events particularly the Open. During this even there is a spike in demand for services particularly water,

drainage and electricity. Note there is no proposal to allocate land on the north side of the A198 and we support this due to the impact on Greywalls and that the field is used to facilitate golf events for example for the tented village and parking during golf events.

Jamie Perry (0200)

Brownfield sites should be developed before greenfield sites. It therefore seems premature to be considering any greenfield sites around Gullane before first developing out the old fire station site. From an infrastructure, transport and sustainability perspective, it would make sense that a greater proportion of development takes place in towns and villages located on the main train line from North Berwick to Edinburgh. Gullane is not on the trainline. A significant proportion of new residents would commute to Edinburgh via train. The nearest car park at Drem is already over capacity and dangerous. There is no off road cycle path. The impact on the rural road network, and in particular for the C111 towards West Fenton, where use by its many vulnerable users will become impossible. Facilities of Gullane are at the complete opposite end of the village. The cumulative effect on the Gullane Conservation Area would ruin its amenity and create road safety issues. The scale of change and duration of development of more than 10 years will prove extremely difficult to mitigate thus impacting tourism and day to day life in the Village to an unreasonable level. The impact on school and medical facilities will be major. Significant impact on wastewater treatment especially when golf events are on.

Rachel Wallace (0206)

Object to the proposed development in LDP. Gullane cannot cope with huge scale of development. Objects to NK7, NK8 and NK9. Can put up with developing Fire Station site. Gullane cannot absorb new housing and is unsustainable, having poor access to services and employment, and the school and medical centre will be impacted.

David A Haycock (0210)

Objects to the inclusion of NK8 as:

1. Greenfield sites should not be included when there are brownfield sites available
2. Was told that village boundary would not be extended eastwards.
3. This would be over-development; having 3 to 4 major sites concentrated in the East of the village with an unprecedented 30% growth in the village.
4. The developments are not sustainable - poor access to employment and services.
5. Developments would damage future leisure and recreation opportunities of one of the region's most attractive visitor locations.
6. Negative impacts on the amenities for locals as well as visitors.
7. Questions whether anyone who has looked into cumulative impact on Gullane and what it would do to the rural road networks namely C111 towards West Fenton and the main A198.
8. Shops are at the opposite end of the village so vehicle traffic would increase
9. Train capacity has now been exceeded and access to parking in and around the local stations has reached saturation.
10. There would be a negative effect on Gullane's Conservation Area and amenities and create road safety issues arising from awkward parking.
11. Greenfield sites will compromise development of NK6.
12. Two additional classrooms are inadequate for the school.
13. The doctor's surgery will not cope with demand.

14. Previous appeal decision in 2000 found against development of Fenton East for reasons including extending the village boundary and impact on Greywalls, including views. Cannot see that anything has changed; views from Greywalls would still be affected.

Jennifer Nisbet (0211)

Brownfield NK6 should take precedence over greenfield development. Cumulative impact of all four sites concentrated in the east of the village has not been properly assessed nor the impact on the road network and in particular the C111- increase in traffic will be a safety issue. Proposed scale of growth would impact negatively on the community especially on schools and medical centre, village. The additional provision for the school - 2 additional classrooms - is inadequate. Disruption for 10 years would impact on tourism. Access to public transport falls well below what would be needed.

A W Blackett (0215)

Object to scale of development relative to the local urbanised area and its facilities and the lack of commitment to compel developers to use brownfield sites first such as the Fire Services Training college.

Shirley Blair (0220)

Remove greenfield sites until such time as NK6 has been developed. Gullane has a reputation for golfing and tourism and this should not be compromised. Some growth is beneficial but overdevelopment is not. The primary school and health centre are at capacity, traffic, parking, and roads will all be put under unbearable strain.

Alan Blair (0221)

200 additional houses is far more than the existing community's 'fair share' of the 10,000 new homes the county is being asked to accommodate. Greenfield Sites in the LDP will act as a deterrent to action on the existing Brownfield site; the local school, and the local doctors' surgery, are at capacity. As is parking for the village shops, bank and other outlets. The existing infrastructure is grossly inadequate for this number of commuters. New housing has to be allied to adequate provision of services.

Janet Anderson (0222)

Requests removal of NK7, NK8 and NK9 as:

1. Overdevelopment amounting to 30% growth of village
2. Severe negative impact on amenities of locals
3. No local employment leading to commuting and pressure on road and rail services
4. Contribution of 505% of all new sites in North Berwick area is unfair
5. Traffic on West Fenton Road would be unacceptable and the road would become dangerous, noisy and unhealthy (fumes)
6. People in new houses will need cars, of which there are already too many in Gullane which has inadequate parking
7. NK6 must be developed first.
8. Community, health and school cannot meet demand.
9. Duration of development will put unacceptable strain on nearby residents in particular at Fenton Gait

Emma van der Vijver (0223) and Mark van der Vijver (0224)

Objects to NK7, NK8 and NK9 as:

1. Housing would result in 30% growth, with detrimental effect as infrastructure is not in place.
2. Developments are not sustainable having poor access to local employment and services with detrimental effect on amenities.
3. If all 4 sites go ahead this will be 50% of new sites from the North Berwick coastal area, which is unbalanced.
4. Rural roads are incompatible with such growth with users put at risk; vulnerable people will no longer be able to use these roads.
5. Public transport and train station parking is inadequate.
6. The sites are all planned in the east of the village leading to more traffic in the village; congestion and parking violations, road safety risk to pedestrians and car users.
7. Development of the brownfield site could be shelved; it should be built on first.
8. Village facilities would not cope – playgroup, Scouts, Village Hall.
9. Daily village life will be affected with consequent impact on tourism.
10. School and medical facilities will be with negative impact on education and well being of residents.
11. Gullane is a beautiful village and wonderful place to raise children and live, please don't ruin this.

Barry Morrison (0226)

Objects to NK7, NK8 and NK7 as:

1. Government policy priorities brownfield over greenfield sites: NK6 should be developed first (as should Blindwells). Brownfield Sites (NK6) should be developed first before Greenfield Sites.
2. Scale of development raises big questions.
  - (a) Considers best practice is that development should consider availability of employment, infrastructure and amenities, then housing. Queries whether plan has taken this into account. Pressure on transport could result.
  - (b) Transport: trains are already so crowded passengers may be unable to get on at Wallyford, station car parks are full and there is illegal parking; roads suffer from congestion with difficulties getting in and out of North Berwick in the summer. NK9 would lead to use of narrow and twisty roads through West Fenton unsuitable for commuters and used by cyclists and horse riders – increased traffic would reduce the safety and access of current users. Buses – danger of journey times being even longer.
  - (c) Amenities – increasing population by some 38% has implications for local traffic movements, parking, shops, schools, health care, community facilities leading to risk of inadequate provision and loss of quality of life for residents and tourists.

Shirley & Andrew Graham (0235)

Requests removal of NK7, NK8 and NK9 as:

1. Prime agricultural land should not be used for new housing particularly when

brownfield sites are available.

2. Priority should go to NK6 which could become an eyesore
3. The cumulative effect of four major developments in Gullane would be a massive expansion of the village, which does not have suitable infrastructure and employment opportunities to support such large scale development.

Tim Jackson (0236) and William Harry Jackson (0237)

Request removal of NK7, NK8 and NK9 as:

1. Not sustainable;
2. with poor access to employment and services, carnage to future opportunities for leisure and recreation in one of East Lothian's most attractive locations and negative impacts on amenities
3. Overdevelopment (30% Growth)
4. Inclusion of four sites is unbalanced (50% of new sites from North Berwick coastal area) and Gullane will not be able to absorb it
5. Cumulative impact on Gullane or the rural network has not been properly assessed, in particular the C111; use by vulnerable road users will become dangerous and this road is inadequate for increase in traffic; road safety issues will arise due to increased traffic between Gullane and Luffness Golf Clubs
6. Major impacts on Gullane School (two new classrooms are inadequate) and Medical Centre
7. Access to public transport falls below what would be required especially for NK; increase in commuters to Edinburgh will clog up the roads and railways.
8. Retail facilities are at the opposite end of the village leading to increased traffic.
9. Use of agricultural land
10. Village hall would be inadequate
11. Scheme smacks of 'Big Brother' with Scottish Government on the side of developers
12. The Scottish Government has not made a sufficiently convincing case for extra 10,500 houses in East Lothian
13. The Fire School (NK6) brownfield site is the obvious place for development and should be the only site included.

Frances Cowie (0238) and Gordon Cowie (0239)

Four housing sites in Gullane is poor planning as:

1. Developments are simply not sustainable with poor access to employment and services (school and medical facilities)
2. Damage future opportunities for leisure and recreation in one of the regions most attractive locations
3. Have negative impacts on local amenities
4. Scale is unreasonable with 3 major sites concentrated in the east of the village, with unprecedented 30% growth of village
5. It is unbalanced and overestimates the capacity of Gullane to absorb it; Gullane will contribute 50% of the new sites in the North Berwick cluster
6. Cumulative impact and impact on rural roads has not been properly assessed in particular impact on C111 where use by vulnerable users will become impossible
7. Access to public transport especially trains falls below that needed especially for NK7
8. Facilities of Gullane are at the opposite end of the village so even simple errands



- will demand a car journey.
9. Cumulative effect on Gullane Conservation Area would ruin its amenity and create road safety issues from awkward parking.
  10. The inclusion of 2 major greenfield sites would compromise delivery of the brownfield site.
  11. Community facilities especially the village hall cannot meet increased demand.
  12. Scale of change and duration of development would be difficult to mitigate impacting tourism and day to day village life unreasonably.
  13. Major impact on school and medical facilities would be major. The proposed 2 classrooms are inadequate.
  14. Development at NK8 would damage the landscape setting of Category A listed Greywalls and associated designed landscape (it would be seen from Greywalls contrary to Preamble to Policy NK8) and NK8 would compromise the existing strong settlement edge of Gullane by extending the perimeter of the village eastwards. Developers could attempt to develop field between A198 and Greywalls

Trish Sims (0244)

Seeks removal of NK7, NK8 and NK9 as:

- Local infrastructure can in no way cope with the increased traffic and extra number of residents.
- Roads around this proposed development not suitable - more commuting to Edinburgh.
- Impact on schools.
- Doctors surgery will not cope.
- Character of village will change.
- Impact on tourism.

The Fire School (NK6) needs developing.

Elizabeth Tennent (0247) and Stuart Bendoris (0248)

Developments are simply not sustainable for a village the size of Gullane and would exacerbate poor access to employment and services (school and medical facilities) - the proposed 2 classrooms are inadequate. Developments will damage future opportunities for leisure and recreation and have serious negative impacts on the amenities of local people. Over-development - 30% growth. Cumulative impact on Gullane and on road network (C111) needs properly assessed. Limited public transport - poor parking at stations and overcrowded trains. The location of developments away from village will mean more car journeys - and road safety and parking issues. Greenfield sites will compromise delivery of the NK6. 10 years of disruption for Gullane which will impact on tourism.

Peter Rae (0249)

Objects to NK7, NK8 and NK9. Development represents a scale of growth that the village of Gullane cannot cope with - the impact on the effect on the local primary school, health centre and other local services needs assessed. In particular, the impact on road traffic and lack of access to train stations. These developments will significantly increase traffic and remove valued recreational space.

Abigail Hoppe (0250)

This representation is entitled 'Objection to developing the greenfield sites in Gullane'. The Reporter may wish to clarify that it is indeed NK7, NK8 and NK9 to which the representation refers.

The representation objects to the building of new houses in Gullane. Concerned about the increase in traffic the building vehicles and new owners would bring to an already busy road for safety reasons and noise reasons. New houses would totally transform the feel of the village primary school with a massive increase in pupils.

Andrea Rae (0253)

Developments threaten sustainability of Gullane and an erosion of the rural heritage of East Lothian. Existing facilities are at capacity and additional development will result in them being oversubscribed. The use of the C111 as a suitable access for these sites, the effect on the primary school and access to purposeful parking at the local rail station has not been properly assessed.

Gillian C Turton (0254)

The sites situated are at the eastern/south-eastern edge of Gullane which would impact adversely on the village and is too much for a small settlement to absorb. Ruin the character and cause urban sprawl. C111 used by pedestrians, cyclists and other road users. The increase in traffic will mean it becomes overused. Public transport from Gullane is very limited. New residents will have to commute to Edinburgh for employment. The car park at Drem is full and the trains are overcrowded. More houses will exacerbate this. Supports NK6 for development to provide a mix of housing, employment and ensure that the buildings do not become derelict.

Jason Low (0255)

Developments are not sustainable having poor access to local employment and services. The sites are all planned in the east of the village and would increase the size by a massive 30% which is unreasonable. Gullane would contribute to 50% of all new sites planned in the North Berwick area. The current road network is not suitable for this increase in traffic, in particular the C111 towards West Fenton which is already extremely narrow. This would be used by any commuters as the fastest way to Drem station. The access to public transport, in particular trains, falls well below what is needed particularly for NK7. Due to proximity to facilities car will be required which will impact on parking and to the environment. The school is already overcrowded. The proposal for 2 additional classrooms is inadequate.

Caroline Hitchen (0258)

Seeks removal of NK7 and NK8 from the LDP as:

1. There is not the infrastructure to cope with these developments as well as NK6 already agreed.
2. There is no parking at Drem Station
3. Queues for the doctors
4. Roads are now very busy

5. Parking problems on Gullane Main Street
6. Lack of school places.
7. Village life is adversely affected
8. We lose out as a result of the environmental damage.
9. The wildlife that flourishes in the area is set to suffer
10. Pollution will grow
11. Flooding becomes a risk when fields are built on.

Peter Dornan (0260)

With reference to Gullane, the plans are badly thought out and will have a number of negative impacts. NK6 should be developed before any planning is granted for the green field sites.

Development of the 4 proposed sites would have a serious impact on village infrastructure. The school and medical practice are nearing capacity and village hall could not meet demand. There is insufficient parking given the position of development this will negatively impact on tourism and businesses. The road and rail network are at capacity. No employment is being generated and new residents will have to commute. Drem car park is at capacity as is Longniddry. There does need to be some development targeted at specific demographic groups but the plan should not be driven by developers' profits.

Joy Grey (0264) and Peter Grey (0266)

Regarding Gullane sites N7, N8, N9 *[sic]*.  
Has the following objections:

1. These are greenfield sites on prime agricultural land.
2. This would be overdevelopment as it would mean a 30% increase in village.
3. Gullane does not have the infrastructure to support this amount of new housing; school, medical practice, village hall
4. The shops would only be accessible by car and there is insufficient parking for this.
5. Negative impact on tourism.
6. Transport network is inadequate.
7. Station and access road to station are totally unsuitable for the amount of traffic that would be generated and there would be insufficient parking and platform length for increased train length.
8. There are no jobs at this end of East Lothian
9. The cumulative effect of these sites all being developed would be totally unmanageable.

There is a brownfield site in the middle of the village [probably intends NK6] which is very appropriate for development.

Keith Anderson (0265)

Development of these greenfield sites would be most undesirable. East Lothian generally is renowned for its countryside and is attractive for leisure and other recreational purposes including proximity to the sea and golf courses. No objection to Fire Training College development. If greenfield sites are zoned then they will yield a greater profit for developers and the Fire Training College will be left to decay. Representation states that ELC encouraging construction of higher value homes so it can yield higher Council Tax

returns. No employment opportunities so new residents will have to commute which will have adverse impact on road network. Also object because of the impact on local facilities, the school and medical practice and the poor transport links and social mix of community. Brownfield development would be positive as would reflect the mixed value housing which exists in village at present.

Susannah Jackson (0267)

Objects to NK7, NK8 and NK9. Any future housing development should be on the brownfield NK6 - nearer to all the village amenities. Parking is already at a premium in the village and the proposed extra housing would result in extra traffic on the side roads, which would be extremely dangerous. The village School, Medical Centre and Village Hall are already struggling to cope with extra numbers of people moving into the area and the trains overcrowded with commuters who struggle to park at any of the local stations. Gullane should remain a Conservation Area to be proud of.

David Scott (0269)

Objects to NK7, NK8 and NK9 as:

1. The developments proposed will be a complete over-development of a small village:
2. The infrastructure impact of these developments has not been properly assessed. The roads around the village will be completely overwhelmed.
3. Compromising on delivery of NK6
4. I have already objected to the planning applications lodged for NK7, NK8, and NK9.

Catherine Joshi (0270)

Object to inclusion of the 3 sites in LDP as:

1. The increase of size of Gullane by 30% is beyond a reasonable scale.
2. If all 4 sites are included this is unbalanced (50% of sites in North Berwick coastal area).
3. The LDP does not assess the ability of Gullane to absorb housing nor cumulative effects
4. 3 major sites are all located at one end of the village which does not take account of the layout or facilities of the village; this would lead to increased traffic which is bad for the environment
5. Impact on rural roads has not been properly assessed. The C111 cannot cope and this will become a safety issue with vulnerable users at risk.
6. Proposed development is not sustainable based on current public transport with trains over capacity and unable to cope with additional access, especially from MK7.
7. Impact on day to day life and tourism.
8. Village cannot cope with additional people using facilities.
9. The school and medical facilities would not be able to cope - 2 additional classrooms would not be adequate.
10. Parking in the centre of the village is difficult and would be impacted; this would become a road safety issue
11. The inclusion of greenfield sites would compromise development of the brownfield Fire Station, contrary to SPP.

Kenneth Howey (0271)

The inclusion in the plan of 4 sites - 3 on green field - within Gullane to provide over 340 new houses in a village with currently just over 1000 houses is disproportionate and must surely be far above our required share and would create a correspondingly major detriment to the environment and attraction of the village including to its tourism and golf and Gullane is one of the main attractions in East Lothian. Development of housing with its associated increases in traffic, building work and disruption to facilities must be progressed at a sensible pace and the inclusion of the 4 proposed sites seems to conflict with this. Priority should be given to the development of the brownfield site at the Fire Training Centre and to cancel proposed development of the other sites.

Manish Joshi (0272)

Object to inclusion of NK7, NK8 and NK9 as:

1. The increase of size of Gullane by 30% is beyond a reasonable scale.
2. If all 4 sites are included, this is unbalanced (50% of sites in North Berwick coastal area).
3. The LDP does not assess ability of Gullane to absorb housing nor cumulative effects
4. Impact on rural roads has not been properly assessed. The C111 cannot cope and this will become a safety issue with vulnerable users at risk.
5. Proposed development is not sustainable based on current public transport with trains needing a car or bus to access, are over capacity at peak times and namely unable to cope with additional access, especially from NK7.
6. Impact on day to day life and tourism.
7. Village cannot cope with increase in number of people using its facilities. The school and medical centre would not cope and 2 additional classrooms is inadequate.
8. Village facilities are at the opposite end of the village requiring a car journey.
9. Compromise to development of the brownfield Fire Station, contrary to SPP

Alasdair Anderson (0275)

Development of these greenfield sites would be most undesirable. East Lothian generally is renowned for its countryside and is attractive for leisure and other recreational purposes including proximity to the sea and golf courses. No objection to the Fire Training College development. If greenfield sites are zoned then they will yield a greater profit for developers and the Fire Training College will be left to decay. Also object because of the impact on local facilities, the school and medical practice and the poor transport links

Thomas Gillingwater (0276)

Requests removal of NK7, NK8 and NK9 as:

1. Extent of cumulative development to the village is entirely disproportionate to its current size
2. local infrastructure (roads and transport network, schools, GPs, shops, village hall etc) would not handle it
3. Would lead to an unsafe and stressful environment for both current and future residents.

Object to the preference of developers to build on prime green field sites.  
No objection to the development of the old Fire Training School (NK6) but object to the preference of developers to build on prime green field sites.

Andrew Bellamy (0278)

The expansion of Gullane on multiple sites while NK6 is derelict is against all logic. The scale of development will cripple Gullane - cars cannot park, pass on the street or move around the village. The access roads to the new sites are dangerous, especially the C111. There is no logic to placing houses so far from main transport routes.

Dr Fiona Ferguson (0279)

Objects to the Local Development Plan and seeks removal of NK7, NK8 and NK9 as:

1. inclusion of 4 development sites in greenfield land adjacent to Gullane village is poor planning and disproportionate
2. contradicts planning legislation giving priority to brownfield sites
3. Gullane is a site of historic interest and significant tourism
4. Gullane has very poor transport links
5. School and medical facilities are already
6. Most worrying is the road safety.
7. These issues have not been fully assessed or addressed particularly in respect of the proposed Saltcoats development.

Clare Tulloch (0288)

Concerned about the implications for West Fenton residents and also the rest of the community that use the roads around West Fenton - these include on horse riders including riding for the disabled and livery clients and other vulnerable road users. An increased volume of traffic from housing developments will jeopardise safety of horses and handlers. The Saltcoats Field and Fenton Gait South Developments will increase the traffic through West Fenton to a level that will significantly decrease the safety of all these vulnerable road users. Gullane has poor public transport links which means a dramatic increase in traffic would be inevitable. Plus there is the bigger picture to consider. For example, an expansion of Aberlady will also increase traffic along the West Fenton roads, as the Luffness to Fenton Barns route will be their preferred choice to get to North Berwick, avoiding Gullane's traffic lights and the narrow high street. Development at the site of the old fire training college has the support of the local community and will provide additional housing at a scale that the village has the capacity to cope with - the school, medical centre, and the road infrastructure.

Gemma Langlands (0289)

The 4 sites would be overdevelopment and potentially devastating for the village. It is not sustainable, with poor access to employment and services. They would damage future opportunities for leisure and recreation and have negative impacts on local amenities of local people. The impact on medical and education facilities would be major. Two additional classrooms at the school will be inadequate. The impact on local roads and in particular the C111 which has many vulnerable users must be considered. Access to public transport is poor. There will be impacts on the conservation area. The fire station must be considered first.

Alasdair Langlands (0290)

Object to NK7, NK8 & NK9. Cumulative effect on village would be overwhelmingly negative. Infrastructure cannot cope with increase in residents, commuters, service users and school children. Will change the character of the village and conservation area. Rural road network cannot cope particularly the C111. Impact on school and medical facilities not easily remedied. The fire station site would provide sustainable development.

Andrew-Henry Bowie (0292)

The combined sites will put too much strain on the village. School and doctors will not cope. Roads are already under-serviced and will become clogged. They should use the Fire College site?

Karen Chapman (0293)

Object to inclusion of the 3 sites in LDP:- Poor transport links - not near A1, mainly B road, and not near train station. Gullane is attractive for developers, as houses will sell easily. Development at the fire school would be the community taking its fair share - impact on school and medical facilities and on road network with additional traffic driving to the bypass and to Drem station, which has insufficient parking. 4 developments will spoil Gullane.

Dr C E Thackwray (0294)

Objects to inclusion of NK7, NK8 and NK9. The 4 Housing Sites (30% growth & 50% of all sites in North Berwick cluster) in Gullane are poor planning for the following reasons:

1. The developments are not sustainable, having poor access to employment and services.
2. They would damage future opportunities for leisure and recreation in one of the region's most attractive locations
3. They would have negative impacts on the amenities of local people (community facilities particularly school and medical cannot meet increased level of demand).
4. Damage to long-term tourism revenue with over-development.
5. Short and long term effects on road network and traffic in village particularly on the C111 as there are poor public transport links.
6. Impact on conservation area and
7. May compromise delivery of Fire Station site.

Ben and Jenni Carter (0298)

Requests removal of NK7, NK8 and NK9 from the LDP as housing sites. Accepts some development is necessary but objects to the scale of overdevelopment. The cumulative impact on Gullane has not been properly assessed and will include:

1. negative impact on a rural road network
2. lack of public transport facilities, particularly on the train network
3. huge negative impact on medical and school facilities
4. community facilities will not cope
5. Impact on tourism

East Lothian Liberal Democrat Party (0300)

With particular reference to Gullane, priority should be given to the brownfield NK6 site before 'greenfield' sites are developed as supported by the Gullane Opposes Over Development (Good) campaign

Anne Watson (0301)

Objects to the massive scale of housing development at Gullane, which will be overwhelmed. The cumulative effect of 4 new housing developments on the village is very difficult to imagine but:

- a total of 344 new houses built, with the overwhelming majority of these NOT being affordable housing, the village would be contributing a total of 50% of ALL the new housing zones within the North Berwick coastal area.
- impact of such a scale of development on the local & rural road network has clearly not been properly assessed. Gullane Main St already suffers from difficult and very limited parking as well as coping with heavy volumes of through traffic.
- an extra 344 commuters driving in and out of the village daily or driving to access the nearby railway station at Drem where parking issues are already a serious and dangerous issue for residents and pedestrian traffic. The Drem link would be particularly dangerous for users of the C111 route towards West Fenton. This "road", has dangerous narrow bends, no footpath and is regularly used by walkers, pedal cyclists and horses.
- massive overstretching of scant local amenities including school and medical facilities
- Impact on tourism on 10 years of development and associated employment leisure and employment opportunities
- Poor access to employment and range of services

Jenny and Stefan Gries (0302)

Requests removal of NK7, NK8 and NK9 from the LDP as housing sites. Accepts some development is necessary but objects to the scale of overdevelopment. The cumulative impact on Gullane has not been properly assessed and will include:

1. negative impact on a rural road network
2. lack of public transport facilities, particularly on the train network
3. huge negative impact on medical and school facilities
4. community facilities will not cope
5. Impact on tourism

Gullane Parent Carer Council (0304)

The PCC note that the 4 proposed sites could generate a minimum of 339 houses, growing Gullane by 30% - potentially generating 339 new primary aged children. Parents of primary school children were consulted on development. Overall there are concerns that:

- the formula used by ELC to work out number of pupils generated were inadequate
- Existing school facilities are inadequate
- proposed developments would detrimentally impact on road safety issues around the school;



- proposed developments would not have a positive impact on the school;
- the southern boundary of the school is protected from development and was identified as educational land.

The PCC are concerned that as formula for predicting pupils is inadequate that the 2 additional classrooms and 20 additional nursery places is inadequate. The school is at capacity. A new dedicated hall is required for PE together with a general purpose room and extra toilets.

Gullane Opposing Over Development (0309/3)

Seeks the removal of NK7, NK8 and NK9. The sites are outwith the village and within the countryside.

1. The amount of growth proposed for Gullane is a departure from the SESPLAN Strategic Growth Area.
2. The sites are not suitable for development for reasons relating to infrastructure, transport, education, service provision, village form and design, sustainability, amenity, permeability, visual distinctiveness and landscape character.
3. Conflict with th3 development plan as the sites are outwith the SDA. SESPLAN states the area of the North Berwick Cluster must not be a focus for additional strategic sites but the SDA should remain the priority.
4. It would not be in the interest of good planning to support a Greenfield allocation before the redevelopment of the Fire Station is complete and this is also against SESPLAN and LDP policy (see page 59).
5. Contrary to Scottish Planning Policy 3 – Planning for housing as the sites are not in the right locations and do not create a quality residential environment.
6. SPP states that polices and decisions should be guided by (para 27 – 29) “avoiding over development, protecting the amenity of new and existing development”.
7. There will be adverse impacts on the amenity of Gullane, which is a conservation village, contrary to accepted planning policy and guidance in that the Greenfield allocations do not have regard to the nature and scale of development; nor the requirement to integrate into the landscape and reflect quality of place; there should be no significant impact on nearby uses.
8. Development on this scale will give Gullane a highly suburban edge appearance and detract from its individual character and uniqueness.
9. There is no Conservation Area Character Appraisal for Gullane so the proposal cannot be assessed for its impact on the Conservation Area, which could be impacted by parking and degradation of protected areas in general.
10. The proposed development does not respect the character, appearance and amenity of the area, contrary to SPP, Designing Places and the proposed LDP.
11. Impact of the expansion of Gullane on local infrastructure and how this will cope with rapid population increase – schools, local road network and junctions’ ability to accommodate traffic, lack of adequate public transport, foul and surface drainage capacity, medical, surgery and emergency services.
12. Gullane Primary School and a new PE hall is required along with a general purpose room for 30 children and extra toilet facilities. Developers cannot be asked to fund that which is already required.
13. Concern that ELC’s pupil projections will underestimate as they have with recent housing developments in Gullane.
14. Impact on GP services – 10 out of 13 Gullane/North Berwick GPs are within 10 years of retirement.

Gullane Resident (0318)

Accepts that the brownfield site at the old fire school should be developed for housing as 10% growth of Gullane seems proportionate. Requests removal of NK7, Nk8 and NK9 and has the following comments:

1. If the Gullane Greenfield sites are developed in addition to NK6, there would be an unprecedented 30% growth of Gullane, with major cumulative impact. Gullane does not have the infrastructure to support this.
2. Development of the 3 greenfield sites is not sustainable due to poor transport links and consequent increase in CO2 emissions from cars.
3. Given the numbers of new houses to be built in the North Berwick ward and the numbers of commuters and additional road users that will be generated, the LDP should provide for the B1377 to be upgraded and traffic diverted along there rather than on the A198 through the bottlenecks of Aberlady and Gullane.
4. Allowing these greenfield developments would set an undesirable precedent, making it difficult to resist similar proposals that continue to extend Gullane by building on greenfield, prime agricultural land.
5. The emergency service provision for Gullane and surrounding areas is already under pressure with key performance times being missed which development here will exacerbate
6. Gullane Primary school is already near capacity. The numbers of primary aged children generated by development in Gullane will be far greater than the base assumption used by East Lothian Council. The only additional provision for education facilities at Gullane PS in the LDP are 20 extra nursery places and two additional classrooms - this appears to be a gross underestimate of the numbers of children that will realistically be generated if all proposed sites in Gullane are developed.
7. The LDP also seems to suggest that a new 7-aside sports pitch will be provided to the south of Gullane Primary School Gullane if the Gullane Greenfield sites are developed - this is misleading. We have already fundraised locally for the provision of such a pitch to the west of Gullane PS. If Saltcoats (NK7) remains in the LDP then the land to the South of Gullane Primary School should be retained for educational purposes only to facilitate the expansion of Gullane Primary School.

G K Sims (0321)

Requests removal of NK7, NK8 and NK9 be removed as housing sites. The cumulative impact of such a development is unsustainable as:

1. Road network cannot handle an increase in traffic
2. Public transport is not able to handle existing numbers at peak time never mind an increase in numbers:
3. Longniddry and Drem Stations are at capacity
4. Little employment in area which will necessitate commuting leading to increased congestion
5. Impact on services particularly on medical and school
6. Over development of the village is unrealistic
7. 30% growth in village population

Abigail Edmondson (0322)

Requests that NK7, NK8 and NK9 be removed from the plan at this stage, allowing re-consideration once the impact of NK6 is known. The housing proposed for Gullane is disproportionate to the current size of the village and does not take account of existing constraints on infrastructure, transport links, and limitations on local employment opportunities. The sudden change in the scale of the village would not allow for the gradual evolution of services to meet this increased population.

A phased approach would be sensible, with NK6 first, and focussing on affordable housing. NK7, NK8 and NK9 should be removed at this stage. Overall the cumulative impact of all four developments would be significant and detrimental to village life and its primary tourism industry, would impact primary service provision (medical and education) and would put unacceptable pressure on transport infrastructure (in terms of increased commuting into Edinburgh, given the nature of the proposed homes and limited local employment – increasing road traffic and rail congestion at peak times). Developing this level of additional housing stock in a small village such as this would be against the principles of sustainable development for a rural area.

Duncan Edmondson (0324/1)

The 4 sites bringing 300 new houses is disproportionate to the current size of the village seems short sighted and the sudden change in the scale of the village would not allow for the gradual evolution of services to meet this increased population. Priority should be to develop the brownfield site Fire College site (NK6) but developers may target the other sites and this site would be left to decay.

Joanna Greensit (0355)

Having a major green field site will compromise the delivery of the brownfield (firestation) site, which should be developed first. Once this is complete, greenfield sites should be considered only if additional housing is required. There is a lack of public transport and facilities. The nearest train station at Drem already has insufficient car parking. The cumulative effect of all 4 sites is unbalanced for the size of Gullane. Focus on one single brownfield site first.

David Maitland (0356)

Requests removal of NK7 NK8 and NK9 as:

1. Development will ruin the amenity of this beautiful Conservation Area
2. Development will severely impact day to day life in the village adversely as these 3 sites exceeds what is reasonable in scale
3. The impact of the development of these sites will turn Gullane into a building site for 10 years and will impact tourism.
4. Support building on infill sites and brownfield sites like the Fire College site.( NK6)
5. Inclusion of all 4 sites in the LDP is over development and cannot be absorbed in a village the size of Gullane. Like most towns facilities in the village are already under strain but the added burden of the cumulative development on school and medical facilities will be impossible to deal with without major infrastructure investment and additional resources which need to be in place.
6. This development of executive houses will attract families into the area who

commute to Edinburgh and it is already impossible to park at the stations in Drem and Longniddry.

7. Parking in the village would also be impossible and create road safety issues.
8. SESPLAN recognised that Gullane was one of the most inaccessible settlements in the region and has poor road and public transport access so there is no sense in it being included.
9. Inclusion of these 3 sites would adversely impact of the development NK6 and could leave the village with a derelict site while absorbing valuable agricultural land.

Toby Durant (0365)

The cumulative effect of including sites NK7, NK8 and NK9 in addition to NK6 in Gullane would damage leisure and recreation opportunities in a village thriving on tourism and have negative impact on the amenities for local people. The cumulative impact on Gullane and its rural road network has not been thoroughly assessed, in particular the C111 towards West Fenton and beyond to Fenton Barns and Luffness, where use by pedestrians, cyclists, runners and horse riders would become unsafe.

The inclusion of the two major Greenfield sites would compromise the delivery of the Brownfield site. Community facilities cannot meet increased level of demand.

The scale of change and a duration of development of more than 10 years will prove extremely difficult to mitigate thus impacting tourism and day to day life in the Village to an unreasonable level.

Alan Lindsey (0369)

Requests removal of NK7, NK8 and NK9 from the LPD as housing sites as:

1. All forms of access are problematic - Public transport, private cars and delivery vehicles, pedestrian access
2. The stress on services-public transport, schools, health, shops, and the poorly maintained roads will be unbearable and unsustainable if all three sites are developed
3. Development on this scale will ruin the amenity of a village, which the Local Authority purports to wish to promote as a tourist, holiday and golfing destination.
4. The sites also comprise prime agricultural land.
5. Gullane will not be free of disruption from development disturbance for a decade. Who will wish to live or visit an area where roads are constantly being closed to provide access of services to building sites?
6. If the Council wishes to attain its ill considered agreement to 10000 houses, it should ensure brownfield sites are developed first, including the fire school site at Gullane and in particular, the Blindwells site at Tranent.

Joe Cox (0378)

Seeks removal of NK7, NK8 and NK9. These are "greenfield" sites and should not be prioritised over the redevelopment of NK6. These proposals would increase the size of Gullane by approximately 30% without increasing the infra-structure to support - where is the justification for this magnitude of development?

Alex Brougham (0390)

Proposals at NK6 is an excellent opportunity to provide housing in Gullane proportionate to

community and other services and its swift development will avoid blight through its becoming derelict. Requests removal of NK7, NK8 and NK9. NK7, NK8 and NK9 are totally out of proportion and will have a devastating effect on the local landscape and the local community.

The cumulative effect of all 4 sites, increasing the village by 30%, is disproportionate to the existing infrastructure affecting

1. Roads; road access to the proposed sites via West Fenton (C111) is already extremely limited and narrow, with small bridges over Peffer and Mill Burns; parking and road safety is already an issue in Gullane and West Fenton
2. public transport, public transport to Edinburgh is extremely limited. There is no safe access to rail at Drem, as parking is at capacity and the longstanding proposal for a path from Gullane continues to be blocked, making it extremely dangerous to cycle or walk to the station.
3. Schools are already at capacity and the promise of two additional classrooms is clearly inadequate to support the proposed developments, which in total are likely to bring nearly 400 more school children into the area
4. medical and other community services are at capacity
5. employment opportunities

The cumulative effect of developing three greenfield sites in such a concentrated area will:

- a. reduce local employment through the
  - (i) removal of prime agricultural land and the
  - (ii) reduced attraction of the area for tourism, particularly horse-riding, walking, cycling, bird watching and golf.
- b. reduce significantly the local habitat supporting East Lothian's renowned animal and birdlife,
- c. will also be significant disruption to the local community over a very long period given the scale of the proposed development in such a small area

CALA Management Ltd (0393/5)

CALA continues to support the development of site NK7 for residential use. There has been very limited development in Gullane in recent years and the site at Saltcoats enables the Council and CALA to deliver an attractive well-planned south-eastern edge to Gullane. Saltcoats will deliver a range of house sizes and styles and will contribute to the mix of sites and new homes that can be delivered to Gullane as part of the sites allocated in the emerging LDP. CALA has now lodged an application for Planning Permission in Principle for site NK7 seeking permission for up to 150 units. 150 units represents a more efficient use of the site, whilst indicative layouts and design principles have been broadly welcomed by East Lothian Council. Planning permission in principle is being sought reflecting that other sites in Gullane will come forward for development before Saltcoats, which will follow the Fire Training College and Fenton Gait East. This represents an appropriate phasing in the growth of Gullane.

Simon Capaldi (0401)

[Note: A representation (0402) has been received on NK7, NK8 and NK9 from a person with the same name at the same address. The Reporter may wish to seek clarification as to whether this is the same person.]

Seeks removal of NK7 from the LDP. The site is grade 1 agricultural land and out with the village boundary where there is no clear defensible and robust boundary and it is unsustainable as a development site.

Simon Capaldi (0402)

Seeks removal of sites NK7, NK8 and NK9 from the LDP as the sites:

1. Are outwith the settlement boundary/envelope
2. Have no defensible and robust boundaries.
3. Are unsustainable.
4. Consist of prime grade 1 agricultural land; and
5. The council has not provided any jobs that would provide employment for the proposed home owners/occupiers

Anna Buckby (0403)

The cumulative effective of NK7, NK 8 and NK 9 in addition to NK 6 in Gullane will damage and negatively impact on local amenities, leisure facilities, the village hall, medical facilities, the school and recreation for local residents. Community facilities cannot meet the increased level of demand. Expansion of village would have a negative impact on tourism. The cumulative impact on Gullane's rural road network has not been thoroughly assessed e.g. C111 towards West Fenton and beyond West Fenton and Luffness. Increased use will make the road unsafe and increase personal risk to pedestrians, cyclists, runners and horse riders. This along with the cumulative result in increased traffic will again negatively impact on the nature of the village as a rural community, a tourist place of attraction, place extra demand on parking and increase environmental noise and pollution in this conservation area. The inclusion of two major greenfield sites compromises the delivery of the brownfield site. The scale would be over development and is proportionally unreasonable in this East Lothian village, the community of Gullane cannot meet the increased capacity and the negative impact cannot be mitigated.

Clare Cavers (0416)

Gullane has a brownfield site at NK6 which will offer 100 new homes. Further development in Gullane is not sustainable:

1. there is no employment or services in Gullane
2. Inadequate public transport (no buses, poor parking at Drem station and no adequate cycle route to it) which results in increased car use
3. Saltcoats & Fenton Gait (east and south) are at the opposite end of the village to most amenities again increasing car usage to shops, services and the beach increasing likelihood of accidents for road users and pedestrians, increase wear and tear on roads and increase demand for parking in the village and at the beach
4. Community, School, childminding and medical facilities are at capacity
5. Development of Saltcoats field and Fenton Gait would have environmental and social impacts as it is used for dog walking, children playing, families and world ploughing championship and migratory geese and swans use it

Gail Hardy (0420)

Plan not sufficiently structured to take into account the support services that would need to

be in place to serve the proposed expansion. Key services, including education, transport and health services are already at capacity and any expansion need to be predicated on a more robust examination of those services.

The combination of NK6, NK7, NK8 and NK9 sites would deliver a cumulative burden on resources and infrastructure in the immediate vicinity. This infrastructure is not there; with there are changes to the GP surgery, reduction of bus service and only 2 more classrooms at the school, this proposal has not been properly structure. NK6 should be prioritised. As a small community, Gullane is not equipped to cope with more than 50% of the new sites in the North Berwick Coastal area.

James Marshall (0439)

The cumulative effect of including sites NK7, NK8 and NK9 in addition to NK6 in Gullane has not been properly thought through. Objections based on 3 main areas

1. previous submission to ELC in respect of Cala Homes planning application for Saltcoats Field and Fenton Gait [not submitted here]
2. Conclusion contained in report of Public Inquiry ref IQD/2/210/1 [Inquiry on the East Lothian Local Plan 2008] Chapter 9.4 [extract submitted].

Summary of extract: Omission of housing site: Land to the south of A198 at Gullane. The objection concerns a 3.5ha site to the eastern edge of Gullane to the south of the A198. The objector to the ELLP 2008 wished this site to be included. The Report notes that the objection site is clearly identified as being outwith the defined settlement boundary of Gullane and in the countryside. In the Reporters view, the site is quite distinct from the residential area to the west and does not form part of the built up area of the village. The development of the site for housing would result in the loss of a significant area of prime quality agricultural land. Housing on the site would represent peripheral greenfield development that would lead Gullane to be extended to the east into an open agricultural field. The site would not be needed to meet the [former] structure plan base land supply and is likely to be above the maximum number of houses considered under its policies to be small scale. The Reporter has concerns about extending the limit of built development in the village eastwards by some 150m along the A198 into a large, open and generally flat agricultural field. Such a development would have an adverse impact on the appearance and character of the eastern part of the settlement, particularly when viewed from the A198 and the south. The objector considers the existing eastern edge of the village is weak and detracts from its setting however, the reporter is not persuaded that the appearance of the eastern edge of the village is so unacceptable that it warrants further land release. Allocation of the site would not satisfy structure plan criteria of being small scale and in keeping with the character of the settlement. As there is no need for additional land to meet the strategic housing requirements there would not be any over-riding social or economic benefits arising from residential development.

3. Report by ELC Transportation Planning Engineer, subject to Freedom of Information Request [extract submitted].

Summary of document

Map of field of which NK7 forms part with Transportation comments:

- Access is very difficult to this site without significant urbanisation of the C111 (West Fenton Road). A planning appeal was dismissed for the adjacent site (to the north) at Muirfield Grove for access onto this road (03/00189/FUL)

- A footway would be needed over the full frontage of this site and then continue northwards up to the junction of the C111 with the A198, and should provide a footway link into the existing pedestrian network
  - The site has very poor potential pedestrian linkage to the rest of Gullane; the only viable access seems to be through the existing school grounds
- Map of site submission reference PM/NK/HSA026b, parts of fields to north and south of A198 to east of Gullane, including NK8 with Transportation comments:
- A footway would be preferred along the south side of the A198 however the difference in site level would make this difficult to achieve – so resulting in a tortuous contrived route for pedestrians to get into town with no pedestrian provision – again not ideal.

### **Gullane Cluster support**

#### Scottish Environment Protection Agency (0252/59)

The Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at NK6.

#### CALA Management Ltd (0393/4)

CALA continues to support the redevelopment of site NK6 for residential use. It is an excellent brownfield development opportunity with a capability of delivering a range of house sizes and styles and will contribute to the mix of sites and new homes that can be delivered to Gullane as part of the sites allocated in the emerging LDP. Education, transportation and key infrastructure capacity exists for the development of the College site and this should ensure its early delivery, and in advance of other sites in the village.

#### CALA Management Ltd (0393/6)

CALA continues to support the development of site NK8 for residential use with an indicative capacity for 50 units. A detailed application for planning permission has now been lodged showing 49 units including 12 affordable homes. There has been very limited development in Gullane in recent years and the site at Fenton Gait East Saltcoats enables the Council and CALA to deliver an attractive well-planned eastern edge to Gullane. Fenton Gait East will deliver a range of house sizes and styles and will contribute to the mix of sites and new homes that can be delivered to Gullane as part of the sites allocated in the emerging LDP.

### **Modifications sought by those submitting representations:**

#### **PROP NK6: FORMER FIRE TRAINING SCHOOL (BROWNFIELD SITE)**

Alan & Geraldine Mogridge (0026); John Slee (0049); Grace Blair and Balfour Blair (0101)

Removal of NK6

David and Audrey Rattray (0015)

Reduce the number of houses by half.



Gullane Community Council (0166/1)

Retain NK6 and remove NK7 and NK8 in that order (which order corresponds to the volume of objections lodged for the premature applications).

Remove the reference to the C111 from the description of site NK6 on page 54 or change the wording from 'must' to 'must not'.

Reassess the build out numbers for Gullane.

If NK8 is removed as a site give it DC8 Status.

Abigail Edmondson (0322)

No specific modification suggested but seeks a phased approach focussing on NK6 and affordable housing.

Gullane Opposing Over Development (0309/3)

A sequential approach to development within the village should be conveyed in the LDP such that until NK6 is built out no other sites should come forward.

**PROP NK7: SALTCOATS, PROP NK8 FENTON GAIT EAST, PROP NK9 FENTON GAIT SOUTH (GREENFIELD SITES)**

Jennifer Dudgeon (0010); Tom Walker (0014); David & Audrey Rattray (0015); Charlie Laidlaw (0016); Jennifer Hartt (0017); Pat Morris (0018/1); Hellen M Clark (0023); David Robinson (0024); Philip Smyth (0025); Alan & Geraldine Mogridge (0026); Barbara Gibb (0027); A Walker (0028); David Farrer (0029); Antonia Ward (0030); Sir Peter Burt Viking (0035/1); Janette Mosedale (0036); Laura Thomas (0037); Guy Tulloch (0038); Gillian Kirkwood (0039); J McCollom (0043); T I L Burns (0044); W R E Thomson (0045); Fiona Stephenson (0048); John Slee (0049); K M Gray (0051); Dennis W Harding (0052); John Dillon (0055); I A M Cowan (0056); Gordon McLelland (0059); Robert H Pitcairn (0060); Robert Auld (0061); Mr and Mrs Lancaster (0062); Charles Herd (0063); A Darrie (0065); Elspeth Walker (0066); Alison Smith (0067); Marion Caldwell (0068); Michael Black (0069); Lizzie Gray (0071); David Hollingdale (0072); Nicola Black (0073); Joyce Williams (0078); Debbie Chisholm (0079); Linda Pitcairn (0080); Val Chisholm (0081); Ruth Fraser (0084); Alice du Vivier Ellis (0086); Alan Fraser (0087); M Cochrane (0088); Russell and Gillian Dick (0090/2); Rita Aitken (0091); Anne Forsyth (0092); Mr and Mrs R Taylor (0094); Winifred Walker (0095); Karin E Jamieson (0096); Simon Haynes (0098); Rosie Creyke (0100); Grace Blair and Balfour Blair (0101); Dorothy Arthur (0105); Elizabeth A Allan (0106); Alistair D W Allan (0107); John Downie (0110); Julia Low (0111); Kenneth and Winifred Wright (0113); Joan E Montgomery (0116); S M Reid (0117); Roger G Smith (0118); John M M Todd (0119); Margaret S Smith (0120); Michael J Walker (0121); Mary Scovell (0122); Alastair Creyke (0123); Alistair C Beaton (0124); Lynne Simpson (0125/2); D McCreath (0126); Alastair and Carol McIntosh (0129); Maureen Coutts (0139); William and Dorothy Miller (0145); Clare Jones (0149); P W Millard (0156); W Watson (0159); Colin Hawksworth (0160); Duncan and Julia Sutherland (0163); Peter Wright (0167); Rod Sylvester-Evans (0170); Margaret Reid (0172); E Macdonald (0176); Mary M McCreath (0184); Elizabeth MacCallum (0186); Alasdair Hutchison (0193); Mary Chase (0194); Carol Yarrow (0196); Jamie Perry (0200); Rachel Wallace (0206); Jennifer Nisbet (0211); A W Blackett (0215); Shirley Blair (0220); Alan Blair (0221); Janet Anderson

(0222); Emma van der Vijver (0223); Mark van der Vijver (0224); Barry Morrison (0226); Shirley & Andrew Graham (0235); Tim Jackson (0236); William Harry Jackson (0237); Trish Sims (0244); Elizabeth Tennent (0247); Stuart Bendoris (0248); Peter Rae (0249); Andrea Rae (0253); Gillian C Turton (0254); Jason Low (0255); Keith Anderson (0265); Susannah Jackson (0267); David Scott (0269); Catherine Joshi (0270); Kenneth Howey (0271); Manish Joshi (0272); Alasdair Anderson (0275); Thomas Gillingwater (0276); Dr Fiona Ferguson (0279); Clare Tulloch (0288); Gemma Langlands (0289); Alasdair Langlands (0290); Andrew-Henry Bowie (0292); Karen Chapman (0293); Dr C E Thackwray (0294); Ben and Jenni Carter (0298); Anne Watson (0301); Jenny and Stefan Gries (0302); Gullane Opposing Over Development (0309/3); Gullane Resident (0318); G K Sims (0321); Abigail Edmondson (0322); Joanna Greensit (0355); David Maitland (0356); Toby Durant (0365); Alan Lindsey (0369); Joe Cox (0378); Alex Brougham (0390); Simon Capaldi (0402); Anna Buckby (0403); Clare Cavers (0416); James Marshall (0439)

Removal of proposals NK7, NK8 and NK9

Lucy O'Riordan (0064)

Seeks the removal of proposals NK7, NK8 and NK9 or 'suspension' until the former Fire Station has been fully developed.

Ann and Tony Elger (0011); Caroline Hitchen (0258); Simon Capaldi (0401);

Removal of NK7

Greywalls LLP (0085); Johanna Hoar (0133); Jack Weaver (0134); Ros Weaver (0135); Flora Mclay (0136); Freddy Weaver (0137); Caroline Hitchen (0258), David A Haycock (0210); Yvonne Haycock (0187);

Removal of NK8

Carolyn Fox (0053); Adam Fox (0054)

Removal of NK7 and NK9

Rita Aitken (0091)

This representation may intend the removal of the path through 'the steading' [presumably Fentoun Gait, Gullane] if NK8 is retained.

Martin White (0158/1)

Seeks removal of NK7 and NK9 in that order.

East Lothian Liberal Democrat Party (0300)

No specific modification sought or suggested though the representation would suggest changes are sought to plan to give priority to developing NK6 before greenfield sites

Roderick Robertson (0070) Gill Morrison (0192); The Honourable Company of Edinburgh Golfers (0197); Peter Dornan (0260); Joy Grey (0264); Peter Grey (0266); Duncan Edmondson (0324/1); Frances Cowie (0238); Gordon Cowie (0239); Abigail Hoppe (0250);

<p><u>Andrew Bellamy (0278); Gullane Parent Carer Council (0304); Gail Hardy (0420)</u></p> <p>None specified</p> <p><u>CALA Management Ltd (0393/5)</u></p> <p>Amend the description of NK7 to 'circa 150 units'.</p> <p><b>Gullane Cluster support</b></p> <p><u>Scottish Environment Protection Agency (0252/59); CALA Management Ltd (0393/4); CALA Management Ltd (0393/6)</u></p> <p>No Modifications</p>
<p><b>Summary of responses (including reasons) by planning authority:</b></p> <p><u>Jennifer Dudgeon (0010); Ann and Tony Elger (0011); Tom Walker (0014); David &amp; Audrey Rattray (0015); Charlie Laidlaw (0016); Jennifer Hartt (0017); Pat Morris (0018/1); Hellen M Clark (0023); David Robinson (0024); Philip Smyth (0025); Alan &amp; Geraldine Mogridge (0026); Barbara Gibb (0027); A Walker (0028); David Farrer (0029); Antonia Ward (0030); Sir Peter Burt Viking (0035/1) Janette Mosedale (0036); Laura Thomas (0037); J McCollom (0043); T I L Burns (0044); John Slee (0049); Dennis W Harding (0052); Gordon McLelland (0059); Guy Tulloch (0038); Gillian Kirkwood (0039) W R E Thomson (0045); Fiona Stephenson (0048); K M Gray (0051); Carolyn Fox (0053); Adam Fox (0054); John Dillon (0055); I A M Cowan (0056); Robert H Pitcairn (0060); Robert Auld (0061); Mr and Mrs Lancaster (0062); Charles Herd (0063); Lucy O'Riordan (0064); A Darrie (0065); Elspeth Walker (0066); Alison Smith (0067); Marion Caldwell (0068); Michael Black (0069); Roderick Robertson (0070); Lizzie Gray (0071); David Hollingdale (0072); Nicola Black (0073); Joyce Williams (0078); Debbie Chisholm (0079); Linda Pitcairn (0080); Val Chisholm (0081); Ruth Fraser (0084); Greywalls LLP (0085); Alice du Vivier Ellis (0086); Alan Fraser (0087); M Cochrane (0088); Russell and Gillian Dick (0090/2); Rita Aitken (0091); Anne Forsyth (0092); Mr and Mrs R Taylor (0094); Winifred Walker (0095); Karin E Jamieson (0096); Simon Haynes (0098); Rosie Creyke (0100); Grace Blair and Balfour Blair (0101); Dorothy Arthur (0105); Elizabeth A Allan (0106); Alistair D W Allan (0107); John Downie (0110); Julia Low (0111); Kenneth and Winifred Wright (0113); Joan E Montgomery (0116); S M Reid (0117); Roger G Smith (0118); John M M Todd (0119); Margaret S Smith (0120); Michael J Walker (0121); Mary Scovell (0122); Alastair Creyke (0123); Alistair C Beaton (0124); Lynne Simpson (0125/2); D McCreath (0126); Alastair and Carol McIntosh (0129); Johanna Hoar (0133); Jack Weaver (0134); Ros Weaver (0135) Flora Mclay (0136) Freddy Weaver (0137); Maureen Coutts (0139); William and Dorothy Miller (0145); Clare Jones (0149); P W Millard (0156); Martin White (0158/1); W Watson (0159); Colin Hawksorth (0160); Duncan and Julia Sutherland (0163); K Towler (0164/3); Gullane Community Council (0166/1); Peter Wright (0167); Rod Sylvester-Evans (0170); Margaret Reid (0172); E Macdonald (0176); Mary M McCreath (0184); Elizabeth MacCallum (0186); Yvonne Haycock (0187); Gill Morrison (0192); Alasdair Hutchison (0193); Mary Chase (0194); Carol Yarrow (0196); The Honourable Company of Edinburgh Golfers (0197); Jamie Perry (0200); Rachel Wallace (0206); David A Haycock (0210); Jennifer Nisbet (0211); A W Blackett (0215); Shirley Blair (0220); Alan Blair (0221); Janet Anderson (0222); Emma van der Vijver (0223); Mark van der Vijver (0224); Barry Morrison (0226); Shirley &amp; Andrew Graham (0235); Tim Jackson (0236); William Harry Jackson (0237); Frances Cowie (0238); Gordon Cowie (0239); Trish Sims (0244); Elizabeth</u></p>

Tennent (0247); Stuart Bendoris (0248); Peter Rae (0249); Abigail Hoppe (0250); Andrea Rae (0253); Gillian C Turton (0254); Jason Low (0255); Caroline Hitchen (0258); Peter Dornan (0260); Joy Grey (0264); Keith Anderson (0265); Peter Grey (0266); Susannah Jackson (0267); David Scott (0269); Catherine Joshi (0270); Kenneth Howey (0271); Manish Joshi (0272); Alasdair Anderson (0275); Thomas Gillingwater (0276); Andrew Bellamy (0278); Dr Fiona Ferguson (0279); Clare Tulloch (0288); Gemma Langlands (0289); Alasdair Langlands (0290); Andrew-Henry Bowie (0292); Karen Chapman (0293); Dr C E Thackwray (0294); Ben and Jenni Carter (0298); East Lothian Liberal Democrat Party (0300); Anne Watson (0301); Jenny and Stefan Gries (0302); Gullane Parent Carer Council (0304); Gullane Opposing Over Development (0309/3); Gullane Resident (0318); G K Sims (0321); Abigail Edmondson (0322); Duncan Edmondson (0324/1); Joanna Greensit (0355); David Maitland (0356); Toby Durant (0365); Alan Lindsey (0369); Joe Cox (0378); Alex Brougham (0390); Clare Cavers (0416); Simon Capaldi (0401); Simon Capaldi (0402); Anna Buckby (0403); Gail Hardy (0420); James Marshall (0439)

The Council submits that the following matters are not material issues for the Local Development Plan (LDP): Impact on house prices or ownership of private housing; impact on views from private residential property where these are not listed buildings; lack of maintenance of land, buildings or roads; poor driver/cyclist behaviour; the integrity of, or statements given by house builders in respect of planning applications; the motivations, integrity or character of Scottish Government or East Lothian Council; previous advice on the policy position or status of land that is now the subject of review through the LDP process.

### **Response to General Points Raised in Unresolved Representations**

There are four sites in Gullane that the proposed LDP seeks to allocate for housing. These are site NK6: The Former Fire Training School, which is a brownfield site within Gullane, and sites NK7, NK8 and NK9 that are greenfield sites to the south and east of Gullane. Taken together these sites have an overall capacity for around 300 homes, of which around 100 could be delivered on the brownfield site. These sites are proposed to be allocated by the LDP (CD039) to help meet the Housing Land Requirement set by SDP1 (CD030) and its associated Supplementary Guidance on Housing Land (CD036), and to help maintain a five years' supply of effective housing land.

The SDP with its Supplementary Guidance on Housing Land requires the LDP to ensure sufficient housing land is available to deliver 6,250 homes in the period 2009 to 2019 and a further 3,800 homes in the period 2019 to 2024. In total, sufficient housing land is needed so 10,050 homes can be built in the period 2009 - 2024. The Council's approach to planning for housing set out in the proposed LDP is explained within Technical Note 1 (CD046).

However, there are a number of unresolved representations to the Council's approach to Planning for Housing. Some of these representations seek the allocation of more housing land, whilst some seek a reduction in the amount of housing land to be allocated. The Council's response to these representations is set out at Issue 12: Planning for Housing and within its Position Statement on Planning for Housing (CD066).

The Council's overall conclusion in respect of Issue 12: Planning for Housing is that the LDP proposes to allocate an appropriate and sufficient amount of housing land, and that it will provide an appropriate and sufficient range and choice of site types and sizes in marketable locations that are effective, or can be made effective, during the LDP period.

The Council has reached this conclusion based on anticipating the development of all the housing sites proposed to be allocated by the LDP, including those at Gullane.

The Council submits that SDP (CD030) Policy 1A: The Spatial Strategy: Development Locations requires the LDP to direct '*strategic development*' within East Lothian to the East Lothian Strategic Development Area (SDA). Policy 1B: Development Principles requires the LDP to allocate sites which meet specified criteria, including avoiding significant adverse impacts on designated sites and having regard to the need to improve quality of life and deliver high quality design and energy efficiency. SDP Policy 1B applies to development proposals within and outwith SDAs. The implication of SDP Policies 6 and 7 is that they make provision for LDPs to allocate a range of housing sites types and sizes in marketable locations to help maintain a five years' supply of effective housing land.

SESplan has defined the East Lothian SDA using its spatial strategy assessment (see the SDP Spatial Strategy Assessment Technical Note) (CD035). SESplan applied assessment criteria to different areas within the city region. A comparative analysis was undertaken by SESplan to establish which areas should and should not be included within an SDA. The East Lothian SDA follows the A1 and east coast main railway line corridor, and excludes North Berwick and the coastal settlements. However, notwithstanding the provisions of SDP Policy 1A, the Council submits that the SDP is clear that it expects the LDP to '*focus on*' the SDA when seeking to find locations for development (SDP paragraph 18 and 22). In respect of the allocation of additional housing land, the SDP expects the LDP to give '*priority*' to the development of brownfield land and to land within the SDA (SDP paragraph 26). The SDP is also clear that new development proposals must complement and not undermine the delivery of committed development / sites (SDP paragraph 18: The Spatial Strategy). The SDP expects LDPs to identify the most suitable locations for housing development (SDP paragraph 56).

In respect of the scale and distribution of Housing Land Requirements, the SDP required that Supplementary Guidance be prepared by SESplan to set the additional housing requirements for East Lothian's LDP (SDP paragraph 56). The preparation of this guidance was to be based on a 'fresh' analysis of development opportunities and of environmental and infrastructure opportunities and constraints in the SDP area. This analysis is set out in the Supplementary Guidance Housing Land Technical Note (May 2014) Section 7: Delivery (CD037). This is a refresh of the SDP Spatial Strategy Assessment Technical Note (CD035). In respect of the East Lothian Coastal assessment area, the findings of the refreshed strategic assessment are as follows:

- **Accessibility:** Whilst the East Lothian Coastal area is the least accessible part of East Lothian that was assessed in regional terms. However, in an East Lothian context the Council's assessment of the accessibility of Gullane reveals that it is a relatively accessible settlement being within the 50% least deprived areas in terms of accessibility (See also MIR page 13 (CD068) and Monitoring Statement (CD040) paragraph 115);
- **Infrastructure capacity:** Education capacity is available and can be provided at Gullane Primary School and can be provided at North Berwick High School. Waste water drainage capacity exists at the treatment works that serves Gullane and Aberlady. Importantly, drainage constraints at North Berwick will constrain development beyond local plan and proposed LDP (CD039) allocations at that settlement, particularly in the short term and more allocations there may undermine committed sites. This is reaffirmed by the Council's assessment of infrastructure opportunities and constraints undertaken in the preparation of the MIR (See MIR



pages 15 – 24) (CD068);

- **Land Availability and development capacity:** During the preparation of the SDP little or no capacity beyond sites identified in local plans was identified. However, a ‘call for sites’ exercise undertaken by the Council in the preparation of the MIR / LDP revealed a number of potential more local (rather than strategic) development opportunities, including a range of potential development sites at Gullane (See Strategic Environmental Assessment Site Assessments: Appendix 10) (CD060h);
- **Green belt:** There is no green belt designation in the East Lothian Coastal area;
- **Landscape designations:** There are landscape designations at North Berwick Law, and along the coastal stretch from Aberlady to North Berwick, and there are some designed landscapes. Further detailed work on this has been carried out by the Council in the preparation of the MIR / LDP and this is explained in the Strategic Environmental Assessment Site Assessments (Appendix 10 pages 47 - 74) (CD060h);
- **Regeneration potential:** Limited regeneration opportunities exist within the East Lothian Coastal area. This is reaffirmed by the Council’s assessment of such opportunities undertaken in the preparation of the Main Issues Report (See MIR pages 15 – 24) (CD068);
- **Prime agricultural land:** The strategic assessment notes that the area between Gullane and North Berwick is not prime quality agricultural land and that prime quality land is located further inland. The Council’s further detailed work done in the preparation of the LDP notes that the sites proposed to be allocated fall within the Class 2 and 3.1 categories of prime quality agricultural land (see Strategic Environmental Assessment Site Assessments: Appendix 10 page 16 and pages 47 – 74) (CD060h);
- **Transport:** The strategic assessment notes that there are minor but not significant delays on the A198 coastal route and that the area is affected by wider strategic cumulative constraints on the road and rail networks. The Council has carried out further detailed work and a Transport Appraisal (CD041) in respect of this point, and identified appropriate mitigation measures to address these issues.

Whilst the SDP (CD030) and its Supplementary Guidance on Housing Land (CD036) do not include the East Lothian Coastal area within an SDA (and therefore do not identify this area as an appropriate one for ‘strategic development’) the SDP is nonetheless clear that the SDA is not the only location that can be considered suitable for additional housing development.

The SDP states that larger scale housing proposals coming forward in locations outwith the SDA, or outwith other land allocated in LDPs, are unlikely to be acceptable if their location is not sustainable and / or public investment in additional infrastructure is required (paragraph 114). It continues to state that local planning authorities may consider it appropriate to support new development on greenfield land outwith the SDA, either when allocating land in LDPs **or** in granting planning permission to maintain a five years’ effective housing land supply - i.e. LDPs can make such allocations not only to maintain a supply of such land. In these circumstances, proposals are to comply with SDP Policy 7.

Whilst the Council notes that the SDP promotes ‘*modest*’ additional growth of existing settlements (page 8 East Coast Spatial Strategy), the SDP does not specify how this should be applied in the context of its development requirements, including those set out in its Supplementary Guidance on Housing Land (CD036). The Council submits that neither SPP (2014) (CD013) nor the SDP (CD030) set a limit on the level of expansion of a settlement, nor do these documents require new development to be spread evenly across

an area. There is no housing 'quota' for any individual cluster; East Lothian was considered as a whole when seeking locations for new development. SPP (2014) sets out in paragraph 29 an enabling policy context to guide planning decisions. SPP (2014) paragraph 80 notes that prime quality agricultural land may require to be developed as part of the settlement strategy.

The first stage of the Council's site identification and selection was a call for sites prior to the preparation of the Main Issues Report (CD068). This non-statutory stage was important to help identify sites with a landowner willing to release them for development as well as where there may be developer interest to build homes to meet the SDP Housing Land Requirement. Sites considered suitable for development were presented in the MIR with Preferred Sites and Reasonable Alternatives identified, and in some cases Other Options too (for the reasons explained at paragraph 6.2 of the MIR). The Council submits that these strands of work taken together sought to identify and consult on a wide range of potential development locations and sites, including brownfield and greenfield sites, to inform the preparation of the proposed LDP.

As such, available and suitable urban brownfield development opportunities were considered and identified by the Council. Yet there are very few meaningful urban brownfield sites remaining across East Lothian. This is due to the successful implementation of planning policies that allow infill development to take place within urban areas. Some brownfield sites are in locations that may not be suitable to specifically identify for housing development, for example due to their location or a lack of infrastructure. All proposals for development will be considered against relevant LDP policies should suitable windfall proposals emerge. Brownfield sites not already identified in previous local plans and that are available and suitable for housing development are included within the LDP - e.g. Former Fire Training College in Gullane (Site NK6). However, the LDP accepts that greenfield sites and prime quality agricultural land will be required to meet the SDP Housing Land Requirement (LDP page 9: Objectives and Outcomes: Promote Sustainable Development: bullet point 2). This is consistent with SPP (2014) paragraph 80 (CD013).

When preparing the MIR (CD068) and selecting sites, the Council took into account the results of relevant assessment and appraisal, including cumulative effects, through Strategic Environmental Assessment (SEA) (CD060) and Transport Appraisal (CD041). Consideration of infrastructure opportunities and constraints featured, including where existing facilities have capacity or can be expanded or where new facilities will be required to accommodate development. Preliminary work on Habitats Regulation Appraisal (HRA) (CD043) was carried out at this stage. Preferred sites and reasonable alternatives were identified in consultation with internal/external service/infrastructure providers/consultees, including SNH, SEPA, HES.

The MIR (CD068) consultation responses in respect of Gullane from local residents and the community Council revealed overall support for the allocation of site NK6, and overall opposition to each of the three greenfield sites (though proportionately more so to NK7 than NK8 and NK9). Gullane Area Community Council was supportive of NK9 but opposed NK7 and NK8. Furthermore, it supported development of NK6 but an element of employment use was suggested there alongside housing: this is provided for by the proposed LDP. Yet there was generally perceived to be more support for the reasonable alternative sites NK8 and NK9 at Gullane than for the Council's preferred site NK7.

However, the Council submits that there were also responses to the MIR from landowners and developers and the house building industry. These suggested that significantly more

housing land than was 'preferred' to be allocated by the MIR would be required in East Lothian to meet the SDP Housing Land Requirement (CD030) and to maintain a five years' supply of effective housing land, particularly in the short term up to 2019. Those consultation responses also suggested that a combination of the 'compact' and 'dispersed' spatial strategy options consulted on at MIR stage should be followed by the proposed LDP, as all of East Lothian is a marketable location.

The Council submits that in the preparation of the proposed LDP (CD039) it took into account the responses to the MIR (CD068), SPP (2014) (CD013) including its principal policies, the development requirements and spatial strategy of the SDP (CD030) and its Supplementary Guidance on Housing Land (CD036) as well as its own assessment of the principal physical, social economic and environmental characteristics of the area, as summarised within Section 2 of the MIR.

When selecting sites for inclusion in the proposed LDP, the Council looked first to those which were 'preferred' in the MIR and which had no technical issues in principle raised through the MIR consultation. However, further sites were needed over and above those and many of the 'reasonable alternative' sites in the west of East Lothian were chosen for inclusion within the proposed LDP. Overall, most of the 'reasonable alternative' sites are included within the proposed LDP, including NK8 and NK9. However, sites at east Tranent (ALT – T5, T6 and T7) were not selected despite being within the SDA for the reasons explained within the MIR and because it was considered they may prejudice the development of Blindwells. Land at Eweford (MIR reference ALT-D1) was not included as it was a large site, the majority of which could not be developed in the short term.

In the context of the East Lothian coastal settlements North Berwick is the largest settlement with the most existing facilities, but it is constrained from further growth beyond those sites proposed to be allocated by the LDP unless and until foul drainage capacity is increased at the town. The proposed LDP carries forward or allocates new land for housing with a capacity for around an additional 800 homes at North Berwick. Of the other coastal settlements Gullane is the one with the second highest level of amenities and services, and it is within a marketable location. The sites proposed to be allocated at Gullane have an overall capacity for around 300 homes. In that context, the Council submits that the sites proposed to be allocated in Gullane are appropriate in relation to the scale of housing allocations at North Berwick and within the SDA. This is particularly true considering that there is a brownfield site at Gullane that can provide around 100 homes.

Whilst there was less opposition through the MIR consultation to sites NK8 and NK9 than to NK7 (in particular NK9, which had the support of the Community Council), the Council submits that, it would not have been appropriate to include those sites in the proposed LDP instead of NK7. This is for the reasons given above and because all sites proposed to be allocated by the LDP, especially in the period to 2019, will be needed to help meet the SDP Housing Requirement. Site NK7 was originally the Councils' preferred site. It can also provide land for additional school campus should this be required in future.

The allocation of sites NK7, NK8 and NK9 would not prejudice the delivery of housing on NK6. The Council is minded to grant a planning application (15/00760/PPM) for residential development at NK6. Once a planning permission is in place it is for the developer to decide the start date and rate of development. Due to the need to provide a five years' supply of effective housing land it would not be appropriate to wait until consented – e.g. brownfield sites – are developed before allocating/releasing more (greenfield) land (SDP paragraph 115 refers). The Council therefore submits that such a phased approach is not



required to encourage the development of NK6, nor would it be an appropriate one for the LDP to follow in the circumstances.

Throughout the process of LDP preparation, wide-ranging consultation has been undertaken internally within ELC and externally with Key Agencies and Consultation Authorities including SEPA, SNH, HES and Scottish Water as well as with the public and other stakeholders. Strategic Environmental Assessment site assessments have been carried out and consulted on (CD060). Transport Appraisal (CD041), Habitats Regulation Appraisal (CD0042) and Strategic Flood Risk Assessment (CD042) have been prepared.

These assessments include assessment of effects on the road and rail network capacity, and measures have been included within the LDP to address issues, as well as effects on educational capacity, and the extension of existing schools or the provision of new ones is planned. Habitat Regulation Appraisal identified the potential for cumulative impact of development of the sites on the Firth of Forth SPA, yet the HRA considered there is sufficient flexibility at project level such that an adverse impact on the integrity of the Firth of Forth SPA is avoidable: SNH has endorsed this view in its response to the proposed LDP (CD044). From these assessments, some issues including cumulative effects were identified, but these are acceptable or capable of adequate mitigation at project level.

The Council submits that the LDP spatial strategy prioritises brownfield land and land within the East Lothian SDA as locations for new development. Most of the land proposed to be allocated for housing development is in locations within the East Lothian SDA. The LDPs 'compact' spatial strategy also directs the majority of new housing land allocations to the main settlements in the west of the SDA. This is for the reasons explained within the MIR (pages 32 – 43) and LDP (paragraphs 2.1 – 2.13). Yet the LDP spatial strategy also reflects that there is need and demand for new homes in the east of East Lothian and that mobile demand dissipates as distance from the regional core increases (LDP paragraph 1.21 and 2.4). The overall amount of housing land to the east of the area and outwith the SDA is less than within the SDA and the west of the area. The Council submits that the spatial strategy approach to satisfying the LDP Housing Land Requirement is appropriate.

Additionally, maintaining an effective five years supply of effective housing land means providing a range and choice of site types and sizes in marketable locations. Smaller sites in such locations are likely to be capable of delivering homes in the short term to 2019. Larger sites will deliver more homes in the period post 2019 than before 2019. A range and choice of smaller housing site allocations are made in marketable locations within and outwith the SDA where housing need and demand exists and can be met. This range and choice of site types, sizes and locations will help ensure an adequate five-year effective housing land supply. All housing allocations will help meet the SDPs Housing Land Requirements, but this does not mean they are 'strategic development' because of this.

The Council submits that it is the ability to satisfy SDP Policy 1B and SDP Policy 7 at project level that allows the Council to promote the principle of allocating the Greenfield sites NK7, NK8 and NK9 at Gullane within the LDP for housing development in a location outwith the SDA.

SDP Policy 7 states that sites for greenfield housing development proposals within or outwith the SDA may be allocated in LDPs or granted planning permission in order to maintain a five years' supply of effective housing land, subject to satisfying each of the following criteria:

- a. the development will be in keeping with the character of the settlement and local area;
- b. the development will not undermine green belt objectives, and
- c. any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

The Council submits that the sites proposed to be allocated by the LDP at Gullane meet the terms of SDP Policy 7 and satisfy SDP Policy 1B, and so are appropriate sites in principle to allocate for housing development.

### **Detailed Points Raised in Unresolved Representations**

#### **Environment**

The Council submits that the Strategic Environmental Assessment (CD060) is used as a tool to help predict strategic and significant environmental effects of the proposed LDP (CD039).

However, the Council submits that even if the SEA predicts that a site (or sites) would have a negative or positive environmental effect this is not itself a reason for allocating or not allocating the land for development.

The Council submits that one of the key purposes of SEA is to predict and evaluate significant environmental effects and to identify mitigation as relevant, as explained by the Draft SEA Environmental Report (SEA Environmental Report section 1.3.2 paragraph 5) (CD060).

#### *Climate change/greenhouse gases*

In order to minimise CO<sub>2</sub> emissions, the overall LDP (CD039) spatial strategy focuses development in the most accessible locations and locations accessible via public transport. Gullane is in principle a suitable location for housing development due to it being the second largest settlement in the North Berwick cluster and given its relative accessibility and the range of facilities and amenities available locally such as shops and schools.

However, new development will realistically lead to some increase in car-based journeys and resultant greenhouse gas emissions. In overall terms this is an effect which is unavoidable if the SDP (CD030) Housing Requirement is to be met. This has the potential to be offset somewhat by NK7, NK8, and NK9's south facing aspect which lends itself to development that is resource efficient through siting and design (e.g. solar gain). Policy SEH2 will also apply once the LDP becomes operative.

#### *Overall Character*

Although the LDP proposes new development sites at Aberlady, Castlemains in Dirleton and Ferrygate, North Berwick, as well as those in Gullane, open areas remain and would be protected from inappropriate development by proposed LDP policies on countryside (Policy DC1), coast (Policy DC6) and Countryside Around Towns (Policy DC8). The sites themselves will be designed in accordance with the proposed development briefs and design policies of the LDP which will help them integrate into their surroundings.

Neither SPP (CD013) nor the SDP (CD030) suggest that new development should be

spread out across a settlement, rather than be focussed on one general area, but directs it to the most suitable locations. In Gullane's case, Gullane Bents to the north, golf courses to the west and northeast, and the sensitivity of the setting of and views from Greywalls in the east, limit scope for expansion in those directions. The sites proposed to be allocated are the most logical extension to the settlement. The sites would not constitute ribbon development which is development on either side of a road, with little behind. The allocation of the sites allows for good urban design and would consolidate the settlement form as it would mirror development on the north of the A198.

Overall, Gullane will retain its character as a medium sized coastal settlement in an open landscape. The settlement will expand, but this is not necessarily negative. The sites are a logical extension to the village adjacent to existing housing. The living environment will remain of a high quality. Gullane's character will not change in an unacceptable way and it will remain an attractive place.

### *Landscape*

The sites proposed to be allocated for development at Gullane are not within any areas nationally or locally designated for landscape interest. A Landscape Designation Review was carried out to inform the LDP (Technical Note 9) (CD054) and these sites were not identified for inclusion in Special Landscape Areas. SEA site assessment reference PM/NK/HSG112 (CD060h) found no adverse landscape effect for development of NK6 (pages 47 – 51). For the greenfield sites (NK7 Saltcoats, SEA reference PM/NK/HSG060 pages 52 – 56, NK8 Fenton Gait East, PM/NK/HSG026b, pages 62 – 65 and NK9 Fenton Gait South SEA reference PM/NK/HSG088 pages 71 - 74)(CD060h) SEA site assessment found development was an extension into the surrounding open rural landscape, which could be mitigated by planting softening the edge of development.

Overall, a significant amount of greenfield land is proposed to be allocated within East Lothian to meet the SDP's Housing Land Requirements (CD030). The LDP (CD039) accepts that some change will be required to accommodate the development requirements of the SDP (see LDP paragraph 2.1). Inevitably, land has been allocated outwith existing settlement boundaries to achieve this. Draft Development Briefs (CD061) for NK7 and NK9 as well as NK8 show how new boundaries will be treated to provide a defined settlement edge to Gullane.

The LDP recognises in paragraph 2.167 that some land at Fenton Gait East (NK8) is important to the setting of Gullane, and that open views from Greywalls (a category A listed building) over the site to the Garleton and Lammermuir Hills were intentionally framed to form their principal vistas. Assessment through SEA pages 62 – 65 found the original site submission SEA reference PM/NK/HSG026b (CD060h) could have impacts on key views. This larger site included land to the north of the A198 directly in front of Greywalls. The site assessed was reduced in size to make the allocation at NK8. It is the Council's assessment as stated in the LDP is that a limited scale of housing development would be possible without adversely affecting these views. The guidance in the Development Brief for NK8 on how the eastern edge of the development could be treated will help conserve views from Greywalls.

The field by Greywalls to the north of the A198 and to the south of the A198 and east of NK8 and NK9 has also been included in a Countryside Around Town area. Proposed LDP Policy CH6 protects sites on the Inventory of Historic Gardens and Designed Landscapes while Policy CH7 protects Greywalls and its landscape setting specifically. This will be

taken into account at project level. Historic Environment Scotland, which has a remit covering Category A Listed Buildings and Historic Gardens and Designed Landscapes, does not object to the allocation of NK8.

The Council submits that landscape and visual impacts are not unacceptable, the sites being a logical extension of Gullane. Other policies of the plan (including DC8) would conserve the landscape setting of Gullane beyond these development areas.

The Council considers that site NK8 should be allocated for housing and that Policy DC1 should not be applied to that land. On this basis, it would not be appropriate to apply Policy DC8, as the land is considered suitable for development by the Council.

One representation (0026) states that the objectors were advised that site NK6 was green belt. It is not clear the source of this advice but this is not and has never been the case.

#### *Historic built environment*

None of the four sites proposed to be allocated at Gullane are within or adjacent to the Conservation Area, and views from and of the Conservation Area are limited; the new development would be seen in the context of existing largely modern housing development. The Council submits that LDP Policies CH1 – C9 provide for the protection and enhancement of the historic environment and provide a suitable basis against which relevant proposals can be assessed at project level.

Through consultation prior to the MIR (CD068), Historic Environment Scotland noted that the Saltcoats Field site as proposed (SEA reference PM/NK/HSG060) (CD060h) was adjacent to the boundary of Gullane Conservation Area and had the potential to affect the setting of Saltcoats Castle Scheduled Monument. The area of land to be allocated (as NK7) was accordingly reduced in size to avoid this impact.

ELC acknowledge the lack of Conservation Character Appraisal for Gullane Conservation Area and submits that this will be progressed as supplementary planning guidance when the plan is operative (LDP paragraph 6.44). The Council submits that there will not be a significant adverse impact on any Conservation Area directly or indirectly through increased traffic from the allocation of these four proposed development sites.

West Fenton consists of a number of Listed Buildings, these being a group of farmhouses, farm cottages and walls. They are around 800m distant at their closest point from all of the proposed sites and are separated from them by gently sloping arable fields. Development of the proposed sites will not affect the setting of these listed buildings due to distance, topography and the nature of the listed buildings. No footway or additional lighting is proposed on the C111 near to these buildings so would have no impact on them.

Greywalls is a Category A listed building. LDP Policy CH1 provides that new development that harms the setting of a listed building will not be permitted. NK8 was restricted in size from the original site submission to avoid impacts on views from Greywalls (see above) and Greywalls' setting will not be affected due to topography and distance. The setting of Greywalls is specifically protected by Policy CH7.

Historic Environment Scotland makes no representation on any of the Gullane sites as included in the LDP.

*Design*

It is the intention of the LDP to create mixed communities with a full range and choice of house types and sizes (para 7.12); there is no specification for executive/luxury/higher value homes. LDP Policy DP3 on density will help secure a range of house types and sizes. House type and design will be addressed at the project stage. At project level, all development will be subject to design policies DP1 and DP2, which will secure designs that integrate with the local landscape and townscape and create a sense of place.

Scottish Planning Policy 3 – Planning for Housing has been superseded, however, the Council considers that the proposed development is in the right location and will be capable of providing a quality residential environment.

A representation (0164) suggests that the two sites to the east end of the village NK 8 and NK 9 do not work well together and should be redrawn so that a brief can be prepared to achieve an improved road layout. The Council submits that NK9 can be accessed via the C111 and that NK8 can be accessed from the A198. Path connections can be provided beside the C111 and through sites NK7 and NK6 to local services / facilities.

At NK6, the Council is minded to grant planning permission 15/00760/PPM (CD149) for the development of up to 125 housing units subject to the conclusion of a Section 75 agreement. While the Council would support some employment use on this site, housing use alone is also acceptable. The Council considers this site suitable for 125 units and that it is not over-development and is compatible with achieving good design. Both SPP (CD013) and the SDP (CD030) encourage the prioritisation of brownfield sites. Reducing housing numbers here may mean more greenfield sites would need to be found elsewhere.

Land to the southern boundary of Gullane Primary School within NK7 has been identified for the potential expansion of the school if required.

NK7 is bounded by a track to the south and a suitable site boundary can be formed as shown in the draft Development Brief (CD061).

*Biodiversity*

The potential effect of development on proposed sites of biodiversity designations, habitats and protected species was considered in the process of site assessment for the SEA and no negative effect was identified. None of the four sites are within any areas designated for their international, national or local nature conservation importance. The Wildlife Information Centre have no records of protected species there. There have been no records of Notable Species within the sites though some Notable Species were recorded within 100m of NK7 Saltcoats.

The greenfield sites are within 2km of the Firth of Forth SPA and have potentially suitable habitat and were therefore screened into Habitats Regulation Appraisal of the LDP (CD043). The draft HRA notes in paragraph 4.8 that the three sites overlap or lie adjacent to known pink-footed geese (the geese being a qualifying interest of the Firth of Forth SPA) feeding area which also extends over a much wider inland area. The Habitats Regulation Appraisal of the LDP Paragraph 4.82 states that the proposed developments would result in the loss of a field for feeding and also bring disturbance closer to the feeding area. There was potential for cumulative impact on the Firth of Forth SPA however, the HRA concluded that there is sufficient flexibility in the development of the sites that an adverse impact on

the integrity of the Firth of Forth SPA is avoidable at project level (paragraph 3.2 and 4.85). Habitats Regulation Appraisal and if necessary Appropriate Assessment of proposals will be necessary and is provided for in Proposals NK7, NK8 and NK9.

#### *Residential amenity and noise*

Policy RCA1 provides that residential amenity will be protected from adverse impacts. Policy NH13 will ensure that acceptable levels of noise are maintained. Amenity issues relating to disturbance, noise and dust arising from operation or construction will be addressed at the project stage if required and conditions on planning permission applied if necessary. The Council does not expect national standards on noise to be breached through development of any of these four sites. Privacy issues will also be addressed (the A198 is a public road and it is not considered that access to NK8 would affect the privacy of housing opposite). Amenity issues are not expected to arise from an increase in traffic where this is within the capacity of the road network including at West Fenton.

#### *Soil and Prime agricultural land*

NK7, NK8 and NK9 are all on prime agricultural land. Due to the distribution of prime agricultural land in East Lothian its development will be necessary to achieve a settlement strategy that meets the SDPs development requirements, taking into account the range of factors set out in SPP paragraph 40 and 80 (CD013).

Representation (0035/1) states that site NK7 (as shown by the LDP) includes rare minerals and geology. Rare soil (brown calcareous) was identified in the western part of the original site submission in the SEA site assessment (CD060h); this part of the area was not included in the NK7 allocation. A geological audit of East Lothian was carried out and this area was not identified as a locally notable site (see Technical Note 11) (CD056b).

#### *Air quality*

The LDP (CD039) acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being, as well as environmental protection. The main source of air pollution in East Lothian is emissions from road traffic. An Air Quality Management Area (AQMA) has been declared in Musselburgh High Street and an Action Plan has been published (February 2017) (CD088). Air quality continues to be monitored at other locations, including Tranent High Street. National Air Quality Standards are not expected to be exceeded elsewhere including at Gullane.

Development of development sites including in Gullane will contribute additional traffic to the road network and so some impacts on the air quality of Musselburgh High Street and Tranent Town Centre may occur. Accordingly, appropriate and proportionate financial contributions towards mitigating traffic management measures will be sought for interventions at Tranent and Musselburgh (see Policies NH12 and T19 and Proposals T20, T21 and Policy T26 and Proposals T27 and T28) as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD063).

#### *Pollution*

SEPA did not raise concerns over pollution on the beaches.

## Infrastructure

The Council submits that extensive consultation in relation to infrastructure planning required in association with new development planned for by the LDP (CD039) has been carried out during LDP preparation.

The key items for which developer contributions will be sought are identified by the LDP. These include items in respect of the strategic and local road network and the rail network, schools, medical facilities and community facilities. The LDP contains a series of policies and proposals that identify the need for mitigation, including in respect of transportation, education and community facilities provision, which is set out in Table DEL1 to be delivered through Policy DEL1 as appropriate. Policies in respect of transportation seek to promote an appropriate modal hierarchy e.g. active travel, public transport and private vehicles. The Council has addressed unresolved representations in respect of these issues in relevant Schedule 4 forms.

The Council has also published draft Supplementary Guidance: Developer Contributions Framework (CD063) to set out in more detail than would be appropriate in the LDP itself the need for additional infrastructure capacity and how mitigation will be provided, including the developer contributions that will be sought towards this from applicants and developers. The Council has published Technical Note 14 (CD059) and a Transport Appraisal (CD041) explain the approach it has taken to infrastructure issues.

The LDP and draft Supplementary Guidance: Developer Contributions Framework are also clear that additional developer contribution requirements may be identified through the Development Management process at project level.

### *Roads – strategic*

A Transport Appraisal was carried out in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD029). This work has identified where there are capacity constraints and identifies where mitigation is required and what form it will be required to take. This is reflected in LDP Policy T32, which states that a package of transportation interventions to mitigate the cumulative impact of development (including the four Gullane sites and others) on the transport network has been identified by the Council in consultation with Transport Scotland.

The Transport Appraisal (CD041) identifies mitigation at Section 5. Land is safeguarded where required to deliver these interventions (see LDP Proposals T9, T15 and T17, T20 and T21, T23 - T28). The draft Supplementary Guidance: Developer Contributions Framework (CD063) identifies that sites NK6, NK7, NK8 and NK9 fall within the contribution zones for junction improvements at Old Craighall A1(T), Salter's Road A1(T) Interchange, Bankton A1 (T) Interchange, as well as for cumulative impacts on the local road network Musselburgh and Tranent town centres. Contributions will therefore be sought to address these capacity issues, and the Council will manage the capacity of the road network as appropriate.

In particular, the paragraph 5.2.4 of the Transport Appraisal is clear that other than the interventions identified there is no need for any more mitigation (other than site specific works) to accommodate the proposed development on a cumulative basis.

*Roads – local*

Gullane has a range of local services (schools, shops, leisure and medical facilities etc) that will reduce the need to travel. It is accepted that there will be more trips on local roads including country roads but flows are modest and the increase in traffic would be within their capacity other than where specific issues and associated mitigation is identified. The B1377 has sufficient capacity to accommodate vehicle trips and drivers can make their own route choices. Whilst there is a small bridge on the C111 which cannot accommodate 2-way traffic, it is an existing structure and this issue can be adequately addressed by other means – e.g. signage or signalisation etc.

The Transport Appraisal (CD041) identifies mitigation at Section 5. In particular, the paragraph 5.2.4 is clear that other than the interventions identified there is no need for any more mitigation (other than site-specific works) to accommodate the proposed development on a cumulative basis.

The Council submits that for specific events traffic management plans are put in place working in partnership with Police Scotland, if necessary incorporating diversions etc.

In respect of those matters raised in representation (0439) concerning previous comments provided by the Head of Infrastructure for the preparation of the LDP, the Council submits that these issues were identified as matters that would need to be resolved at project level. The Council submits that they have been addressed in the assessment of proposals for site NK6 and are being addressed in the assessment of proposals for site NK7 and NK8 (applications which are currently being assessed) and will be addressed through proposals for site NK9.

There is no identified need for a Gullane bypass. At project level, the Council does not intend to seek widening of the C111 to the south of the NK7 site, as this would likely encourage more trips along this route. The Council would prefer vehicles to use the A198 to destinations such as Edinburgh, and the B1345 to Drem. The C111 can be widened northward to the A198 to encourage this. There will however always be some vehicles that use the C111 and although the road is of a C classification it has sufficient capacity to accommodate these additional trips.

The Council recognises that some roads including the C111 are used recreationally, and notes the work done by the Riding for the Disabled charity; however, the primary function of roads is to facilitate travel. All road users (including drivers, horse riders, cyclists and pedestrians) are expected to observe the Highway Code to ensure safety.

ELC provides a transport service for children living in West Fenton (e.g. via taxi) to get to Gullane Primary School, with children going to North Berwick being picked up by bus. Visibility for access to Craighead Cottage appears to be impaired by lack of maintenance of the hedge on the part of its owners, and attention to this would improve the situation.

ELC considers that access to all sites can be satisfactorily achieved. Details of access and site specific traffic impacts (including construction traffic and service vehicle routes) will be addressed at project level, in line with LDP Policy T2 and guided by the draft Development Briefs (CD061). Improvements including widening of the C111 to allow two-way traffic between NK7 and the A198, and the addition of footpaths, will be addressed at project level.



The Indicative Masterplan submitted for NK6 in support of planning application reference 15/00760/PPM (CD152) does not show a vehicle connection from Muirfield Drive to the C111 as stated in Proposal NK6 although a footpath has been provided and sufficient land adjacent remains for the formation of a vehicular access in future should one become desirable. The Council maintains that the opportunity to provide such a connection would be desirable.

Parking within Gullane is considered to be adequate. The Council can on request make provision for disabled parking. Gullane is subject to waiting restrictions in places. The introduction of Parking Attendants into East Lothian should ensure the turnover of spaces. Parking restrictions are in force in Gullane to ensure safe passage of vehicles, and enforcement is a matter for parking attendants. Gullane is not a Town Centre so does not have a parking strategy, but is included within the Council's Parking Management Strategy (CD079).

A car journey will not be necessary for all local errands. Annex B of PAN 75 (CD019) sets out an advisory distance of 1,600m for walking distance to local facilities. All four sites allocated for development within Gullane are within this distance of schools, medical centre, shops and other facilities. New residents would be able to walk to these facilities where possible reducing car journeys and minimising the need for parking. Retail opportunities are also available in North Berwick and other towns, and there is capacity on the road network to accommodate the additional trips that may route to North Berwick for shopping. Some shops there have car parks to accommodate shoppers and the management and turnover of parking bays on the High Streets is controlled by Parking Attendants.

The Council monitors vehicular collisions and will introduce measures to mitigate these where necessary; however, it does not consider road safety to be an issue at Gullane. Where site specific measures are required to ensure road safety this will be addressed at the project level. Footways will be required at the C111 as shown in the Development Briefs (CD061). There are two signalised pedestrian crossings in the village with school crossing patrols in operation. Speeds in Gullane are restricted to 30 mph.

Drivers are expected to observe the Highway Code and make appropriate allowance for pedestrians and other non-vehicular road users. Enforcement of breaches of road traffic regulations including speeding due to driver behaviour is a matter for East Lothian Parking Service and Police Scotland. Existing road maintenance issues including potholes and illegible road signs are not a matter for the LDP.

Any planning application submitted will require an assessment of transport impacts which will identify any mitigation required (including safer routes to school) to ensure that proposals are in accordance with Policy T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the Proposed LDP (CD039).

#### *Public transport*

SPP states at (paragraph 270) (CD013) that the planning system should support patterns of development that facilitate travel by public transport. In a city region context, Gullane's accessibility via public transport to the wider city region and key employment locations as well as health and retail facilities ranks 10/11 among 11 key settlements in East Lothian. However, in an East Lothian context, it is within the 50% least deprived in terms of accessibility and there is a range of local facilities in the settlement, which reduces the

need to travel.

Gullane has no rail station however it is on a bus route to Edinburgh and North Berwick with sites NK6, NK8 and NK9 being within the advisory 400m accessibility distance set by Annex B of PAN 75 (CD019), NK7 is just outwith this distance. Generally, a larger population would support better bus services and choice of routes, times and frequencies, though this is generally a commercial decision for bus companies.

Provision has been made within the proposed LDP for improvements to railway platforms and parking at existing stations including Drem and Longniddry (Proposals T9 – T10). The East Lothian Transport Appraisal (CD041) and modelling identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, with improvements being required to meet LDP demand at Drem and Longniddry (and other) stations whilst at North Berwick Station the platform has already been lengthened. The LDP in paragraph 4.19 states that this will facilitate longer trains being brought into use to meet additional demand.

The Gullane sites fall within the Rail Network Contribution Zone and contributions will be sought for rail improvements from appropriate development (see Policy T32 and the Development Contributions Framework (CD063)). The Council will work with network rail to deliver the physical capacity improvements provided for by the LDP.

The provision of longer trains is a commercial decision for private companies and is outwith the control of the Council. The frequency of the rail service to be provided on the North Berwick branch line is set out in the Scotrail Franchise Service Level Agreement 2015.

#### *Active travel/paths*

New footpaths and pedestrian links will be required as shown indicatively in the development briefs (CD061), including along the C111 from NK7 to the A198 and site specific issues will be addressed at the project stage to meet the terms of Policy T4 and T5. The Council submit that provision for footways can be adequately provided in association with these four sites.

In relation to the strip of land between NK8 and Fenton Gait/Muirfield Steading, ELC Road Services has done all reasonable investigation and can confirm that this strip of verge is adopted by the Council. The Council is therefore content that a pedestrian link can be formed at this location. The pedestrian link will be appropriately designed in line with the Design Policies of the LDP (CD039), and will be used mainly by residents of new housing. It is not expected to create security or safety issues, which would be a matter for Police Scotland. The pedestrian link is required to make travel by active modes more attractive. Combined with improvements to the C111 set out in the Development Briefs, this route is expected to be a safer and more direct route to Gullane Primary School than use of the footway alongside the A198.

Since publication of the proposed LDP the Council has agreed to investigate the feasibility of a route for a cycle path to Drem Station from the C111 with the landowner (CD097).

#### *Education Capacity*

The Council submits that the Education Scotland Act (1980) (CD004) places a legislative duty on the Council to provide sufficient school accommodation and to plan for growth in

our communities. The Council's Education Service and Property Services has been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls.

The Council has assessed the additional education accommodation / capacity required for Gullane Primary School. This is in line with Scottish Government Guidance, 'Determining Primary School Capacity 2014'(CD024). Technical Note 14(CD059) has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. The Council will not seek developer contributions for any existing deficiencies in either capacity or standard of accommodation.

Primary schooling will continue to be offered in one school within the growing community. Additionally, ELC's Head of Education and the Service Manager Strategic Assets and Capital Plan Management raised no objection to expansion in terms of educational outcomes.

The roll projections are trend-based forecasts and take into consideration a wide range of evidence from the local catchment area and/or school (as appropriate). This includes baseline demographics (number of births, birth to P1 migration rates, net annual stage migration rates) and what impact new build housing developments since 2003/04 have had on the birth rates, new P1 intakes, migration rates and annual baseline census rolls.

The figure of '0.5' referred to by the Community Council is a sum of the two average new build child per house ratios, 0.356 (for primary) + 0.16 (for secondary) and are only one part of the formula used in the school roll projections. The formula the Council uses to project the annual cumulative impact of new housing developments on primary school rolls over time is as follows:

Baseline school census roll

+

Average new build child per house ratio

*(applied to the specific build years that new houses are projected to be built within)*

+

net annual stage migration rate

*(applied at each stage P1 through to P7 to reflect fluctuations that occur in inward/outward migration during the years of house build and following completion)*

+

annual P1 intake assumptions *(including projected new P1 pupils from the new houses)*

The average primary new build child per house ratio is only applied to the calculations during the specific years that the houses are projected to be built in as a means to provide a starting point for the number of P1 to P7 pupils who might initially move into the new houses during the first year that each of the new houses are built and ready for occupation between one academic session and the next.

It does not calculate the cumulative total number of pupils that may be expected to arise from a new housing development over the entire development period and beyond. Any additional new pupils arising each year and pupil migration in and out of the area are calculated and modelled through the annual net stage migration rates and projected new

P1 intake.

For Gullane Primary School's projections, the Council has taken into account the pupil numbers generated from recent developments at Muirfield Grove, as well as Muirfield Gardens and Muirfield Drive to evidence how new house build has impacted on Gullane Primary School roll over time. This evidence is particularly important for modelling the effect on the annual projected new P1 intake over time. The Council has also considered the annual primary stage migration rates for Gullane Primary School over the last 5 to 10 years and used this information to model natural fluctuations that occur in the area.

Representations submit that recent developments in Gullane have resulted in 1 primary school pupil per house over a long period of time. However, using this information in this way, and applying it as a rate to the total number of houses, does not accurately model how new pupils arise from a new development over time, and the impact this has on the total school roll in conjunction with underlying baseline demographics in the catchment area. The Council submits that it would be inappropriate to apply this approach. The approach suggested in representation is based on too short a period and does not capture all relevant variables and other factors that are taken in to account to produce robust pupil roll projections over time.

For example, evidence the Council has tracked from 88 new houses in Gullane built between 2004/05 and 2005/06 generated a total of 99 new primary pupils between August 2005 and August 2016, which equates to a cumulative total of 1.13 new primary pupils per house.

However, these 99 primary pupils did not all move into the new houses and enrol at Gullane Primary School in the first academic session following build completion and as a result did not require the capacity at Gullane Primary School to be increased to accommodate 99 additional primary pupils.

These 99 pupils have moved in to new homes and enrolled at Gullane Primary School gradually over a 12 year period starting with 15 new primary pupils enrolling during the two build years for the relevant site. In the circumstances of that case, this equated to a new build primary child per house ratio in each build year that was less than the East Lothian average ratio of 0.356, which is nonetheless applied consistently as an average baseline in the roll forecasting process for all developments.

In the years following completion of the house building, an average of 10 new primary pupils from the developments appeared in the baseline census roll in each academic session over the next 5 academic sessions, dropping to an average of 6 new primary pupils a year over the last 6 academic sessions. Only 23 of these pupils have been new pupils across the P2 to P7 stages, with 11 of these pupils enrolling during 2004/05 and 2005/06 when the houses were being built. The remaining 12 enrolled after all the houses had been built between 2006/07 and 2009/10 and in 2014/15.

76 of these 99 new pupils have been new P1 pupils, starting with 3 new P1s in August 2005 increasing each year thereafter to a peak of 10 new P1 pupils in August 2010 and dropping thereafter to an average of 6 new P1 pupils a year. The annual P1 intake assumptions calculations model this phenomenon, which the Council has also experienced in other new developments in other catchment areas across East Lothian.

The annual net primary stage migration rates for Gullane Primary School also reflect this

change over time with the inward migration increasing initially for 5 years following completion of the house build before reducing slightly as the amount of new P2 to P7 pupils moving into the new houses reduces each year.

Therefore, if we applied a new build child per house ratio of 1 or 1.13 per new house (in this instance) to the projected number of houses in the specific years that they were built, and discounted the natural phenomenon that happens over time, this would significantly over-inflate the projected school roll and additional capacity required during the build years and understate the long-term impact. Simply averaging as well the 99 pupils over the 7 stages as well when 77% of these new primary pupils have been new P1 pupils would also significantly overstate the new P1 intake initially and underestimate the long term impact on the P1 intake assumptions over time.

The Council has prepared a diagram 'How School Rolls are Forecasted (Calculations)' to provide further detail on and explain how the primary and secondary school rolls are calculated (CD098).

The Council submits that projected pupils from the proposed sites can be accommodated in a future expansion of Gullane Primary School and North Berwick High School. Gullane Primary School has limited additional physical capacity however, if required, the primary school campus could be expanded as provided for by Proposal ED7, if necessary utilising land within site NK7 as illustrated within the draft Development Brief for NK7 (CD061). North Berwick High School can also be expanded, if necessary utilising safeguarded land for this purpose in line with Proposal NK2.

Pupil roll projections indicate that additional classrooms will be required at Gullane Primary School. The expansion will include additional General Purpose and PE spaces, and will also include an Early Years expansion. The expansion will include provision of a PE hall which will be accessible for community use.

Technical Note 14 (CD059) has been prepared on this basis and details the accommodation requirements for pre-school and primary and secondary school, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis.

In line with East Lothian Council's draft Supplementary Guidance: Developer Contributions Framework (CD063), developer contributions will be sought in respect of the additional education capacity required to accommodate the cumulative impact of development. Technical Note 14 has been prepared to set out the developer contributions required from proposed development sites within the cluster on a cumulative basis.

### *Community Services*

The Council submits that Proposals NK6, NK7, NK8 and NK9 state that "any development here is the subject to the mitigation of any development related impacts, including on...community facilities as appropriate". Requirements will be delivered at project level.

The proposed LDP makes provision for protection of existing local amenities (schools, health care, community facilities, and shops) and for extension of existing or provision of new facilities. These are contained within the following policies: ED7, CF1, HSC2, OS3, and TC3 (supported by DEL1). The Council submits that community facilities including Gullane Library, community space, and Day Centre all have sufficient capacity to support

the increase in population. The Council submits that indoor sports provision is provided on a cluster basis within the main towns and is considered adequate on this basis.

The LDP recognises that there will be a need to provide additional open space and sports pitches locally to meet the additional demand that will be generated by new development at Gullane. Proposal NK7 includes a specific requirement for provision of a sports pitch, as also shown in the draft Supplementary Guidance: Developer Contributions Framework (CD063).

A representation (0318) suggests that the LDP requirement that a new seven-a-side sports pitch be provided to the south of Gullane Primary School on site NK7 (paragraph 2.166) is misleading. This is because the community has already fundraised locally for the provision of such a pitch to the west of Gullane PS. The Council submits that notwithstanding this the LDP requirement for a seven-a-side pitch at NK7 remains.

Some loss of informal recreational access by those exercising their rights of access under the Land Reform Act is unavoidable if the SDP Housing Land Requirement is to be met, but the Council submits that access more widely and beyond the newly formed urban boundaries will be available as it is currently.

NHS Lothian was consulted on health and social care during plan preparation. There is sufficient accommodation within Gullane Medical Practice to accommodate additional GP services to accommodate planned development. Recruitment of GPs is a matter for the GP practice and NHS Lothian. Most dentists are independent contractors who supply services on behalf of NHS boards. NHS Lothian was consulted during the plan preparation process and did not raise this as an issue.

Police Scotland have been consulted during plan preparation and are aware of the proposed allocations. It is for them to ensure that its local services can meet demand.

#### *Drainage and WWTW*

Scottish Water has been consulted during LDP preparation (CD067). Areas where capacity issues exist were identified. Sites allocated for development within Gullane would all be served by Gullane WWTW, which has some available capacity. Should the WWTW require upgrading Scottish Water will make adjustment to capacity if necessary, and any related proposals will be subject to the policies of the LDP.

A Strategic Flood Risk Assessment (CD042) has been carried out as part of the LDP process. Sites NK7, NK8 and NK9 were identified as at low risk from flooding. Flood Risk Assessments will be required and detailed drainage schemes including the use of SuDS will be agreed at project level. Policy NH11 covers flooding and states that development proposals that increase the probability of flooding elsewhere will not be permitted. Developers are not expected to solve existing problems, including any flooding on the C111, but it is possible that some betterment may be secured. The Development Briefs (CD061) make provision for SUDS, and management of water leaving the site will be addressed through the Development Management process.

Regarding ownership of a septic tank raised within representation (0105), the drainage assessment related to planning application 16/00587/PM (CD169) suggests that there is a septic tank serving 2 properties on Main Road, but does not mention a soakaway. It will be for the developer to address legal issues regarding ownership.

One representation suggests that during golf events there is a spike in demand for services particularly water, drainage and electricity. The Council submits that this is a matter for utilities and water and drainage providers to manage.

### **Employment/Economy**

The LDP as a whole provides for employment through the allocation of a range of employment sites to meet SDP requirements across the area in suitable locations, including the strategic sites identified by the SDP (CD030). Employment land is allocated at North Berwick. There are some employment opportunities within Gullane itself and people may work from home.

Sites NK6, NK7, NK8 and NK9 are allocated to contribute to meeting the Housing Land Requirements; there is no requirement for them to provide economic benefit, but their development will have an economic benefit directly and indirectly when homes are being constructed and occupied.

Tourists are attracted to East Lothian for a variety of reasons including golf courses, birdwatching, beaches, historic attractions including town centres, and the landscape. The development of the sites proposed to be allocated at Gullane would not impact on the main tourist offer of the area.

The pink-footed goose is a qualifying interest of the Firth of Forth SPA, and also a tourist attraction. The HRA (CD043) of the LDP considered that impacts on the Conservation Objectives of the SPA including goose distribution within the SPA could be avoided at project level. Goose distribution and associated tourism are therefore not expected to be affected.

Although SEA site assessment pages 47 - 74 (CD060h) found some impact on landscape this is considered acceptable, the sites being a logical extension of Gullane and impacts can be mitigated. The countryside will therefore remain attractive and tourism will not be adversely affected.

### **Social**

#### *Local Amenities*

The proposed LDP makes provision for protection of existing local amenities through policies TC1 and TC3. Gullane has an identified 'local centre' so the introduction of additional homes and thus an increase in the population of the settlement could help support local business by an increasing the amount of potential custom.

#### *Crime*

The representation has not given any evidence that crime is more of a problem in the size of community that Gullane now is compared to the size of community that it will become. Crime is an issue for Police Scotland. They have been consulted and have not raised this as an issue in the allocation of these sites.

#### *Affordable housing*

There is a need for affordable housing across East Lothian, in particular in the period up to

2019 (see Affordable Housing Technical Note (CD047)). Gullane has a range of local amenities and public transport links and is therefore a suitable location for affordable housing.

There is a need for affordable housing across East Lothian, in particular in the period up to 2019 (see Affordable Housing Technical Note) and sites in Gullane will help address this need, especially as the sites are considered capable of early delivery. The quota for affordable housing such housing sites is 25% (see LDP Policy HOU3 (CD039)).

The location of affordable housing within sites is not shown and must be agreed with the Council through the planning process. Even if the cost of daily life in Gullane is higher than average (which is not evidenced) Gullane has other advantages such as a good recreational offer, being on a bus route and a local school, which would act to reduce social exclusion. Gullane is a suitable location for affordable housing.

#### *Social cohesion*

The LDP cannot directly influence social cohesion or mix and it will be for residents to ensure a cohesive community continues. However, policy on density aims to provide a variety of house types while provision of affordable housing along with private housing to encourage a range of income groups within the development. Design policies also aim to support social cohesion through requiring of well designed, welcoming development with open spaces where people can recreate and interact.

Primary education within the village will continue to be provided by a single primary school. Whilst some of the new housing may be occupied by commuters, since Edinburgh is a major employment location, the planning process has no control over the occupiers of housing or where or if they work. It is not clear that the majority of Gullane residents oppose the proposals, or do not want to see their settlement expand.

#### *Health*

It is not considered that allocation of the sites would lead to Gullane becoming a stressful environment for current or future residents.

#### *Emergency response*

NHS Lothian and Police Scotland were consulted during plan preparation and did not raise the issue of emergency response times.

#### **Precedent**

The proposed allocation of the sites in Gullane has been made to meet the housing land requirement of SDP, and does not set a precedent for the further development around Gullane. Areas which are not considered suitable for development and contribute to the landscape or recreational needs of the settlement are proposed to be included within other policy designations, such as the DC8 Countryside Around Town policy area.

#### CALA Management Ltd (0393/5)

The Council submits that the application for planning permission on the land allocated NK7 is pending consideration. NK7 is therefore reflective of the current planning position.



The Council submits the site should be developed for circa 130 homes, which allows flexibility to suit the proposed design layout that must be appropriate to the Dirleton Conservation Area, taking into account the urban grain of the local area and any site characteristics that may need to be addressed. In that context this ‘approximate’ figure would not preclude a higher or lower number of homes at the site subject to a suitable design solution at project level. **The Council submits that no modification of the plan is necessary.**

### Conclusion

In the context of the SDP Housing Land Requirements (CD030) and the need to provide a range and choice of housing site types and sizes in marketable locations to help deliver early housing completions as quickly as the market can support, the Council submits that the allocation of site NK6 as a brownfield site is appropriate, and that the allocation of the greenfield sites NK7, NK8 and NK9 for housing development at Gullane would also be appropriate because:

- development here would comply with SDP Policies 1B and 7;
- the environmental impact is acceptable or can be adequately mitigated;
- there are no impediments in terms of infrastructure, which is either available or can be provided through developer contributions.

In this context, the Council submits that the settlement of Gullane is a suitable location for housing development due to it being the second largest settlement in the North Berwick cluster. In terms of sustainability, it is a relative accessible place served by public transport and has a range of local facilities and amenities such as shops and schools. Gullane has an identified ‘local centre’ so the introduction of additional homes (and thus an increase in the population of the settlement) could help support local business by an increasing the amount of potential custom. There are also some existing employment opportunities at Gullane. It is a marketable location for residential development, with sites likely to deliver homes in the short term. Infrastructure capacity is either available or can be provided with developer contributions. **The Council submits that no modification of the plan is necessary.**

### Gullane Cluster support

Scottish Environment Protection Agency (0252/59); CALA Management Ltd (0393/4); CALA Management Ltd (0393/6)

Support Noted

### Reporter’s conclusions:

#### Preliminary

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions. In order to efficiently and effectively address the unresolved representations I have structured my conclusions under different headings to those used by the council in

their response to the representations.

**PROP NK6: Former Fire Training School, Gullane**

2. A number of representations seek the following: removal of Proposal NK6; reduction of the level of homes proposed to be constructed at the site; removal of reference to the need for a vehicular route between the C111 road and Muirfield Drive; or the protection of the site as part of the Countryside Around Towns designation. The council's response to a further information request identified that planning permission was granted in March 2017 and I observed at my site inspection that development of the site has commenced. As a result, no modifications are recommended in response to these representations.

**PROP NK7: Saltcoats, Gullane**

3. CALA Management request a modification to the plan to revise the site capacity to circa 150 units. It is clear within the plan that the identified capacity of 130 units is an approximate number. This would not prevent an appropriately designed scheme for a higher or lower number of dwellings being granted planning permission. Policy DP3: Density allows for this to be considered on a site by site basis. Therefore, no modifications are considered necessary.

**PROP NK8: Fentoun Gait East, Gullane**

4. Representations objecting to this proposal raise a number of matters, some of which concern the overall suitability of the site for development, while others raise more detailed matters. Issues regarding the cumulative impact of the proposed housing allocations in Gullane are considered in paragraphs 15 to 35 below. I note that in response to a further information request, the council advises that it is minded to grant planning permission for housing development at the site, subject to a planning obligation.

5. With regard to the impact of Proposal NK8 on the landscape setting of Greywalls, a category A listed building and its associated designed landscape, paragraph 2.167 of the plan identifies that the site is important to the setting of Gullane and is located to the south of Greywalls Garden and Designed Landscape, as well as a number of category A listed buildings. The plan goes on to highlight that open views southwards from these gardens and buildings over the site and across it to the Garleton and Lammermuir hills were intentionally framed to form their principle vistas. It also identifies that a limited scale of housing development would be possible without affecting these views.

6. The draft site development brief requires the layout and orientation of the houses, streets and spaces to be designed to incorporate and frame southerly views of the Lammermuir Hills and easterly views to North Berwick Law. The site is not located within or adjacent to the Gullane Conservation Area and views from the conservation area are limited.

7. From my observations at my site inspection and noting the requirements of the draft development brief, I agree with the council that it would be possible to design a scheme that does not negatively impact on designated historic assets. I also agree with the council's conclusions with regard to the suggested reallocation as part of the proposed Countryside Around Towns designation, that the site would not meet the objectives of the proposed designation.

8. In response to the concerns regarding the settlement edge, the draft development brief for the site identifies the need for a minimum 10 metre wide high quality, designed landscape edge with new specimen trees and hedgerow along the eastern boundary and that the northern end of the boundary should create a managed landscape gateway. I consider this to be appropriate and therefore conclude that it would be possible to create a strong settlement edge as a result of the development of the site. The draft development brief also identifies the need for a new footpath to be provided along the entire northern frontage of the site, this will provide safe access for pedestrians.

9. With regard to the impact on the natural environment, the council's draft Environmental Report site assessment states that the site does not include any areas designated for their international, national or local nature conservation interest, but notes that it is within the main goose feeding area. Given its location, approximately 1.5 kilometres from the Firth of Forth Site of Special Scientific Interest and Special Protection Area, Proposal NK8 requires a Habitats Regulation Appraisal and if necessary an Appropriate Assessment to ensure no adverse effects. I consider this approach to be appropriate.

10. Noise during the construction period could be controlled through conditions attached to any subsequent planning approval. The reference to previous advice that the site would not be developed is not material to the examination of the plan. With regard to the ownership of land, the developer would be required to secure the right to develop any land not in their ownership, this would include rights for vehicular and pedestrian access prior to development commencing.

11. A number of representations refer to a planning appeal, decided in 2000. The process of examining a proposed local development plan is different to that of the determination of a planning appeal. In addition, national planning policy and the strategic development plan has changed since the determination of the appeal.

12. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and is required to help meet the housing requirement identified within the plan. As a result of my conclusions above, no modifications are recommended in response to these representations.

#### **PROP NK9: Fenton Gait South, Gullane**

13. Rita Aitken objects to the proposed allocation of Proposal NK9 as a result of the poor access to the site and increase in traffic as a result of the development. The draft site development brief identifies that:

- access must be taken from the C111 road which may require upgrading with additional street lighting;
- appropriate traffic calming measures will be required on the C111 road to ensure a safe point of crossing for pedestrians and cyclists to connect to off-site paths. This which will require an extension of the 30-mph limit on the C111 road to the south; and
- that a pavement suitable for shared use walking and cycling, with a grass verge must be provided on the western boundary for the length of the site frontage.

14. In addition, other policies within the plan, including T1: Development Location and Accessibility and T2: General Transport Impact, will ensure highway matters identified are fully considered through the assessment of any subsequent planning application for

development of the site. As a result, no modifications are recommended in response to this representation.

### **Combined impacts of PROP NK6, PROP NK7, PROP NK8 and PROP NK9**

15. Representations on this issue raise a number of matters all of which express concerns regarding the cumulative impact of the proposals to allocate the four housing sites within Gullane. I note that in response to a further information request, the council advised that it is minded to grant planning permission for housing development at sites NK7 and NK8, subject to the agreement of planning obligations.

#### Strategic approach

16. A number of representations express concern that the proposed level of development is too high for Gullane and that additional dwellings should be built at Blindwells and in other towns with the infrastructure and environment required to support development. The spatial strategy of the plan focuses the majority of new development in the west of East Lothian as the most accessible part of the area and proposes to allocate sites that are or can be integrated with sustainable transport options. This approach seeks to ensure that new development will have good access via sustainable transport modes to existing or new employment locations or community facilities.

17. The spatial approach also supports some new development in accessible parts of the east of the area, in recognition of the need and demand for new homes and economic development opportunities. Expansion of existing settlements is promoted through the plan where infrastructure solutions have been found and where landscape capacity allows.

18. The council submit that Gullane has the second highest level of amenities and services out of the coastal settlements and it is within a marketable location. Technical assessments undertaken as part of the preparation of the plan, such as the draft Environmental Report, Transport Appraisal and Strategic Flood Risk Assessment have identified that Gullane has the capacity to accommodate the additional level of development identified within the plan. There is no information before me that would suggest that I should conclude otherwise.

19. I agree with the council that the spatial approach accords with the presumption in favour of development that contributes to sustainable development, as set out within Scottish Planning Policy. This matter is addressed in detail in Issue 2: Spatial Strategy.

20. A number of representations state that Proposal NK6, as a brownfield site, should be developed in advance of any other green field sites proposed to be allocated within the plan. As explained within paragraph 2 above, development is underway at this site. The 2017 Housing Land Audit identifies that Proposal NK6 will begin delivering new homes in 2018/19, with 53 of the 125 homes estimated for completion. It also identifies that the majority of housing development in Gullane will be complete by 2022. The development of the necessary infrastructure will take place in advance of and alongside the development of the new homes.

#### Lack of services, infrastructure and employment

21. As identified in paragraph 18 above, Gullane has a good level of local services, which will be further supported by new housing development. All four sites are located within

1,600 metres walking distance of local facilities. With regard to transport impacts, the plan has been informed by a Transport Appraisal which has identified capacity constraints and the mitigation measures required to ensure the highway network maintains appropriate capacity. Provisions for mitigation and interventions must be made by developments that generate a need for them, as set out in Policy DEL1: Infrastructure and Facilities Provision and the draft Supplementary Guidance: Developer Contributions Framework.

22. In addition, a number of policies within the plan seek to ensure that new development has no significant adverse impact on the highway network, as well as supporting improvements to active travel and public transport, these include policies: T1 Development Location and Accessibility, T2: General Transport Impact, T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, T5: Cycle Route Network and T8: Bus Network Improvements.

23. A number of representations express concerns regarding parking within Gullane and at train stations. With regard to parking within Gullane, the council submit that this is considered to be adequate. At my site inspection, whilst I noted that a number of parking spaces were in use, there was parking available near to services and facilities. Provision has been made within the plan for improvements to railway platforms and parking at existing stations, including Drem and Longniddry (PROP T9 and PROP T10). I therefore conclude that this issue has been appropriately addressed within the plan.

24. The plan does not include employment allocations within Gullane and a number of representations express concern that there are limited employment opportunities. The council submit that employment land is allocated at North Berwick and there are some employment opportunities within Gullane, including for tourism. I note that Table NK1 identifies land at Tantallon Road/Mill Walk for employment purposes.

25. With regard to infrastructure provision, paragraphs 2.155 and 2.156 of the plan identify infrastructure and resource constraints within the North Berwick cluster and Policy DEL1: Infrastructure and Facilities Provision states that new development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012. The council advised that waste water drainage capacity exists at the treatment works that serves Gullane and Aberlady. I am satisfied that sufficient consideration has been given to the infrastructure requirements.

26. Paragraphs 3.114 and 3.116 of the plan explain that the primary health care services provided by NHS Lothian have a major role in meeting the health care needs of an increased population. The NHS board has a duty to ensure all residents can register with a GP. The plan supports the wider provision of locally accessible health care facilities, through Policy HSC1: Health Care Sites and Proposal HSC2: Health Care Facilities Proposals.

27. With regard to education capacity, the council advised that there is capacity at Gullane Primary School and North Berwick High School. Paragraph 2.166 of the plan and Proposal NK7 refers to the expansion of the primary school campus and Proposal ED7: North Berwick Cluster Education Proposals refers to the provision of additional campus land at Gullane Primary School, if required. The approach to the calculation of education requirements is discussed within Issue 15: Education.

Historic and natural environment

28. The four sites proposed within Gullane are not within or adjacent to the conservation area. At my site inspection I observed that views from and into the conservation area are limited. Development of the sites would be viewed within the context of the adjacent development, with the south-western element of Proposal NK7 likely to have the largest impact. However, given the position of the site and its proximity to the conservation area, I conclude that an appropriate scheme could be developed.
29. The plan includes a suite of built environment policies which would ensure that the impact of new development on any historic assets is appropriately assessed. I note that Historic Environment Scotland has made no representations regarding the proposed sites at Gullane.
30. With regard to the landscape impact of the proposals, the council submit that the sites proposed to be allocated for development in Gullane are not within any areas allocated for their national or local interest. Technical Note 9: Planning for Local Landscape Designation Review, does not identify the sites for inclusion within special landscape areas and the draft Environmental Report site assessment does not highlight adverse landscape impacts.
31. At my site inspection I observed that while Proposal NK7 is a visually prominent site, primarily as a result of its size, I consider that with appropriate landscaping, as defined within the draft site development brief, the site will be able to be satisfactorily integrated into the landscape. I consider that Proposal NK8 represents a rounding off of the settlement edge and as I conclude in paragraph 8 above, this will form a new and robust settlement edge. Similarly, Proposal NK9 will comprise the logical rounding off of the south east of the settlement and the draft site development brief requires the eastern and southern boundaries of the site to comprise an appropriate landscape edge.
32. The draft Environmental Report site assessment identifies that the sites are not within any areas designated for their international, national or local nature conservation importance. Given the proximity of Proposals NK7, NK8 and NK9 to the Firth of Forth Site of Special Scientific Interest and the Firth of Forth Special Protection Area, the sites should be screened for consideration through the Habitats Regulation Appraisal process. This requirement is included within the plan. The suite of natural environment policies within the plan will ensure that the impact of the development of the sites on the natural environment will be fully assessed as part of the consideration of a planning application.
33. None of the sites identified are shown to be at risk of river or coastal flooding and the Scottish Environment Protection Agency has not identified any concerns.
34. With regard to the loss of prime agricultural land, paragraph 80 of Scottish Planning Policy identifies the exceptions where development can take place on prime agricultural land; this includes where it is a component of the settlement strategy. The council submit that the allocations are necessary to help produce the most appropriate and sustainable development strategy to meet the required development needs identified within the strategic development plan (SESplan). I agree with the council that the sites are located within sustainable locations and are an important component of the settlement strategy; I therefore find that the proposals accord with paragraph 80 of Scottish Planning Policy.
35. A representation expresses concern regarding the impact of development on geology

and rare minerals. The council submit that rare soil was identified to the west of Proposal NK7, however this area does not form part of the proposal. Technical Note 11: Planning for Geodiversity identifies that a geological audit of East Lothian was carried out and the proposed sites were not identified as locally important.

#### Other matters

36. A number of representations express concern that the proposed developments will not provide affordable housing. The plan identifies that there is a need for affordable housing and Policy HOU3: Affordable Housing Quota requires 25% of the total number of dwellings proposed for each housing site to be affordable.

37. As explained within paragraph 10, noise from construction can be controlled through planning conditions. The loss of a view is not a material consideration relevant to the preparation of the plan.

38. Overall, I am satisfied that Proposals NK6, NK7, NK8 and NK9 are suitable for inclusion as allocations for residential development and are required to help meet the housing requirement identified within the plan. As a result of my conclusions above, no modifications are recommended in response to these representations.

#### **Reporter's recommendations:**

No modifications.

<b>Issue 10</b>	<b>General Urban Development Policies</b>	
<b>Development plan reference:</b>	Growing Our Economy & Communities: General Urban Development Policies pgs 57-59	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>ASDA (0099)                  Royal Mail Group (0154)                  Musselburgh Area Partnership (0291)                  East Lothian Liberal Democrat Party (0300)                  Haddington &amp; District Amenity Society (0327)                  David Campbell (0361)                  The Scottish Government/Transport Scotland (0389)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Town and Village Centres, Other Retail or Mixed Use Areas Policy TC1: Town Centre First Principle Policy TC2: Town and Local Centres Policy RCA1: Residential Character and Amenity	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy TC1: Town Centre First Principle</b></p> <p><u>ASDA (0099)</u></p> <p>Representation notes that planning permission has been approved for the now operational supermarket at Spott Road Dunbar, and notes that other development in the wider area too. The additional housing and population growth proposed at Dunbar is referred to within the submission. It acknowledges that the proposed LDP takes forward a retail hierarchy, and that the supermarket subject to this representation is included within an area designated as a local centre. The representation supports the inclusion of the supermarket within the proposed new local centre area.</p> <p><u>Royal Mail Group (0154)</u></p> <p>The representation suggests that Policy TC1 of the development plan fails to adequately protect existing Class 4, 5 and 6 operations. As such Royal Mail Group would request that the following wording be included in Policy TC1 (preceding the final sentence) in order to provide necessary protection - "Existing Class, 4, 5 and 6 premises and operations will be protected from neighbouring proposals that may adversely impact the existing operation or may be located adjacent to the existing operation".</p> <p><u>Scottish Government/ Transport Scotland (0389/1)</u></p> <p>Scottish Planning Policy (2014) (SPP) (CD013), paragraph 68 states "Development plans should adopt a sequential town centre first approach when planning for uses which generate significant footfall, including retail and commercial leisure uses, offices, community and cultural facilities and, where appropriate, other public buildings such as libraries, and education and healthcare facilities."</p>		



The requested change will ensure consistency with the term used in SPP (CD013).

Using the word 'potentially' can be taken to imply a degree of discretion / option as to whether these uses are considered against the town centre first approach, whereas there should be a point where this is considered, and then it be applied where appropriate.

Scottish Government/Transport Scotland (0389/2)

Class 4 includes use as an office. Scottish Planning Policy (2014) (SPP) (CD013), specifically says that the sequential approach should apply to offices. Office workers can support town centres through lunchtime shopping / activity, and benefit from the sustainable transport options which town centres offer and benefit from.

Scottish Government feel the suggested change will more closely align with the spirit of the town centre first approach set out in SPP.

**Policy TC2: Town and Local Centres**

Scottish Government/Transport Scotland (0389/3)

The representation states that the current wording in TC2, "Residential use may also be acceptable..." raises an element of doubt and does not set out the positive framework to promote town centre living which the Scottish Government expects.

Scottish Government request the wording is changed to have a more positive tone towards living in town centres and proposals for residential use in such locations.

**Policy RCA1: Residential Character and Amenity**

Haddington & District Amenity Society (0327/6)

The examination should consider the import of RCA1 when read together with DC8: Countryside Around Towns.

**General Urban Development Policies Miscellaneous**

Musselburgh Area Partnership (0291/12)

No consideration given to urban crofts.

East Lothian Liberal Democrat Party (0300/3)

Musselburgh Town centre should be regenerated in association with the new development there.

David Campbell (0361/3)

At section 3- Town Centres, Employment and Tourism, p 57, para 3.4 a reference to road improvement schemes would be useful because historic town centres are especially vulnerable to this type of development. In the past, much of their economic strength lay in the way all roads led into them. In many cases this advantage is now a curse, both in terms of parking and through traffic.

Insert new sentence at line 7 of para 3.4, after “. . . and the role and function of the centre.” as follows: "Many of these centres are of great cultural importance, and all development proposals, including road improvement schemes, will be assessed against all relevant Local Development Plan policies. Large-scale developments . . . etc"

David Campbell (0361/11)

The background to the Tourism section should specifically refer to Policy DC5 Housing as Enabling Development as one policy that all leisure and tourism proposals should be assessed against. A cross reference would be helpful to remind that enabling development cannot be treated as precedent. Insert to final sentence:

". . . relevant Local Development Plan policies, including those on enabling development (Policy DC5)."

Scottish Government (0389/4)

Scottish Planning Policy (2014) (SPP), expects local authorities, working with partners to use the findings of town centre health checks to develop a strategy to deliver improvements in the town centre. To give weight to town centre strategies, by making their spatial elements part of the development plan to support their delivery, SPP paragraph 66, goes on to state “The spatial elements of town centre strategies should be included in the development plan or supplementary guidance.”

Where SPP talks about ‘supplementary guidance’ Ministers expect this to be formal statutory supplementary guidance, as covered by section 22 of the Town and Country Planning (Scotland) Act 1997 (as amended). Circular 6/2013 ‘Development Planning’ confirms paragraph 148 “non-statutory guidance should not be termed Supplementary Guidance and will not form part of the development plan.”

Therefore, the Council’s proposal to take forward the town centre strategies as non-statutory supplementary guidance, non-statutory guidance not to be termed Supplementary Guidance as set out the Circular, does not comply with SPP which says that the spatial elements of town centre strategies should be included in the development plan or supplementary guidance.

**General Urban Development Policies Support**

ASDA (0099)

Support for a local centre at Spott Road Dunbar that includes the ASDA store.

**Modifications sought by those submitting representations:**

**Policy TC1: Town Centre First Principle**

Royal Mail Group (0154)

The following wording be included in Policy TC1 (preceding the final sentence) in order to provide necessary protection - "Existing Class, 4, 5 and 6 premises and operations will be protected from neighbouring proposals that may adversely impact the existing operation or may be located adjacent to the existing operation".

Scottish Government (0389/1)

Para 3.4, second sentence “Such uses could include retail, commercial leisure uses, offices (class 2), community and cultural facilities, and potentially public buildings such as libraries, education and healthcare facilities.” Change the wording “and potentially” to “and where appropriate, other”.

Scottish Government (0389/2)

Para 3.7, second sentence Change wording from:

“While many Class 4 proposals will be appropriate in scale and character for a town centre and will normally be expected to locate there, some Class 4 proposals may be better located on land specifically allocated by the Plan for such use.”

to:

“Class 4 office proposals will normally be expected to locate in town centres, where appropriate in scale and character, however some Class 4 proposals may be located on land specifically allocated by the Plan for such use.”

**Policy TC2: Town and Local Centres**

Scottish Government (0389/3)

TC2: Town and Local Centres second paragraph Change first sentence from: “Residential use may also be acceptable, particularly in a backland or above ground floor location.”

To: “Residential use will be supported, particularly in backland or above ground floor locations.”

**Policy RCA1: Residential Character and Amenity**

Haddington & District Amenity Society (0327/6)

No Modification sought

**General Urban Development Policies Miscellaneous**

Musselburgh Area Partnership (0291/12)

No Modification sought

East Lothian Liberal Democrat Party (0300/3)

No specific modification sought or suggested, but the objection would suggest that an amendment should be made to the plan.

David Campbell (0361/3)

Insert new sentence at line 7 of para 3.4, after “. . . and the role and function of the centre.” as follows: “Many of these centres are of great cultural importance, and all

development proposals, including road improvement schemes, will be assessed against all relevant Local Development Plan policies. Large-scale developments . . . etc"  
 At Section 3 - Town Centres, Employment and Tourism. At p 63, para 3.26 insert ". . . relevant Local Development Plan policies, including those on enabling development (Policy DC5)."

David Campbell (0361/9)

At para 3.26 insert an addition at the end of the last sentence to read "...including those on enabling development (Policy DC5)."

Scottish Government (0389/4)

Para 3.15, third sentence Delete words 'non-statutory' before 'supplementary guidance'.

**General Urban Development Policies Support**

ASDA (0099)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Policy TC1: Town Centre First Principle**

Royal Mail Group (0154)

In a town centre location different uses will historically have been located adjacent to another use. Sometimes these uses can be in conflict over environmental issues such as noise. To an extent this is tolerated in a town centre as for example anyone choosing to live in a town centre location cannot expect the same amenity as they could expect in a more suburban location; a degree of noise and vibrancy is to be expected in a town centre location. This representation seeks to protect an existing established class 4, 5 or 6 use in a town centre location from any adverse effect from a proposed new adjacent use. In practice when a new use is proposed in a town centre location the Council's Environmental Protection team is consulted on the planning application and will comment on any adverse amenity impact the new use would have on the established uses around the application site and vice versa. This will then be taken into account by the case officer dealing with the planning application. The onus will always be on the proposed use to adapt to mitigate its impact on the established use and not the other way around. If such adverse impacts are not able to be mitigated the application will be refused. There is therefore be no need for such an amendment to the LDP. If the Reporter were minded to consider that it merited inclusion, it would require to refer to mitigation of any adverse impact. **The Council submits that no modification is required.**

Scottish Government (0389/1)

The suggested revisions to paragraph 3.4, might give greater consistency with the term used in Scottish Planning Policy (SPP) (CD013) but is not necessary. **The Council submits that no modification is required.**

Scottish Government (0389/2)

The suggested revisions to paragraph 3.7 might more closely align with the spirit of town centre first approach set out in Scottish Planning Policy (CD013) but is not necessary. **The Council submits that no modification is required.**

**Policy TC2: Town and Local Centres**Scottish Government (0389/3)

The Council is satisfied that Policy TC2 is sufficiently positive towards proposals for residential use in town centre locations. **The Council submits that no modification is required.**

**Policy RCA1: Residential Character and Amenity**Haddington & District Amenity Society (0327/6)

The Council submits that it is not clear what the representation means, so it is difficult to respond. However, it should be noted that Policy RCA1: Residential Character and Amenity does not apply in the same locations as Policy DC8: Countryside Around Towns, so they should not be read together – they are not plan wide policies, they are location specific. **The Council submits that no modification is required.**

**General Urban Development Policies Miscellaneous**Musselburgh Area Partnership (0291/12)

It is acknowledged that there is no mention of urban crofts which is not a recognised planning term. It is assumed that it means very small scale farming set within an urban area. The Council notes that Policy OS6 of the LDP (CD039) requires that new housing proposals of 500 or more dwellings make provision for land within their masterplans for delivery of allotments as part of the mix of open space types to be provided on such sites, which the Council considers gives similar community benefits and encourages small scale growing. Given the pressure to identify sufficient land to meet the housing and employment land requirement set by SDP (CD030 and CD036) and on making efficient use of land to ensure the minimum amount of land in or adjacent to existing settlements is used, the Council does not consider that urban crofts have a role to play in the LDP spatial strategy. East Lothian has many areas within its countryside that are smallholdings, again similar to a croft. Where there are large groupings of smallholdings covering an extensive area such as at Letham to the west of Haddington, the Council has recognised their characteristic appearance within the countryside and has sought to protect that through its proposed Countryside Around Towns policy (LDP Policy DC8) (CD039). However not many smallholdings are in productive agricultural use with several used as grazing or even garden ground. This may suggest that the demand for small agricultural holdings is low or that their viability is uncertain. The Council considers that allotments are a more appropriate means to encourage growing, which is allowed for in the LDP (CD039). **The Council submits that no modification is required.**

East Lothian Liberal Democrat Party (0300/3)

The Council agrees that regeneration and improvement is needed in Musselburgh High

Street. The Council approved a Town Centre Strategy for Musselburgh that covers the period to 2019 (CD087) One of its actions is the environmental improvement of the east side of High Street between the Town Hall/Tolbooth and the Pinkie Pillars, the first phase of which was completed in 2015 re-landscaping the eastern end of High Street and providing additional town centre parking to support businesses in a £650,000 project. Paragraph 3.15 of the LDP (CD039) states that Town Centre Strategies will be reviewed and updated as necessary by the Council. The LDP will impact on Musselburgh High Street and new residents from the housing land allocations in the cluster area will provide an opportunity for the town centre to attract significant new custom which should in turn lead to new investment in town centre businesses. At the same time traffic and air quality concerns will be addressed by the Air Quality Management Plan (CD088) and by a programme of transport improvements to improve traffic flow to ensure, assisted by the town centre strategy and any subsequent replacement, that Musselburgh town centre remains vibrant but also that it provides an appropriate environment in which to attract people to use it. **The Council submits that no modification is required.**

David Campbell (0361/3)

The Council agrees that it is appropriate to recognise the cultural as well as commercial importance of East Lothian's town and village centres, many of which are either in or adjacent to a conservation area as well as containing places of cultural importance. Many of these centres are long established with roads leading directly to and through them. From analysis undertaken as part of the Transport Appraisal (CD041) the LDP section on the Local Road Network (pgs 95-97) (CD039) identifies where transport improvements are likely to be required and these are in the Musselburgh and Tranent areas. In addition, work arising from town centre strategies, charrettes, Area Partnerships or service departments of the Council will often have implications for improvement schemes in the town centre public realm, including High Streets. Where this type of work is proposed it will be considered in the context of LDP policies, including those contained within the cultural heritage section, and any relevant supplementary guidance or non-statutory supplementary guidance. The Council submits that this amendment to the LDP is not required as East Lothian's town centres are recognised as being of cultural importance and that any proposed road improvement schemes will be considered against LDP policies and any appropriate supplementary guidance as a matter of course. **The Council submits that no modification is required.**

David Campbell (0361/9)

The LDP wording at para 3.26 (CD039) is designed to ensure that all relevant LDP policies are taken into account in the assessment of all leisure and tourism proposals. This will include Policy DC5 where it is relevant. The Council does not consider that this policy needs to be highlighted in this way and considers that by doing so it may detract from other LDP policies that are relevant. **The Council submits that no modification is required.**

Scottish Government (0389/4)

The Council submits that it has prepared a strategy for its town centres and that this is fully contained and explained in the LDP on pages 57 and 58 (CD039). The LDP outlines a hierarchy of centres from town centres to local centres to village centres (East Lothian does not have any regional or commercial centres). The boundaries of each town and local centre are outlined on the Proposals Map (CD039) and its relevant inset maps. These are the spatial areas for which an individual town centre strategy either has been or will be

prepared. The Council supports the development of individual town centre strategies which will identify and deliver improvements to East Lothian's six main town centres of Musselburgh, Tranent, Prestonpans, Haddington, Dunbar and North Berwick. The Council has successfully delivered the first Haddington town centre strategy and has also approved a town centre strategy for Musselburgh (CD087). The major environmental improvement project for Musselburgh was completed at the east end of High Street in 2015. Work has commenced on the Tranent town centre strategy with the completion of its charrette and a further charrette is planned for North Berwick town centre in 2017. The Council considers that the action plans contained within individual town centre strategies are too detailed for inclusion within an LDP. Furthermore, such actions are not always firm commitments in the Council's Capital Plan and without financial commitment to implement the Council does not consider they can be firm LDP proposals.

The Council therefore considers that it has complied with para 66 of Scottish Planning Policy (CD013) and provided a spatial strategy for its town centres supported by the text in para 3.15 of the LDP that explains how this will be delivered. Existing town centre strategies were prepared as supplementary planning guidance and future individual strategies will be supplementary guidance. **The Council submits that no modification is required.**

### **General Urban Development Policies Support**

ASDA (0099)

Support noted

### **Reporter's conclusions:**

#### **Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a matter raised in a representation which is in support of the provisions of the plan and does not seek modifications. Therefore, unless this relates to an issue which is unresolved, it will not be addressed in my conclusions. In my conclusions, under the 'general urban development miscellaneous' heading I have added subheadings for clarity.

#### **Policy TC1: Town Centre First Principle**

2. Policy TC1 reflects the requirements of Scottish Planning Policy paragraphs 68 and 69 regarding the prioritisation of high footfall land uses in town centres. The decision making framework of the whole development plan provides an appropriate mechanism (subject to recommended modification) to consider the impacts from individual planning applications against existing interests. I consider that this adequately protects existing Class 4, 5 and 6 land uses that are already in town centres, such as those identified by Royal Mail.

3. Scottish Government proposes two modifications to improve consistency with Scottish Planning Policy. Proposed plan paragraph 3.4 currently uses the word 'potentially' which gives loose or ambiguous meaning for applying the sequential approach to libraries, schools and healthcare facilities. Similarly the structure of proposed plan paragraph 3.7 sentence two creates the impression of a broader level of flexibility for class 4 office use than is currently set out by Scottish Planning Policy paragraphs 68 and 69. I therefore

recommend modification of both paragraphs 3.4 and 3.7.

### **Policy TC2: Town and Local Centres**

4. Scottish Government raises concerns about the proposed approach to residential uses in town centres, particularly backland or above ground floor locations. The main issue of contention appears to be the second sentence within paragraph two of Policy TC2. This sentence identifies circumstances within a defined town or local centre when it may not be appropriate to change the use of ground floor from a town centre use to a residential use. As currently written, the policy seeks evidence that a town/local centre use is no longer viable.

5. Whilst residential uses are not high footfall land uses (Scottish Planning Policy paragraph 68), they are appropriate within town centres. Any planning authority must weigh up the local risks of changing ground floor land uses within defined town/local centres where this may compromise the subsequent implementation of Scottish Planning Policy paragraph 68. Doing so may require mechanisms to resist non-town centre first land uses locating on ground floors within defined town/local centres.

6. Policy TC2 paragraph one identifies land uses that will be appropriate in town and local centres in East Lothian. This broadly reflects the land uses described in Scottish Planning Policy paragraph 68. Proposed plan paragraph 3.10 explains that the general inter-change of these land uses within defined town centres will be acceptable. This recognises that a material change of use from one town centre use to another is acceptable in principle but there may be circumstances when it is not.

7. Policy TC2 paragraph two identifies specific locations where residential uses will be appropriate in town/local centres. This includes backland and above the ground floor. This reflects Scottish Planning Policy paragraph 62 and paragraph 60 bullet four. Policy TC2 is therefore not resistant to residential uses within defined town and local centres. Indeed the proposed plan allocates several locations for housing that are within town centres for example in Musselburgh.

8. In terms of Scottish Planning Policy, paragraph 60, bullet 4, I consider that 'local need and demand' refers to residential uses. The evidence before me does not suggest that ground floor locations within defined town/local centres are vital to meeting the identified need and demand for new homes in East Lothian. I am, however, persuaded that it is rational for a plan to specify a mechanism to ensure that a change of land use does not compromise the implementation of Scottish Planning Policy paragraph 68. I consider that the approach outlined by the council is one such mechanism. I therefore recommend no modifications.

### **Policy RCA1: Residential Character and Amenity**

9. The development plan should be read as a whole. Policy RCA1 seeks to safeguard the amenity and character of residential areas by limiting development for other land uses that are not compatible with this. Policy DC8 protects the countryside around towns from development that would harm this and introduces criteria with which development must comply in order to be considered acceptable. Each policy shares similar objectives, albeit that they focus on different types of location. Therefore I consider no modifications are necessary.



## **General Urban Development Policies Miscellaneous**

### Food growing

10. There are no specific references in the proposed plan to urban crofts. Crofting is traditionally focused in the highlands and islands of Scotland and comes with many rights that are protected in law. However, I consider the principle matter to be a focus on enabling small scale food production within an urban area such as a town or city. Like the council I consider that examples could be allotments, gardens or community growing areas. Small holdings may also perform this function although where outside a settlement these may not represent 'urban' locations sought by Musselburgh Area Partnership.

11. Policy OS6: Allotment Provision and Policy DC8: Countryside Around Towns already provide and protect the green infrastructure to facilitate food growing within urban areas. The evidence before me does not suggest that the proposed plan prevents food growing activity taking place in or around existing towns and villages. Therefore I do not recommend any modifications. Matters relating specifically to allotments are considered in Issue 17.

### Musselburgh Town Centre

12. Subject to recommended modifications (above) paragraph 3.4 and Policy TC1 already describe the implementation of the town centres first principle and its inter-relationship with matters of scale and character. The Town Centre Strategy and Air Quality Management Plan for Musselburgh have informed the proposed plan. These show that air quality matters have been considered and formed the basis of several proposed actions and interventions. Air quality matters are covered in Issue 28.

13. The Town Centre Strategy and Air Quality Management Plan have led to proposals to improve roads and related matters of parking, crossings and how road space is used. Some of these measures are already covered in Policy T19: Transport Improvements at Musselburgh Town Centre and Proposals T20: Transport Related Air Quality Measures: Relocation of Bus Stops and T21: Musselburgh Urban Traffic Control System. Therefore I recommend no modifications.

14. The cultural significance of town centres is partly covered by policies for cultural heritage which seek to protect the qualifying interests of those buildings or places. Such matters also form an important part of the Musselburgh Town Centre Strategy.

15. Proposals for all types of development, including new roads and other transport infrastructure, would be assessed against all of the relevant policies in the local development plan once adopted. The modification proposed by David Campbell would not alter the way in which road proposals would be considered in the development plan and therefore I consider that no modifications are necessary.

### Enabling development

16. Policy DC5: Housing As Enabling Development specifically considers housing as enabling development and the exceptional circumstances in which this may be appropriate. Paragraph 3.26 identifies the importance of tourism and balances the benefits with the potential consequences. The development plan should be read as a whole. Policy DC5 is not any more noteworthy and would not carry any greater weight

than other policies with regard to the matters considered in paragraph 3.26.

Town Centres Strategies as statutory supplementary guidance

17. Proposed plan paragraph 3.15, sentence three, does not use the correct terminology from Circular 6/2013 ‘Development Planning’ paragraph 148. However, the central matter is whether the town centre strategies should be statutory ‘supplementary guidance’ or ‘non-statutory planning guidance’. Scottish Planning policy paragraph 66 explains that the spatial elements of town centre strategies should be included in the development plan or statutory supplementary guidance.

18. The proposed plan covers several spatial matters relating to town centres including: town and local centre boundaries, allocating specific land uses within town centres and the management of town centre land uses. It also contains policies and proposals for cultural heritage and transport that directly affect town centres. There is no requirement to cover non-spatial town centres matters in statutory ‘supplementary guidance’.

19. However, it is not possible to say that all emergent spatial issues have been covered in the proposed plan because paragraph 3.15 explains that only one town centre strategy has been prepared. For these reasons it would be sensible and rational to adopt town centre strategies as statutory supplementary guidance. I therefore recommend modifications to paragraph 3.15 to reflect this.

**Reporter’s recommendations:**

Modify the local development plan by:

1. In paragraph 3.4, amending second sentence to read as follows:

“Such uses could include retail, commercial leisure uses, offices (Class 2), community and cultural facilities, and, where appropriate, other public buildings such as libraries, education and healthcare facilities.”

2. In paragraph 3.7, amending the second sentence to read as follows:

“Class 4 office proposals will normally be expected to locate in town centres, where appropriate in scale and character, however some Class 4 proposals may be located on land specifically allocated by the plan for such use”.

3. In paragraph 3.15, amending third sentence to read as follows:

“These will be progressed once the plan is operative and will be taken forward as statutory supplementary guidance”.

<b>Issue 11</b>	<b>Planning for Employment and Tourism</b>	
<b>Development plan reference:</b>	Growing Our Economy & Communities : Planning for Employment and Tourism (pages 60-64)	<b>Reporter:</b> Malcolm Mahony
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>North Berwick Community Council – David Kellock (0003)  Musselburgh &amp; Inveresk Community Council (0245)  Lothian Park (0256)  Lothian Park (0257)  In-Site Property Solutions Ltd. (0262)  Scottish Natural Heritage (0280)  Musselburgh Area Partnership (0291)  East Lothian Liberal Democrat Party (0300)  North Berwick Community Council – Kathryn Smith (0326)  David Campbell (0361)  SportScotland (0367)  Musselburgh Conservation Society (0368)  Inveresk Village Society (0385)  Scottish Power Generation (0391)  East Lammermuir Community Council (0414)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy EMP1: Business and Employment Locations Policy EMP2: Operational Harbours Table EMP1: Employment Sites and Proposals by Cluster Area Planning for Employment: Miscellaneous issues Tourism Policy TOUR1: Archerfield Estate, Dirleton	
<b>Planning authority’s summary of the representation(s):</b>		
<p><b>Policy EMP1: Business and Employment Locations</b></p> <p><u>North Berwick Community Council (0003/1)</u></p> <p>Representation relates to the proposed Local Development Plan’s provision of land for employment across East Lothian and in particular in respect of such at North Berwick. The representation refers to the approved amendments to the proposed LDP on the 17th November 2015 and the further assessment of potential sites for employment uses in the North Berwick Cluster. The representation is intended to build on a previous North Berwick Community Council response of 7th June 2016. The representation makes a general point that with increasing population there should be additional employment opportunities provided within North Berwick. Working from home is also expected to increase in future and provision should also be made for mixed business units locally. Five sites are suggested by North Berwick Community Council as employment land allocations to be included within the adopted LDP, and these are: 1) Tantallon Road: site on the south site of Tantallon Road (A198) which is a triangular area of land; 2) Former ELC Depot at Lime Grove; 3) Land at Williamston access via Gasworks Lane; 4) Old Gasworks; 5) Fenton Barns.</p>		

In-Site Property Solutions Ltd. (0262/3)

ELC has resolved to grant planning permission for a nursing home and extra care flats on the land identified for employment under PROP HN4 and as shown in Table EMP1 and it is envisaged that development will have started on the implementation of the development by adoption of the LDP, rendering table EMP1 immediately out of date.

East Lammermuir Community Council (0414/15)

Only by shifting more employment nearer to the villages can we reduce our reliance on transport and therefore reduce our energy consumption and increase sustainability of these relatively fragile communities.

**Policy EMP2: Operational Harbours**SportScotland (0367/1)

Policy EMP2 - SPP states that development plans should promote the developed coast as a focus of development requiring a coastal location or which contributes to economic regeneration or well-being of local communities. The main conflicts are likely to relate to navigation and sharing of recreational space, but safety issues may also exist. It is not clear from the current wording that leisure and recreational uses are safeguarded by policy EMP2.

**Table EMP1: Employment Sites and Proposals by Cluster Area**Musselburgh Conservation Society (0368/15)

Remove Proposal MH13 from the list of sites in Table EMP1 and include the displaced employment allocation (1ha) as a new allocation for Proposal MH10.

Inveresk Village Society (0385/7)

Remove Proposal MH13 from the list of sites in Table EMP1 and include the displaced employment allocation (1ha) as a new allocation for Proposal MH10.

Scottish Power Generation (0391/6)

Scottish Power Generation suggests that NPF3 includes support for development at the former Cockenzie power station site which '...makes the best use of the locations assets and which will bring the greatest economic benefits.' NPF3 would support such development in the event no proposals for baseload energy generation, consistent with national development 3, being forthcoming. Use of the term 'greatest economic benefits' suggests support for employment generating use(s), which seem a most likely alternative to electricity generating uses on the site. As such, the site should be included as a potential employment site within Table EMP1, and additional text should be added to the plan in support of this between para 3.25 – 3.26. Such inclusion would significantly benefit East Lothian's employment land bank, both in quantitative terms, through the addition of 77 hectares of developable land, and in qualitative terms through the addition of a unique site accessible by road, rail and sea. Without such allocation of the site there exists no basis for the delivery of NPF3s wider aspirations for the Cockenzie site.

**Planning for Employment Miscellaneous**Musselburgh & Inveresk Community Council (0245/6)

Musselburgh town centre is suffering problems with vacant units and new high end establishments are required.

Musselburgh Area Partnership (0291/10)

No mention of waterfront development in the community.

Musselburgh Area Partnership (0291/14)

Retail/Community Infrastructure: a 50% increase in population requires investment in health, sporting, food retail and other community focused facilities; there is no identifiable plan for this and housing numbers should be reduced as infrastructure will not cope. The LDP will not compliment the regeneration of Musselburgh town centre and there is no reference to regeneration of, or retail provision in the main streets in Wallyford and Whitecraig. New retail provision will be required as affordable options in local areas rather than relying on access to large outlying retail centres or further congestion in Musselburgh town centre.

East Lothian Liberal Democrat Party (0300/7)

Plan emphasises the proximity to Edinburgh for employment, but the plan should encourage employment within East Lothian to create the dual benefit of boosting the local economy as well as reducing commuting. Objection states there are imaginative and creative way to address this, including home working and establishing local office hubs and workshops. Developers should be encouraged to offer apprenticeships on a local basis.

North Berwick Community Council – Kathryn Smith (0326/7)

Local Development plan should take a wide ranging and long-term view of employment, catering for older people such as creating a care academy to create a workforce to care for the elderly, and to provide more in the way of digital communications and life-long learning.

Scottish Power Generation (0391/7)

Add new criteria based policy for assessing employment proposals on land not allocated for that purpose that is needed to allow for employment generating uses to be consented at the Cockenzie site. This will be particularly important if representation 0391/6 is not accepted.

East Lammermuir Community Council (0414/16)

More emphasis should be given to supporting infrastructure for employers and businesses in rural settings. This may be through an emphasis on providing for flexible office and workshop space in community facilities in the villages and surrounding countryside.

**Tourism****Tourism Background**

David Campbell (0361/11)

The background to the Tourism section should specifically refer to Policy DC5 Housing as Enabling Development as one policy that all leisure and tourism proposals should be assessed against. A cross reference would be helpful to remind that enabling development cannot be treated as precedent. Insert to final sentence:

". . . relevant Local Development Plan policies, including those on enabling development (Policy DC5)."

**Policy TOUR1: Archerfield Estate, Dirleton**

Scottish Natural Heritage (0280/5)

Further infill development within Archerfield Estate, particularly at Marine Villa, is likely to have a significant effect on the Firth of Forth SPA. These effects may be both direct and indirect. The restriction on further infill development therefore ensures that the Proposed Plan fulfils the requirements of the Habitats Regulations. The restriction also maintains the setting of the existing development within the Estate.

**Support**

**Policy EMP1: Business and Employment locations**

Lothian Park (0256/3)

Lothian Park notes that Policy EMP1: *Business and Employment Locations* proposes a flexible policy approach that allows for uses within Use Classes 4, 5 and 6 and potentially other employment generating uses. Lothian Park supports this diversity of uses and the recognition of a flexible approach to sustain employment.

Lothian Park (0257/3)

Lothian Park notes that Policy EMP1: *Business and Employment Locations* proposes a flexible policy approach that allows for uses within Use Classes 4, 5 and 6 and potentially other employment generating uses. Lothian Park supports this diversity of uses and the recognition of a flexible approach to sustain employment.

**Modifications sought by those submitting representations:**

**Policy EMP1: Business and Employment Locations**

North Berwick Community Council (0003/1)

Allocation of sites within the LDP at Tantallon Road, Lime Grove, Williamston Farm, Old Gasworks all North Berwick and at Fenton Barns, near North Berwick, for employment uses.

In-Site Property Solutions Ltd. (0262/3)

In Table EMP1: Employment Sites and Proposals by Cluster Area Proposal HN4 should be deleted, with associated modifications to the Totals figures.

East Lammermuir Community Council (0414/15)

No Modification sought

**Policy EMP2: Operational Harbours**

SportScotland (0367/1)

Insert specific reference to recreational use in Policy EMP2:

Policy EMP2: Operational Harbours -" Within harbours areas the Council will give preference to uses that relate to fishing, other industry or recreational use connected with the harbour. The Council will consider other uses provided they do not prejudice these uses."

**Table EMP1: Employment Sites and Proposals by Cluster Area**

Musselburgh Conservation Society (0368/15)

Remove Proposal MH13 from the list of sites in Table EMP1 and include the displaced employment allocation (1ha) as a new allocation for Proposal MH10.

Inveresk Village Society (0385/7)

Remove Proposal MH13 from the list of sites in Table EMP1 and include the displaced employment allocation (1ha) as a new allocation for Proposal MH10.

Scottish Power Generation (0391/6)

Modify Table EMP1 as follows: Proposals Ref - EGT1; Site Name - Land at Former Cockenzie Power Station; Operational Land - 28 hectares; Undeveloped Land - 49 hectares; New Allocations – 77 hectares; Development Brief – No; Comments – to be supported for development which maximises the economic benefits of the site and which makes appropriate use of the sites assets, in the event of there being no forthcoming proposals for development consistent with NPF3s National Development 3; Policy/Proposal applying to site – EMP1/EGT1; Totals for Prestonpans Cluster Area to be updates – 83.5 hectares.” Add new paragraph between para 3.25 and 3.26: ‘Proposal EGT1: Land at Former Cockenzie Power Station is included as an employment proposal. Proposals which maximise the economic benefits of the site and which make the most appropriate use of the sites assets will be supported in the event of there being no forthcoming proposals for development consistent with NPF3s National Development Number 3.

**Planning for Employment Miscellaneous**

Musselburgh & Inveresk Community Council (0245/6); Musselburgh Area Partnership (0291/10, 0291/14); East Lammermuir Community Council (0414/16)

No Modification sought



East Lothian Liberal Democrat Party (0300/7)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

North Berwick Community Council – Kathryn Smith (0326/7)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Scottish Power Generation (0391/7)

Add a new policy to the Planning for Employment Section between ‘Employment Locations’ and ‘Operational Harbours’, entitled ‘Employment Proposals on Unallocated Sites, setting out the criteria against which development proposals for employment development on sites which are not allocated for such use, will be assessed. This will be particularly important if representation 0391/6 is not accepted.

**Tourism**

**Tourism Background**

David Campbell (0361/11)

At para 3.26 insert an addition at the end of the last sentence to read “...including those on enabling development (Policy DC5).”

**Policy TOUR1: Archerfield Estate, Dirleton**

Scottish Natural Heritage (0280/5)

We welcome the clear caveat for the adjacent Firth of Forth Special Protection Area (SPA) and the restriction on further infill housing within the Estate.

**Support**

**Policy EMP1: Business and Employment locations**

Lothian Park (0256/3)

None.

Lothian Park (0257/3)

None.

**Summary of responses (including reasons) by planning authority:**

**Policy EMP1: Business and Employment Locations**

North Berwick Community Council (0003/1)



SDP Policy 2: Supply and Location of Employment Land is relevant to the consideration of this representation (CD030). The relevant parts of SDP Policy 2 support a range of marketable employment sites of the size and quantity to meet the requirements of business and industry within the SESplan area. It further states that the LDP for East Lothian is to support the delivery of 76ha of established strategic employment land supply within East Lothian. The LDP should provide a range and choice of marketable sites to meet anticipated requirements. The SDP acknowledges that LDPs should respond to the diverse needs and locational requirements of different sectors by ensuring that there is a generous range and choice of employment sites which are highly accessible to communities across the SESplan area (SDP para 93).

In accordance with the SDP, the spatial strategy of the proposed LDP prioritises the East Lothian Strategic Development Area / East Lothian Economic Cluster/Corridor as the location within which the majority of employment land allocations are to be directed (SDP Figure 1, 4 and 8). The proposed LDP has met and exceeded the requirements of the SDP in terms of the provision of sufficient land for employment within this strategic area. Overall, the proposed LDP makes provision for a total of 232 ha of land for employment, 89.8 ha of which is already operational, 77.3 ha of which is within the established land supply, and a further 64.9 ha of new land allocations is proposed to be allocated (In line with the spatial strategy of the proposed LDP, the distribution of the proposed new employment land allocations prioritises the west of the East Lothian Strategic Development Area/East Lothian Economic Cluster/Corridor, with smaller scale new employment land allocations also proposed further east within the SDA. This complements the distribution of housing land allocations within East Lothian.

In accordance with the SDP, North Berwick, being outwith the Strategic Development Area / East Lothian Economic Cluster/Corridor, should not be a focus for significant new housing or employment land allocations. Whilst SDP Policy 7 allows for some additional housing land allocations to be brought forward where there is a need to ensure that a five years' supply of effective housing land is available, there is no policy equivalent within the SDP in respect of the provision of employment land. Nonetheless, the proposed LDP does make provision for additional employment land at North Berwick as part of mixed use housing and employment sites, in line with SDP para 93. In the absence of a specific SDP enabling policy context for such proposals outwith the Strategic Development Area/East Lothian Economic Cluster/Corridor, the approach of providing mixed housing and employment sites is a pragmatic response to the provision of employment land at North Berwick.

At North Berwick there is an operational land supply of 2ha and new land allocations proposed by the proposed LDP identify a further 2ha of land for employment; 1ha is proposed at Tantallon Road South (Proposal NK4: Land at Tantallon Road) to extend an existing operational employment site at Tantallon Road/Mill Walk; another 1ha is identified at Mains Farm South (Proposal NK1: Mains Farm). This is part of a large mixed use site granted planning provided as part of a mixed use development and the Council has approved a further 1 hectare permission in 15/00670/PPM, Planning permission in principle for mixed use development comprising residential development and Class 4 business units, formation of vehicular and pedestrian accesses with associated infrastructure, engineering and landscaping works (CD148). These allocations are subject to Policy EMP1, which relates to proposals for the redevelopment of operational employment land as well as proposals for the development of new allocated employment sites, can provide for a wide range of employment generating uses to come forward. These could include small business units, workshops or similar, as well as traditional and larger scale class 4, 5 and 6 uses, subject to compliance with all relevant proposed LDP policies. For the

avoidance of doubt the reporter might see merit in clarifying that Policy EMP1 applies to the employment element of all LDP sites that are allocated for mixed use development that includes housing and employment use.

East Lothian Council Business Development team undertakes a business base survey every 2<sup>nd</sup> year. This quantitative research provides underpinning information on East Lothian business issues, concerns and requirements including commercial property - size, type and preferred location. Its tables identify preferred requirements for locations, serviced plots, office and units and have been developed from data gathered from the Business Base Survey undertaken since 2007 by Business Development and aggregated accordingly (CD108e). The 2017 survey was issued in March 2017. In addition qualitative research is developed through conversations with local businesses, trade associations and enquiries to the Council from businesses and from prospective commercial developers. North Berwick does not have a high take up of employment land but the Council considers that all larger towns should have some land available for employment therefore an additional allocation was made from those sites suggested by amendment to the draft LDP at the 17 November 2015 meeting of ELC. This is expected to satisfy demand for employment land within the LDP plan period without the need to identify further greenfield land which could end up being developed for other uses if not subsequently take up for employment land. The Council therefore submits that for this plan period there is sufficient appropriate land proposed to be allocated by the emerging LDP for employment generating uses at North Berwick and that there is no need for further employment land allocations at the town. It does not support any modification of the proposed LDP to include the additional employment sites suggested by North Berwick Community Council at North Berwick. East Lothian Council will monitor and review this in the context of the strategy and policy requirements of any replacement Strategic Development Plan for the area, and in the review of the proposed LDP. The Council has assessed each of the sites and responses to the site specific representations (representation 0003/2) are dealt with Issue 13: New Sites. **The Council submits that no modification is required.**

#### In-Site Property Solutions Ltd. (0262/3)

The application for a care home on the land allocated for employment is minded to be granted subject to a legal agreement that has not yet been completed. Proposal HN4 is therefore reflective of the extant planning permission (written on 1 March 2017). **The Council submits that no modification is required.**

#### East Lammermuir Community Council (0414/15)

The approved Strategic Development Plan requires the LDP to retain at least 76 hectares of allocated employment land. It identifies four strategic employment locations in East Lothian which the LDP is to retain. These are the allocated sites at Craighall, Musselburgh and at Blindwells, Macmerry and at Spott Road Dunbar. The LDP is to justify any mixed use proposals for the development of these important strategic sites. The Council also supports the principle of home-working, live-work units, micro-businesses and community business hubs. The Council has previously provided live-work units in a number of its rural villages including Stenton, Dirleton and Humbie. The Council also recognises how important digital connectivity is to the rural economy/employment. There remain challenges around the provision of high-speed broadband for a number of rural communities with households and businesses having to make non-commercial arrangements that can be expensive or not provide the level of speed required. The Scottish Government's R100 initiative aims to provide 100% broadband coverage of 30

Megabits per second and above across Scotland by 2021. However, exactly how this will be implemented in East Lothian is not clear at this time (February 2017). **The Council submits that no modification is required.**

### **Policy EMP2: Operational Harbours**

#### SportScotland (0367/1)

SportScotland seeks to include recreational use as a preferred use for East Lothian harbours. Of East Lothian's harbours Dunbar, Cockenzie, Port Seton and North Berwick have recognised commercial fishing activity with Fisherrow having a more limited fishing presence. North Berwick also has a recreational element with the Seabird Centre, boat trips and the Yacht Club. Port Seton and Dunbar have fishing related and other industry.

Policy EMP2 ensures that preference is given to existing fishing related uses to ensure that these uses are not squeezed out of harbour areas by uses that are potentially more lucrative; an example might be to safeguard fishermen's stores which need a harbour location for fishing use rather than allow it to be converted to restaurant or gallery use which need not necessarily be located at a harbour area. The LDP policy also encourage other industry connected to the harbour. This helps recognise not just existing industry at harbour areas but potential new industry such as the servicing of offshore windfarms. The Council submits that it cannot allow too many preferential uses in harbour areas which could lead to conflict. The Council acknowledges that recreation use may be appropriate at some of its harbours but submits that the policy is sufficiently flexible to allow a range of uses that will allow each harbour to develop in an appropriate way. The policy gives a preference for fishing and industrial use but does not preclude recreational use. **The Council submits that no modification is required.**

### **Table EMP1: Employment Sites and Proposals by Cluster Area**

#### Musselburgh Conservation Society (0368/15)

The Council submits that Dolphinstone is a site that in addition to housing may also require to provide land for a new school (see para 2.36, the pre-ambles to PROP MH11) and therefore may not have sufficient capacity to additionally include land for employment purposes that would be displaced from PROP MH13 in the way that this representation suggests. **The Council submits that no modification is required.**

#### Inveresk Village Society (0385/7)

Dolphinstone is a site that in addition to housing may also require to provide land for a new school (see PROP MH11) and therefore may not have sufficient capacity to additionally include land for employment purposes. **The Council submits that no modification is required.**

#### Scottish Power Generation (0391/6)

The Council submits this approach would be inconsistent with NPF3, and should not be followed. NPF3 does not restrict the 'safeguarding' of the Cockenzie site only to the lapsed Section 36 consent and deemed planning permission, which Scottish Power has announced it does not want to build. Nonetheless, the Scottish Government's safeguard for National Development 3 at the Cockenzie site is intended to be longer term, and linked to

opportunities across Scotland and on the Forth to develop a world leading network of efficient thermal power generating stations with carbon capture and storage facilities, a network which may extend beyond national boundaries. A full explanation for the Council's interpretation of this position is provided in the main body of the Cockenzie Position Statement in the schedule 4 for Issue 22. The Cockenzie site is safeguarded for National Development 3, and is within an Area of Coordinated Action so may have potential for renewable energy related investment as well as energy-related port development. This is a specific and unique aspiration from the Scottish Government for the site, and one that should not be undermined by applying Policy EMP1 of the LDP to it. Policy EMP1 is a relatively permissive employment policy in comparison to the Scottish Government's specific aspirations for the Cockenzie site. The Council submits that the suggested changes to the plan would be inappropriate. **The Council submits that no modification is required.**

### **Planning for Employment Miscellaneous Issues**

#### Musselburgh & Inveresk Community Council (0245/6)

Concerns noted. Musselburgh town centre will be subject to two new policies, Policy TC1: 'Town Centre First' Principle and Policy TC2: Town and Local Centres which aim to support town centres. Additionally the Council has approved a Musselburgh Town Centre Strategy (CD087) which covers the period to 2019 and also aims to support the town centre. To date this has been partially implemented with environmental improvements on the eastern part of the High Street. The Council cannot prevent shops closing nor can it bring in 'high end establishments' but it can provide a framework for the town centre to be supported. The additional population in and around the town that will arise when new development becomes occupied will provide significant new potential for additional economic activity and spend within Musselburgh that should significantly benefit the town centre and may encourage further private investment in the town centre. **The Council submits that no modification is required.**

#### Musselburgh Area Partnership (0291/10)

It is acknowledged that there is no specific mention of the waterfront of Musselburgh in the LDP. It is not clear whether the AP considers that the waterfront should be developed for community use or for other development. **The Council submits that no modification is required.**

#### Musselburgh Area Partnership (0291/14)

The Council has set out the implementation requirements for new development in the Growing Our Economy and Communities section of the LDP. Developer contributions will be sought for many of these and the associated Supplementary Guidance (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. Planned growth in the Musselburgh area will bring additional spend within the reach of Musselburgh town centre. This will bring economic opportunity to the town centre which is likely to benefit from this and lead to further investment and regeneration. It is not expected that this level of planned growth will be harmful to the town centre. At Wallyford the developer is required to provide environmental improvements to the main street in Wallyford prior to the occupation of houses and retail and other new local centre

units are to be ready for occupation by the time the 675th house is completed on the site. (CD145/146 - 14/00903 Amendments to planning permission in principle 12/00924/PPM, including an increase in number of residential units from 1050 up to a maximum of 1450, relocation and redesign of open space, development for residential purposes of areas previously proposed as open space and relocation and redesign of proposed local centre, Land to South, East and West of Wallyford, East Lothian Developments Ltd. Refer to condition 12 of Planning Application). At Whitecraig PROP MH14: Land at Whitecraig South is allocated for a mixed use development including a small local centre. Supplementary planning guidance Draft Development Briefs suggests that this may comprise shop, cafe and/or other facility. Such a facility is intended to provide a local facility rather than relying on access to large outlying retail areas, albeit they will have a place in respect of comparison goods retail. **The Council submits that no modification is required.**

East Lothian Liberal Democrat Party (0300/7)

The LDP proposes a range and choice of strategic scale (Craighall, Blindwells, Macmerry and Spott Road Dunbar) as well as local employment sites (across communities) to promote employment within East Lothian, as set out in Table EMP1 of the LDP. There is a full range and choice of employment land / sites promoted by the plan. There is support for a range of employment uses on this land through policy EMP1, which would support local office hubs or workshops. However, should the Reporter be so minded then the insertion of the word 'significant' between the words 'other' and 'employment' in the first and second sentences of the second paragraph of Policy EMP1 may have some merit in respect of this representation. The Council submits that LDP paragraph 3.20 notes that the Council supports the principle of home working, live-work units, micro businesses and community business hubs. Policy EMP2 also supports the continued use and operation of harbours within the area. Although not a matter for the Local Development Plan, the Council does support the creation of local apprenticeship schemes where possible and appropriate. **The Council submits that no modification is required.**

North Berwick Community Council – Kathryn Smith (0326/7)

Local development plan policy EMP1 takes a wide ranging view of employment on development sites. If more of such land is to be provided through the planning process at North Berwick, however, this will require further development land to be made available at the town. The plan acknowledges the role and importance of digital communications (para 1.40, 4.53 – 4.57 and Policies DCN1: Digital Communications Networks and Policy DCN2: Provision of Broadband Connectivity in New Development) and gives support in these policies. **The Council submits that no modification is required.**

Scottish Power Generation (0391/7)

The Council submits that the introduction of such a policy would be inappropriate (including in terms of SEA and HRA) as well as inconsistent with NPF3. Such an approach should not be followed for the reasons given in 0391/6 and the main body of the Schedule 4. The Council submits the future of the Cockenzie site should not be decided solely by way of a planning application. Any significant change in policy approach to the Cockenzie site should be handled by preparation of statutory Supplementary Guidance, with associated statutory consultation and adoption procedures followed, including sign-off from Scottish Ministers prior to adoption. Once adopted, such statutory Supplementary Guidance would be used to inform and assess any proposals for the Cockenzie site. This is why the Council

has included within Proposal EGT1 the provision that statutory Supplementary Guidance will be prepared to guide the future development of the site in circumstances where the national aspiration to safeguard the Cockenzie site for National Development 3 is reviewed, or if such a proposal is implemented and there is residual land remaining. The Council submits that this is the appropriate approach to follow. **The Council submits that no modification is required.**

#### East Lammermuir Community Council (0414/16)

A more flexible approach will be applied to community, education and healthcare facilities, for example to ensure they are appropriately located for and easily accessible to the communities that they will serve.

The Council has a history of encouraging employment infrastructure in rural areas including villages. These include provision of small workshop units in villages such as Dirleton, Humbie and Stenton and the conversion of Council owned premises at West Barns, Kingston and the former Crossroads school by Ormiston to workshops for rent. The Council also recognises how important digital connectivity is to the rural economy/employment. There remains challenges around the provision of high-speed broadband for a number of rural communities with households and businesses having to make non-commercial arrangements that can be expensive or not provide the level of speed required. The Scottish Government's R100 initiative aims to provide 100% broadband coverage of 30 Megabits per second and above across Scotland by 2021. However, exactly how this will be implemented in East Lothian is not clear at this time (February 2017). There are no further developments of this nature proposed in the LDP of the type that the representation suggests but Policy DC1 supports the principle of new business development in the countryside. **The Council submits that no modification is required.**

### **Tourism**

#### **Tourism Background**

#### David Campbell (0361/11)

The LDP wording at para 3.26 is designed to ensure that all relevant LDP policies are taken into account in the assessment of all leisure and tourism proposals. This will include Policy DC5 where it is relevant. The Council does not consider that this policy needs to be highlighted in this way and considers that by doing so it may inter alia detract from other LDP policies that are relevant. **The Council submits that no modification is required.**

#### **Policy TOUR1: Archerfield Estate, Dirleton**

#### Scottish Natural Heritage (0280/5)

Support welcomed. Should the Reporter agree it may be helpful to amend the pre-amble to this policy to remove the reference to Archerfield Estate being on the National Inventory of Gardens and Designed Landscapes given that Historic Environment Scotland deleted it in September 2016. The Council notes that Historic Environment Scotland also removed the Elvingston Estate from the National Inventory of Gardens and Designed Landscapes at the same time. Should the Reporter agree it may also be helpful to consequently amend Inset Map 3 to remove the Policy CH6 from both Archerfield and Elvingston estates. (CD108f).



**Support****Policy EMP1: Business and Employment locations**

Lothian Park (0256/3) and (0257/3)

Support noted.

**Reporter's conclusions:****Preliminary**

1. My examination of the plan is limited by regulations to addressing only unresolved issues which have been raised in representations. The council has listed a number of matters raised in representations which support provisions of the plan or simply make comments without seeking modification of the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Policy EMP1: Business and Employment Locations**

2. Representations from North Berwick and East Lammermuir Community Councils advocate more employment land in North Berwick and supporting business infrastructure in rural settings. Specific sites in North Berwick are suggested. Some of these are acknowledged to be longer-term prospects.

3. However, the overall pattern of provision of employment locations around East Lothian is guided by policies of the Strategic Development Plan (SESplan). Within East Lothian, SESplan identifies a Strategic Development Area and an Economic Corridor, both of which focus on the key transport routes of the A1 road and the East Coast Main Line. The local development plan follows this pattern by directing most of the employment land allocations to locations within those areas. Neither North Berwick nor the villages of East Lammermuir fall within those areas.

4. Moreover, the plan makes provision for considerably more than the 76 hectares of employment land required by SESplan. The plan indicates a total of 232 hectares of employment land overall, 64.6 hectares of which are new allocations. Again, these locations focus on the strategic priority areas.

5. Whilst there is therefore no specific strategic basis for adding employment sites in North Berwick and East Lammermuir, SESplan expects there to be a generous range and choice of employment sites which are highly accessible to communities across its area. The council has allocated two hectares of new land for employment in North Berwick on top of an existing operational supply of two hectares. The new sites are at Tantallon Rd South and Mains Farm South and are each allocated for mixed employment and housing. The council points out that the employment elements of such sites are intended to be subject to Policy EMP1 of the plan, but that this would benefit from clarification. I agree that this would be helpful and recommend accordingly.

6. The council maintains that there is not a high take up of employment land in North Berwick and that consequently the four hectares mentioned would be sufficient. I have no evidence to suggest that the North Berwick sites as proposed are unsuitable. The council is understandably reluctant to allocate new greenfield sites for employment where they

might end up being developed for other purposes should the employment use not be taken up, albeit several of the suggested sites are brownfield.

7. The plan makes no allocations for employment land in the villages of East Lammermuir, although I note that the representation does not suggest any sites. The nearest strategic employment site is at Spott Road, Dunbar. Otherwise, the council relies on its general support for home-working, live-work units, micro-businesses and community business hubs, as mentioned in the plan, but acknowledges uncertainties over digital connectivity improvements for rural businesses.

8. With the above in mind, I find that I have no basis on which to recommend allocation of the suggested sites or other modifications to the plan.

9. As to the representation by In-Site Property Solutions regarding the planning status of the site at Gateside East in Haddington (HN4), this is considered under Issue 7: Haddington Cluster.

### **Policy EMP2: Operational Harbours**

10. SportScotland wishes to include recreational uses as preferred uses for East Lothian harbours. However, the council has decided to give preference to uses that relate to fishing or other industry connected with the harbour so that they are not squeezed out by other potentially more lucrative recreational and tourism-related uses, which need not be located in a harbour area. At the same time the policy has sufficient flexibility for other uses, which may be appropriate at some harbours. I consider that this approach strikes a sensible balance and I have no reason to recommend modifying it.

### **Table EMP1: Employment Site and Proposals by Cluster Area**

#### Wallyford

11. Table EMP1 includes Proposal MH13, land at Howe Mire, Wallyford, which would provide one hectare of employment land as part of a mixed use development including housing. Two representations wish to see the removal of Proposal MH13 (for reasons explained under Issue 3: Musselburgh Cluster) and replacement of that area of employment land within Proposal MH10: Land at Dolphingstone, a larger mixed use development site on the opposite side of Wallyford.

12. The council points out that the land at Dolphingstone may have to provide land for a new school as well as housing. It may therefore not have capacity to include land for employment purposes.

13. Our recommendation in Issue 3 is for Proposal MH13 to be deleted from the plan. This reduces employment land by one hectare. However, as explained in paragraph 4 above, the amount of land allocated for employment purposes in East Lothian is considerably in excess of the SESplan requirement. There is consequently no need to replace that one hectare at another nearby site in numerical terms. Nor has any other reason been advanced for requiring such an allocation in the vicinity.

#### Cockenzie

14. Scottish Power Generation wishes to see site EGT1 Land at Former Cockenzie



Power Station designated for employment use under Policy EMP1: Business and Employment Locations, with the comment that, in the event of there being no proposals for power station development consistent with National Development 3, development should be supported which maximises the economic benefits of the site and which makes appropriate use of the site's assets.

15. As the council points out, Policy EMP1 is a relatively permissive employment policy in comparison to NPF3's specific aspirations for the Cockenzie site. I agree that its application would undermine those aspirations and be inappropriate.

### **Planning for employment, miscellaneous**

16. Particularly in the event that its representation on Cockenzie under Issue 22a is not accepted, Scottish Power Generation seek a new policy to assess employment proposals on land not allocated for that purpose. I share the council's view that it would be inappropriate, for the future of the Cockenzie site to be determined in what would be a piecemeal fashion.

17. East Lothian Liberal Democrat Party wishes to see more encouragement for the local economy. As the council explains, the plan contains a number of policies and expressions of support to foster local employment. The council considers that North Berwick Community Council's suggestions around a care academy, digital communications, etc, and East Lammermuir Community Council's suggestions around rural businesses are broadly covered by the plan's existing policies. I have no basis to find that the council's approach is insufficient.

### **Town and village centres; retail**

18. The Musselburgh Area Partnership makes representations under the headings of environment, retail and community infrastructure, rather than employment. The partnership is concerned that local infrastructure will not cope with the proposed population increase. The council has sought to address this issue in part by requiring developer contributions for some infrastructure. It expects retail growth and regeneration to result from the increased spend arising from the additional population. An example is given of a draft development brief requiring a larger housing development to include local retail or other community provision. I am not persuaded that the addition of specific references to regeneration of village main streets or increased retail provision, as suggested, would add anything beneficial to the plan.

### **Tourism Background**

19. I agree with the council that it is unnecessary for the tourism section to cross-refer to policy on housing as enabling development. The plan is to be read as a whole so cross-referencing of selected policies would be confusing.

### **National Inventory of Gardens and Designed Landscapes**

20. The council has informed me that Historic Environment Scotland has removed Archerfield Estate and Elvingston Estate from the National Inventory of Gardens and Designed Landscapes. These will therefore no longer be subject to Policy CH6. In the interest of accuracy, I recommend that the relevant section of text in paragraphs 3.27 and Policy TOUR1 should be amended accordingly. The relevant CH6 designations on Inset

Map 3 are dealt with under Issue 29: Cultural Heritage.

**Reporter's recommendations:**

Modify the local development plan by:

1. Adding a final sentence to Policy EMP1 as follows:

“This policy applies to the employment element of all sites in the plan which are allocated for employment use, including mixed use sites that include employment use.”

2. In paragraph 3.27, deleting the fifth sentence commencing: “Archerfield Estate is also included...”

3. Deleting the last sentence of Policy TOUR1: Archerfield Estate, Dirleton.

<b>Issue 12</b>	<b>Planning for Housing</b>	
<b>Development plan reference:</b>	Growing Our Communities	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>John Slee (0049) James Millar (Kilduff) Ltd (0204) Messrs R and A Kennedy (0208) Balfour Beatty (0209) Gladman Planning (0213) Haig Hamilton (0219) Messrs R and A Kennedy &amp; Omnivale (0227) Stewart Milne Homes Ltd (0229) A P Dale and R F Dale (0243) Barratt David Wilson Homes (0246) Sirius Sport and Leisure (0274) Wallace Land Investments (0281) Ashfield Commercial Properties Ltd. (0282) Wallace Land Investments (0283) Wallace Land Investments (0284) Wallace Land Investments (0285) BS&amp;S Group (0286) The Esperance Trust Group (0303)</p>	<p>Gullane Opposed to Over Development (0309) Stewart Milne Homes (0311) Miller Homes (0340) Hargreaves Services Ltd (0349) Homes for Scotland (0353) Musselburgh Conservation Society (0368) Inveresk Village Society (0385) The Scottish Government/Transport Scotland (0389) Gladman (0392) CALA (0393) The Traquair and Stewart Families (0409) Taylor Wimpey UK Ltd and MacTaggart &amp; Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and MacTaggart &amp; Mickel Homes Ltd (0438)</p>	
<b>Provision of the development plan to which the issue relates:</b>	<p>Housing and Housing Land Requirement Policy HOU1: Established Housing Land Table HOU1: Housing Proposals by Cluster Area Policy HOU2: Maintaining an Adequate Effective Five-Year Housing Land Supply Table HOU2: Housing Land Requirement and Supply Planning for Housing (pgs 64-73)</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>John Slee (0049/3)</u></p> <p>The representation states that “a case can be made for a fundamental re-examination of the overall plan for 10,000 houses to be built in East Lothian”.</p> <p><u>James Millar (Kilduff) Ltd (0204/5)</u></p> <p>Para 3.32 (Page 64) highlights the Councils commitment to continuing to support the development of housing sites in the established housing land supply. This is noted, however, the emerging SESplan (Para 5.10) highlights that where sites have been carried forward from multiple plans without delivery being achieved, they should be removed from the plan in favour of more effective and deliverable sites, which could result in a reasonably significant change in the land supply during the review of the LDP and further sites may be required earlier than envisaged, and sites will definitely be required in the medium to long term as highlighted in emerging SESplan. With the identified capacity issues surrounding some settlements where “Countryside Around Towns” designations have been identified,</p>		

we believe there could be limited opportunities to meet the subsequent shortfall, and certainty needs to be provided. Para 3.37 (Page 64) states that in considering housing development post 2024, to meet the currently identified requirement, the “LDP does identify and safeguard potential opportunities”. The LDP actually only contains one safeguard (at Blindwells) and we believe there is significant merit in taking a similar approach to a Drem Expansion Area (as shown on our “Vision for Drem” document submitted with these representations) to enable a plan led approach to be taken to meeting failures in the 5 year land supply that arise, and to provide an effective and deliverable proposal to be formulated to convert the safeguarding in to an allocation through the review of the LDP. SESplan 2 indicates that all Council areas will require further housing land in the 2030-2038 period, if not before, through a review of the SDP. The preference will likely continue to be for sites within SDAs, then others, and there are limited alternative options for significant development in the east of East Lothian. Introducing an additional safeguard will allow for land to be drawn down early on identified sites, in a plan led manner, in the event of a failure in the 5 year land supply emerging which is in line with the approach advocated in SESplan (Policy 6). We note the Councils commitment to continuing support for the principle of appropriate residential development on sites of the established housing land supply as set out in the 2015 Housing Land Audit. We have not been provided with the 2016 HLA to consider the programming for individual sites, but Appendix 2 of the Councils Technical Note 1 provides a summary of this. We are not clear however whether this has been agreed with Homes for Scotland, or whether there will be change to this. Therefore we are unclear of the accuracy of the assumptions made in that document to support the achievement and maintenance of a minimum effective 5 year land supply at all times. The Councils Technical Note 1 analyses the difference between SPP 2010 and SPP 2014 and their approach to calculating the housing land requirement, and the housing land supply, as well as issues such as the margin for generosity. This was considered in detail in Issue 5 of the Edinburgh LDP Examination Report and it was concluded that the LDP must conform to the current SDP and that generosity was to be added as part of preparing the LDP as it had not been added in preparing the SDP. In that case the Examination Reporter nevertheless gave weight to the 10%-20% generosity margin contained in SPP 2014. Table 16b of the Councils Technical Note 1 seems to indicate a shortfall of housing in the 2024 to 2032 period of some 1,107 homes, and it should be borne in mind that there may be other sites which fail to deliver in the in between time which would support the identification of a safeguarding at Drem to enable the proposal to be further investigated to ensure delivery at a time when it is required as part of a plan led approach to meeting housing need and demand in the locality.

James Millar (Kilduff) Ltd (0204/6)

We do not dispute that the Plan has numerically identified sufficient housing land to meet, and slightly exceed, the Housing Land Requirement, however, when the programming of these sites is examined in detail, we believe that there would be merit in safeguarding further land (at Drem Expansion Area) for future development.

Messrs R and A Kennedy (0208/2)

The SESplan housing requirement for East Lothian equates to the need to identify land capable of delivering 10,050 homes in the period up to 2024 and 6,250 up to 2019. Blindwells is a key component of the LDP strategy and can only be relied on for a modest percentage of ne house completions within the LDP plan period. Therefore the LDP as presently proposed will fail to meet its requirements in terms of land supply and there remains an underlying requirement for the release of additional effective sites to help meet

that requirement.

Balfour Beatty (0209/1)

The SESplan housing requirement for East Lothian equates to the need to identify land capable of delivering 10,050 homes in the period up to 2024 and 6,250 up to 2019. Blindwells is a key component of the LDP strategy and can only be relied on for a modest percentage of new house completions within the LDP plan period. Therefore the LDP as presently proposed will fail to meet its requirements in terms of land supply and there remains an underlying requirement for the release of additional effective sites to help meet that requirement. Therefore support the increase in the size of the site at Macmerry North TT7 to provide an additional 50 homes.

Gladman Planning (0213/4)

In accordance with para 119 of SPP; Para 3.31 should set out the Housing Land Requirement for the period of ten years from the expected year of adoption of the plan (2018-2028). Para 3.34 should be amended.

Gladman Planning (0213/5)

Question the reliance upon the established housing land supply as set out in the Housing Land Audit 2015. A much more up to date picture would be reflected in the 2016 Audit, prepared in consultation with the house building industry; which should form the starting point for the LDP figure moving forward. There is a significant existing and ongoing shortfall in the Housing Land Supply (assessed as 66%/3.32 years based on 2015 Audit). In order to pick up on this shortfall and deliver the required new homes, a significant number of additional sites need to come forward in both delivery periods of the plan. The Council has noted in the LDP that delivery is outwith its control or that of the Action Programme, but despite the Council's own Interim Planning Guidance, little or no applications for housing on unallocated sites have been approved by the Council in recent years, with many cases deferring to planning appeal for positive outcomes, thereby delaying the process, costs and ultimately delivery of housing. As well as an increased housing land allocation, safeguarded sites should be introduced as a fallback position in the event of an ongoing shortfall in the HLS.

Gladman Planning (0213/6)

In Table HOU2, the anticipated contribution from new allocations seems highly ambitious given that many sites do not yet have planning permission and are expected to deliver a significant number of units by 2019.

Gladman Planning (0213/7)

As an increased housing land allocation, safeguarded sites should be introduced as a fall back position in the event of an ongoing shortfall in the HLS. Safeguarded sites would become available for consideration in the event of a shortfall in the HLS, in order to ensure the ongoing delivery of appropriate sites at all times.

Haig Hamilton (0219/2)

Alternative sites should be identified which can help meet the housing requirements to

2019 and in the period 2019-2024, helping to maintain an effective five year housing land supply. It is considered that there are a number of sites that are identified for development that are not effective sites and may not come forward during the plan period. There is currently a land allocation within Athelstaneford at the Glebe (Site H8). The site has been designated within the Local Plan for over 18 years, and it is considered, that if this site is not coming forward to meet the Council's housing land requirements, then alternative sites should be considered.

Messrs R and A Kennedy & Omnivale (0227/3)

The SESplan housing requirement for East Lothian equates to the need to identify land capable of delivering 10,050 homes in the period up to 2024 and 6,250 up to 2019. Blindwells is a key component of the LDP strategy and can only be relied on for a modest percentage of new house completions within the LDP plan period. Therefore the LDP as presently proposed will fail to meet its requirements in terms of land supply and there remains an underlying requirement for the release of additional effective sites to help meet that requirement. Therefore support the allocation of land on the east side of Tranent for up to 850 units.

Stewart Milne Homes Ltd (0229/3)

The Proposed LDP does not identify enough housing sites to meet the SESplan housing requirements for East Lothian. Consequently, additional housing sites will need to be allocated, and we recommend that Phantassie is one of these. The correct approach to be taken in the LDP can therefore be summarised as follows. The identification of the two consecutive housing requirements (supply targets) established by the SESplan Supplementary Guidance for the periods 2009 – 2019 and 2019 – 2024; The identification of a third housing requirement for the period 2024 – 2028 to provide sufficient housing land to meet the requirement to year 10 from the expected year of adoption (i.e. 2018); The SESplan housing requirement (supply target) should be increased by a margin of 10 to 20% to establish the housing land requirement, in order to ensure that a generous supply of land is provided (SPP paragraph 116). The LDP should make provision for sufficient houses to be built to meet the housing land requirement in the two time periods under consideration. This is likely to include the following sources of housing:

- House completions to date
- Land contained in the established land supply
- Windfall
- New housing allocations
- Demolitions (subtract)

Table HOU2 of the Proposed LDP summarises the Council's approach to meeting the SESplan housing requirement. In our view, Table HOU2 is flawed for the following reasons: Although Table HOU2 correctly identifies the SESplan housing requirements for 2009 – 2019 and 2019 – 2024, it does not set out the requirement for the period 2024 – 2028, which would cover the remainder of the 10-year period from LDP adoption in 2018 as required by SPP paragraph 119. Instead LDP Table HOU2 identifies two columns for the period 2024 – 2032 and Beyond 2032. Interesting as this information may be, it is not a consideration required by Scottish Planning Policy. Table HOU2 does not apply a margin of generosity to each of the SESplan housing requirements. Instead, the final line simply identifies the percentage generosity for the period 2009 – 2024 combined, based on the assumption that the figures given for contributions from the new allocations are correct.

The assumptions for the programming of house completions from the new allocations are clearly over-optimistic in terms of when sites will begin to be developed. The effect of this is to produce an unrealistically high contribution to meeting the housing requirement in the period 2019 – 2024. We have therefore prepared a revised version of Table HOU2, which is contained in Appendix 1 to this document. This revised table contain two variants, the first assuming 10% generosity and the second 20%. We have numbered the lines of our Tables from 1 – 12. This is the same number of lines as the LDP version of the Table, but instead of the bottom line identifying a percentage generosity, we have inserted a new Line 3, which adds generosity for each phase of the housing requirement separately. It should also be noted that our Tables replace the two columns showing the housing requirement for the periods 2024 – 2032 and Beyond 2032, with a single column for the period 2024 – 2028, reflecting the requirements of SPP. As a consequence of this, we have retitled Line 2 (and Line 3) to refer to the SDP as well as the SDP.

**Variant 1**

1. PLANNING PERIODS	2009 - 19	2019 - 24	TOTAL TO 2024	2024 - 28	TOTAL
2. SDP/SPP Housing Requirement to 2028	6,250	3,800	10,050	2,232	12,282
3. SDP/SPP Housing Requirement + 10%	6,875	4,180	11,055	2,455	13,510
4. Dwelling Completions 2009 – 15	2,038	0	2,038	0	2,038
5. Contribution from Established Land Supply	2,670	2,143	4,813	0	4,813
6. Contribution from New Allocations	790	3,725	4,515	1,485	6,000
7. Contribution from Future Windfall Sites	84	105	189	110	299
8. Loss of Supply to Dwelling Demolitions	-15	-8	23	-12	-35
9. Sub-Total Housing Land Supply	5,567	5,965	11,532	1,583	13,115
10. Contribution from Blindwells	0	291	291	388	679
11. Grand Total Housing Land Supply	5,567	6,256	11,823	1,971	13,794
12. Shortfall / Surplus of Housing Land <sup>(a)</sup>	1,308 deficit	2,076 surplus	768 surplus	484 deficit	284 surplus

**Variant 2**

1. PLANNING PERIODS	2009 - 19	2019 - 24	TOTAL TO 2024	2024 - 28	TOTAL
2. SDP/SPP Housing Requirement to 2028	6,250	3,800	10,050	2,232	13,870
3. SDP/SPP Housing Requirement + 20%	7,500	4,560	12,060	2,678	14,738
4. Dwelling Completions 2009 – 15	2,038	0	2,038	0	2,038
5. Contribution from Established Land Supply	2,670	2,143	4,813	0	4,813
6. Contribution from New Allocations	790	3,725	4,515	1,485	6,000
7. Contribution from Future Windfall Sites	84	105	189	110	299
8. Loss of Supply to Dwelling Demolitions	-15	-8	23	-12	-35
9. Sub-Total Housing Land Supply	5,567	5,965	11,532	1,583	13,115
10. Contribution from Blindwells	0	291	291	388	679
11. Grand Total Housing Land Supply	5,567	6,256	11,823	1,971	13,794
12. Shortfall / Surplus of Housing Land	1,933 deficit	1,696 surplus	237 deficit	707 deficit	944 deficit

Our revised Tables are, in our view, based on the correct methodology, deriving from the content of SESplan and Scottish Planning Policy. In respect to ‘generosity’ we have produced two variant tables, one assuming 10% and the other 20%. As indicated above, we recommend that East Lothian Council undertakes additional work to assess what the appropriate level of generosity should be, between these two limits.

A P Dale and R F Dale (0243/3)

The Proposed LDP does not identify enough housing sites to meet the SESplan housing

requirements for East Lothian. Consequently, additional housing sites will need to be allocated, and we recommend that Port Seton links is one of these. The correct approach to be taken in the LDP can therefore be summarised as set out in the supporting information.

Barratt David Wilson Homes (0246/6)

Paragraph 3.31 – To reflect Scottish Planning Policy Paragraphs 3.32 and 3.33 - It is considered that proposed programming of LDP sites is overly optimistic and a shortfall will still remain when assessed against SDP requirements. Paragraph 3.34 - Delays to Development Plan delivery, and the East Lothian LDP in particular, have exacerbated delivery issues at a time when the market cycle is in a strong position to deliver. It should be noted that East Lothian initiated the review of the adopted Local Plan in 2011 with a Call for Sites exercise. The Main Issues Report consultation did not occur until the beginning of 2015 and a Proposed LDP is only now at consultation in late 2016 (with examination and adoption likely to be mid/late 2017). This is despite SDP Supplementary Guidance (which confirmed strategic housing land requirements) being adopted in May 2014. Given Development Plan delays, additional short term housing sites should be allocated (and supported via application) to ensure pre-2019 targets are achieved. Paragraph 3.35 – The Proposed LDP fails to meet the requirements of SDP Policy 6 in this respect; Table HOU1/HOU2 - Contribution from Proposed LDP sites is not agreed. Programming of LDP sites is not yet agreed with the development industry and the 2015 Housing Land Audit presents the most up to date assessment of supply.

Barratt David Wilson Homes (0246/7)

Paragraph 3.41 – the proposed phasing / contribution of LDP sites is not agreed. Advice Box 1 - The proposed calculation does not take into account the SPP requirement for a 10%-20% generosity allowance on top of the housing land requirement. Paragraph 3.46 The Council would suggest that it is feasible to build an unrestricted number of houses on any one site but this fails to factor in developer capacity on any one site, i.e. realistic completions per annum from a single developer and maximum number of separate developers capable of operating at any one time on a single site. Marketability, and associated phasing, is a key consideration and Paragraph 3.46 should be amended to reflect this. Paragraph 3.48 - suggests that the Council will discount the marketability criteria of PAN2/2010 when assessing effective land supply shortfall. This is contrary to national policy and should be deleted. Policy HOU2 - It is noted that the recent Edinburgh LDP examination report recommends that their similar policy should reflect SESplan Policy 7 with just the addition of effectiveness and contribution to sustainable development. This approach should be reflected in East Lothian and proposed Policy HOU2 should be amended accordingly.

Sirius Sport and Leisure (0274/4)

The submission acknowledges that the SDP and its associated Supplementary Guidance on Housing Land was prepared under SPP 2010 (para 3.6). Nonetheless, the submitter suggests that the principle of the methodology used by the Council to define the Housing Land Requirement for the LDP is incorrect. This is because the submitter considers that the methodology that should have been applied by the Council is that set out in SPP (2014). The submitter is also of the view that an information note prepared by the Scottish Government's Planning and Architecture Division on New Homes and development plan presentation is of relevance and adds further weight to their approach. In that context, the



submitter suggests that the Housing Requirement and Housing Land Requirement already set by the approved SDP should be increased further in the preparation of the LDP to add an additional margin of generosity to the already approved SDP Housing Land Requirement for East Lothian that is set out in SESplan's Supplementary Guidance on Housing Land. Reference is made to the City of Edinburgh Council's LDP Examination findings in this regard as offering support for the position set out in this representation. Submitter also points to the approach adopted for LDPs in the Clydeplan SDP area as offering support for their suggested approach. The submission suggests the LDP may need to be modified before the examination to reflect these points. The submission suggests that East Lothian Council's assumed start dates in 2017/18 for proposed allocations are too early, that the LDP does not identify a housing land requirement 10 years post adoption to 2028, and the housing land requirement to 2019 is not met in full. The submitter also suggests the Council's detailed assumptions behind calculations concerning the start date amount of housing that can be developed are too optimistic. The representation is accompanied by an 'Assessment of the Housing Land Supply'. It describes the submitter's proposed methodology and calculates an alternative Housing Land Requirement to be met by the LDP. The submitter's Housing Land Requirement is compared to the number of homes the LDP anticipates to be built during the plan period, including house completions from the established housing land supply and proposed allocations. Essentially, based on programming, the assessment suggests that there is a shortfall of land capable of delivering 1,933 homes up to 2019, a surplus of land capable of delivering 1,696 homes 2019 - 2024 and a shortfall of land capable of delivering 364 homes in the period 2024-28. Consequently, the submission suggests that additional housing land allocations (sites) capable of delivering a further 1,933 homes are needed to enable the LDP to comply with the SDP Housing Land Requirement up to 2019. Additionally, the submission notes that the 2016 Housing Land Audit is yet to be agreed with Homes for Scotland, and it should provide the basis for examination. The submission requests that the Council, in preparing schedule 4s, allocates additional housing land to meet this short term requirement.

#### Wallace Land Investments (0281/2)

Wallace Land Investments has commissioned an Assessment of the Housing Land Supply. The conclusion from this Assessment is that there is a significant shortfall of homes in the period to 2019.

#### Ashfield Commercial Properties Ltd. (0282/2)

Table HOU 2 should be amended to include a generosity allowance in the SDP requirement to 2024 of at least 12%.

#### Wallace Land Investments (0283/2 & 0283/3)

Wallace Land Investments makes a number of representations, including an objection in respect of the non-inclusion of a site at Drylawhill, East Linton. Representation Housing Land Supply: The submission acknowledges that the SDP and its associated Supplementary Guidance on Housing Land was prepared under SPP 2010 (para 3.6). Nonetheless, the submitter suggests that the principle of the methodology used by the Council to define the Housing Land Requirement for the LDP is incorrect. This is because the submitter considers that the methodology that should have been applied by the Council is that set out in SPP (2014). The submitter is also of the view that an information note prepared by the Scottish Government's Planning and Architecture Division on New Homes

and development plan presentation is of relevance and adds further weight to their approach. In that context, the submitter suggests that the Housing Requirement and Housing Land Requirement already set by the approved SDP should be increased further in the preparation of the LDP to add an additional margin of generosity to the already approved SDP Housing Land Requirement for East Lothian that is set out in SESplan’s Supplementary Guidance on Housing Land. Reference is made to the City of Edinburgh Council’s LDP Examination findings in this regard as offering support for the position set out in this representation. Submitter also points to the approach adopted for LDPs in the Clydeplan SDP area as offering support for their suggested approach. The submission suggests the LDP may need to be modified before the examination to reflect these points. The submission suggests that East Lothian Council’s assumed start dates in 2017/18 for proposed allocations are too early, that the LDP does not identify a housing land requirement 10 years post adoption to 2028, and the housing land requirement to 2019 is not met in full. The submitter also suggests the Council’s detailed assumptions behind calculations concerning the start date amount of housing that can be developed are too optimistic. The representation is accompanied by an ‘Assessment of the Housing Land Supply’. It describes the submitter’s proposed methodology and calculates an alternative Housing Land Requirement to be met by the LDP. The submitters Housing Land Requirement is compared to the number of homes the LDP anticipates to be built during the plan period, including house completions from the established housing land supply and proposed allocations. Essentially, based on programming, the assessment suggests that there is a shortfall of land capable of delivering 1,933 homes up to 2019, a surplus of land capable of delivering 1,696 homes 2019 - 2024 and a shortfall of land capable of delivering 364 homes in the period 2024-28.

Table HOU2 Housing Land Requirement

Planning Periods	2009-2019	2019-2024	2024 - 2028
<b>Housing Supply Target</b>	<b>6,250</b>	<b>3,800</b>	<b>1,910</b>
<b>Housing Land Requirement (20%)</b>	<b>7,500</b>	<b>4,560</b>	<b>2,292</b>
Dwelling Completions (2009 to 2015)	2,038	0	0
Contribution from the Established Land Supply	2,670	2,143	0
Contribution from Future Windfall Sites	84	105	56
Loss of Supply to Dwelling Demolitions	-15	-8	-6
Contribution from Blindwells	0	291	388
<b>Sub-Total Housing Land Supply</b>	<b>4,777</b>	<b>2,531</b>	<b>444</b>
<b>Contribution required from New Allocations</b>	<b>2,723</b>	<b>2,029</b>	<b>1,848</b>
<b>Updated Contribution from New Allocations</b>	<b>790</b>	<b>3,725</b>	<b>1,485</b>
<b>Shortfall / Surplus</b>	<b>-1,933</b>	<b>+1,696</b>	<b>-364</b>

Consequently, the submission suggests that additional housing land allocations (sites) capable of delivering a further 1,933 homes are needed to enable the LDP to comply with the SDP Housing Land Requirement up to 2019. Additionally, the submission notes that the 2016 Housing Land Audit is yet to be agreed with Homes for Scotland, and it should provide the basis for examination. The submission requests that the Council, in preparing schedule 4s, allocates additional housing land to meet this short term requirement.

Wallace Land Investments (0284/2 & 0284/3)

Representation Housing Land Supply: The submission acknowledges that the SDP and its associated Supplementary Guidance on Housing Land was prepared under SPP 2010 (para 3.6). Nonetheless, the submitter suggests that the principle of the methodology used by the Council to define the Housing Land Requirement for the LDP is incorrect. This is

because the submitter considers that the methodology that should have been applied by the Council is that set out in SPP (2014). The submitter is also of the view that an information note prepared by the Scottish Government’s Planning and Architecture Division on New Homes and development plan presentation is of relevance and adds further weight to their approach. In that context, the submitter suggests that the Housing Requirement and Housing Land Requirement already set by the approved SDP should be increased further in the preparation of the LDP to add an additional margin of generosity to the already approved SDP Housing Land Requirement for East Lothian that is set out in SESplan’s Supplementary Guidance on Housing Land. Reference is made to the City of Edinburgh Council’s LDP Examination findings in this regard as offering support for the position set out in this representation. Submitter also points to the approach adopted for LDPs in the Clydeplan SDP area as offering support for their suggested approach. The submission suggests the LDP may need to be modified before the examination to reflect these points. The submission suggests that East Lothian Council’s assumed start dates in 2017/18 for proposed allocations are too early, that the LDP does not identify a housing land requirement 10 years post adoption to 2028, and the housing land requirement to 2019 is not met in full. The submitter also suggests the Council’s detailed assumptions behind calculations concerning the start date amount of housing that can be developed are too optimistic. The representation is accompanied by an ‘Assessment of the Housing Land Supply’. It describes the submitter’s proposed methodology and calculates an alternative Housing Land Requirement to be met by the LDP. The submitter’s Housing Land Requirement is compared to the number of homes the LDP anticipates to be built during the plan period, including house completions from the established housing land supply and proposed allocations. Essentially, based on programming, the assessment suggests that there is a shortfall of land capable of delivering 1,933 homes up to 2019, a surplus of land capable of delivering 1,696 homes 2019 - 2024 and a shortfall of land capable of delivering 364 homes in the period 2024-28.

Table HOU2 Housing Land Requirement

Planning Periods	2009-2019	2019-2024	2024 - 2028
<b>Housing Supply Target</b>	<b>6,250</b>	<b>3,800</b>	<b>1,910</b>
<b>Housing Land Requirement (20%)</b>	<b>7,500</b>	<b>4,560</b>	<b>2,292</b>
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Consequently, the submission suggests that additional housing land allocations (sites) capable of delivering a further 1,933 homes are needed to enable the LDP to comply with the SDP Housing Land Requirement up to 2019. Additionally, the submission notes that the 2016 Housing Land Audit is yet to be agreed with Homes for Scotland, and it should provide the basis for examination. The submission requests that the Council, in preparing schedule 4s, allocates additional housing land to meet this short term requirement.

Wallace Land Investments (0285/3)(0285/4)

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associated Supplementary Guidance on Housing Land was prepared under SPP 2010 (para 3.6). Nonetheless, the submitter suggests that the principle of the methodology used by the Council to define the Housing Land Requirement for the LDP is incorrect. This is because the submitter considers that the methodology that should have been applied by the Council is that set out in SPP (2014). The submitter is also of the view that an information note prepared by the Scottish Government’s Planning and Architecture Division on New Homes and development plan presentation is of relevance and adds further weight to their approach. In that context, the submitter suggests that the Housing Requirement and Housing Land Requirement already set by the approved SDP should be increased further in the preparation of the LDP to add an additional margin of generosity to the already approved SDP Housing Land Requirement for East Lothian that is set out in SESplan’s Supplementary Guidance on Housing Land. Reference is made to the City of Edinburgh Council’s LDP Examination findings in this regard as offering support for the position set out in this representation. Submitter also points to the approach adopted for LDPs in the Clydeplan SDP area as offering support for their suggested approach. The submission suggests the LDP may need to be modified before the examination to reflect these points. The submission suggests that East Lothian Council’s assumed start dates in 2017/18 for proposed allocations are too early, that the LDP does not identify a housing land requirement 10 years post adoption to 2028, and the housing land requirement to 2019 is not met in full. The submitter also suggests the Council’s detailed assumptions behind calculations concerning the start date amount of housing that can be developed are too optimistic. The representation is accompanied by an ‘Assessment of the Housing Land Supply’. It describes the submitter’s proposed methodology and calculates an alternative Housing Land Requirement to be met by the LDP. The submitters Housing Land Requirement is compared to the number of homes the LDP anticipates to be built during the plan period, including house completions from the established housing land supply and proposed allocations. Essentially, based on programming, the assessment suggests that there is a shortfall of land capable of delivering 1,933 homes up to 2019, a surplus of land capable of delivering 1,696 homes 2019 - 2024 and a shortfall of land capable of delivering 364 homes in the period 2024-28.

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Consequently, the submission suggests that additional housing land allocations (sites) capable of delivering a further 1,933 homes are needed to enable the LDP to comply with the SDP Housing Land Requirement up to 2019. Additionally, the submission notes that the 2016 Housing Land Audit is yet to be agreed with Homes for Scotland, and it should provide the basis for examination. The submission requests that the Council, in preparing schedule 4s, allocates additional housing land to meet this short term requirement.

BS&S Group (0286/2)

Representation Housing Land Supply: additional 10 – 20% generosity should be added to comply with SPP (2014) paragraph 116. Objection suggests that site programming is too optimistic. Objector questions the ability to achieve that rate of development considering timing for examination, and infrastructure programming. Programming of sites not agreed by home building industry. Objector suggests that ELC did not begin process of plan preparation until 2011, that the MIR consultation did not begin until 2015 and that the proposed plan is at consultation in late 2016. This is despite the Supplementary Guidance on Housing Land being adopted in May 2014. The delay in the development plan is the reason for slower build rates. To counter the real risk that further slippage will occur in implementing the proposed allocations, further sites should be allocated/approved to increase the chances of strategic targets being met. Proposed LDP fails to meet the requirements of SDP Policy 6. Objection suggests that the 2,115 completions programmed for new allocations up to 2019 would require rates of completions never achieved before. For the period 2019 – 2024 the same is true for the three year period 2019 – 2022. Reference is made to Housing Technical note table 14 and 15. Objector suggest a shortfall of effective land up to 2019 of some 2,366 – 1,665 homes (or a 2.9 or 3.3 year supply). Objector suggests that the allocation of South Gateside would help achieve the SDPs requirements.

BS&S Group (0286/3)

Representation Effective Housing Land Supply: The phasing of proposed LDP sites is not agreed. Advice Box 1 does not take into account the SPP 10-20% generosity margin and this should be added to the Housing Land Requirement of the LDP. A housing monitoring paper should not be used to calculate the effective supply, this should be just for housing land audits agreed with the development industry. Whilst the marketability factor can be influenced by market demand, it needs to remain a consideration in terms of realistic programming of sites. The Council would suggest that it is feasible to build an unrestricted number of units on any one site, but this fails to factor developer capacity on a site – i.e. realistic completions per annum from a single developer and a maximum number of separate developers capable of operating at any one time on a single site. Marketability, and associated phasing, is a key consideration and this must be retained. City of Edinburgh Council LDP examination report recommends inclusion of a policy that contains SESplan Policy 7 criteria plus 'effectiveness' and 'contribution to sustainable development aims', and Policy HOU2 should be amended accordingly.

The Esperance Trust Group (0303/2)

Additional 10 – 20% generosity should be added to comply with SPP (2014) paragraph 116. Objection suggests that site programming is too optimistic. Objector questions the ability to achieve that rate of development considering timing for examination, and infrastructure programming. Programming of sites not agreed by home building industry. To counter the real risk that further slippage will occur in implementing the proposed allocations, further sites should be allocated/approved to increase the chances of strategic targets being met. Proposed LDP fails to meet the requirements of SDP Policy 6. Objection suggests that the 2,115 completions programmed for new allocations up to 2019 would require rates of completions never achieved before. For the period 2019 – 2024 the same is true for the three year period 2019 – 2022. Reference is made to Housing Technical note table 14 and 15. Objector suggest a shortfall of effective land up to 2019 of some 2,366 – 1,665 homes (or a 2.9 or 3.3 year supply). Objector suggests that the allocation of Hill view

Road, Ormiston would help achieve the SDPs requirements.

The Esperance Trust Group (0303/3)

The phasing of proposed LDP sites is not agreed. Advice Box 1 does not take into account the SPP 10-20% generosity margin and this should be added to the Housing Land Requirement of the LDP. A housing monitoring paper should not be used to calculate the effective supply, this should be just for housing land audits agreed with the development industry. Marketability, and associated phasing, is a key consideration and this must be retained. City of Edinburgh Council LDP examination report recommends inclusion of a policy that contains SESplan Policy 7 criteria plus 'effectiveness' and 'contribution to sustainable development aims', and Policy HOU2 should be amended accordingly.

Gullane Opposed to Over Development (0309/1)

The Council's Housing Land Supply: Interim Planning Guidance dated 23.2.16 looks to clarify matters in relation to the issues of the non-statutory nature of the draft proposed plan stage in the process that has been introduced here, it also goes on to give some guidance on the matter of prematurity and prejudice; and where there are matters of contention. The Reporter is asked to consider that also in reviewing the housing strategy in East Lothian. What the council does not explain in any level of detail is the reason behind the shortfall in relation to effective sites within the land supply yet it readily accepts that there is a shortfall in effective sites. This should be examined by the reporter in relation to the shortfall of sites in East Lothian.

Stewart Milne Homes (0311/2)

An additional 10 – 20% generosity should be added to comply with SPP (2014) paragraph 116. Objection suggests that site programming is too optimistic. Objector questions the ability to achieve that rate of development considering timing for examination, and infrastructure programming. Programming of sites not agreed by home building industry. Objector suggests that ELC did not begin process of plan preparation until 2011, that the MIR consultation did not begin until 2015 and that the proposed plan is at consultation in late 2016. This is despite the Supplementary Guidance on Housing Land being adopted in May 2014. The delay in the development plan is the reason for slower build rates. To counter the real risk that further slippage will occur in implementing the proposed allocations, further sites should be allocated/approved to increase the chances of strategic targets being met. Proposed LDP fails to meet the requirements of SDP Policy 6. Objection suggests that the 2,115 completions programmed for new allocations up to 2019 would require rates of completions never achieved before. For the period 2019 – 2024 the same is true for the three year period 2019 – 2022. Reference is made to Housing Technical note table 14 and 15. Objector suggest a shortfall of effective land up to 2019 of some 2,366 – 1,665 homes (or a 2.9 or 3.3 year supply). Objector suggests that the allocation of the site would help achieve the SDPs requirements.

Stewart Milne Homes (0311/3)

The phasing of proposed LDP sites is not agreed. Advice Box 1 does not take into account the SPP 10-20% generosity margin and this should be added to the Housing Land Requirement of the LDP. A housing monitoring paper should not be used to calculate the effective supply, this should be just for housing land audits agreed with the

development industry. Whilst the marketability factor can be influenced by market demand, it needs to remain a consideration in terms of realistic programming of sites. The Council would suggest that it is feasible to build an unrestricted number of units on any one site, but this fails to factor developer capacity on a site – i.e. realistic completions per annum from a single developer and a maximum number of separate developers capable of operating at any one time on a single site. Marketability, and associated phasing, is a key consideration and this must be retained. City of Edinburgh Council LDP examination report recommends inclusion of a policy that contains SESplan Policy 7 criteria plus ‘effectiveness’ and ‘contribution to sustainable development aims’, and Policy HOU2 should be amended accordingly.

Miller Homes (0340/2)

The Proposed LDP does not identify enough housing sites to meet the SESplan housing requirements for East Lothian additional housing sites will need to be allocated. The reasons for this are set out in the supporting information.

Hargreaves Services Ltd (0349/6)

Hargreaves supports Policy HOU1, but requests that reference is made to the potential housing demand that additional land at Blindwells could accommodate in circumstances where this site may come forward to satiate such demand.

Hargreaves Services Ltd (0349/7)

Hargreaves supports the maintenance of an effective land supply, furthermore the effective supply should be exceeding housing land targets in the event that sites are delayed or not delivered.

Homes for Scotland (0353/1)

Homes for Scotland seeks amendment to para 3.34 of the LDP which currently suggest that the rate of delivery of housing is dependent on factors not related to the SDP requirements or the LDP or its Action Programme. Such an amendment is suggested to ensure that the LDP and its Action programme are less passive in the process of delivery.

Homes for Scotland (0353/3)

Homes for Scotland acknowledge the potential difficulty in developing homes at the rate that will be needed to meet the SDPs Housing Requirements and para 3.41 of the LDP is quoted. Policy HOU2 should be amended to ensure consistency with SESplan Policy 7 part c. Programming should be delayed to start at 2018/19 to be more realistic in terms of delivery, although this would mean an effective supply is not maintained and this would be contrary to SPP and a concern for the industry. Although Homes for Scotland recognises that the SDP1 Housing Requirement is certainly generous, further generosity has not been added to the Housing Requirement for the LDP, but an element of generosity has been added. Table HOU2 should explicitly include a generosity allowance of 10 -20% above the Housing Land Requirement of the LDP. Table HOU2 should include allocations for 10 years post plan adoption – i.e. 2028. Marketability should be included as a constraint to assessing effectiveness. Reference to a housing monitoring paper should be removed from Advice Box 1. Policy HOU1 should make reference to the most up-to-date housing land audit.



Musselburgh Conservation Society (0368/3)

Planning for Housing – amend Tables HOU 1 and HOU 2 to reflect the allocation amendments sought as outlined in 0368/11, 0368/12, 0368/13, 0368/14, increase the contribution from windfall and reduce the percentage generosity in land supply to 2024.

Musselburgh Conservation Society (0368/4)

Maintaining an Adequate Effective Five Year Housing Land Supply – proposes that a phasing policy be introduced in the LDP to give priority to the larger strategic sites that bring specific benefits. Small sites should not be released prematurely and their release should be related to progress on larger strategic sites.

Inveresk Village Society (0385/12)

Planning for Housing – amend Tables HOU 1 and HOU 2 to reflect the allocation amendments sought in reps 0368/11, 0368/12, 0368/13, 0368/14, increase the contribution from windfall and reduce the percentage generosity in land supply to 2024 for the reasons given in the representation made by Musselburgh Conservation Society (0368/4/TABLE HOU1).

Inveresk Village Society (0385/13)

Maintaining an Adequate Effective Five Year Housing Land Supply – supports the representation made by Musselburgh Conservation Society (Submission 0368).

The Scottish Government/Transport Scotland (0389/16)

The representation seeks a change to Table 2 to ensure clarity.

The Scottish Government/Transport Scotland (0389/17)

Reference should be made in the plan as to how the additional allowance from the SESplan supplementary guidance has been taken into account in order to ensure clarity.

Gladman Planning (0392/1)

It is recognised that some matters in delivery of housing are outwith the control of the planning authority, however they are under obligation to facilitate many of the key factors of delivery including providing a generous supply of effective housing land at all times, and ensuring these sites have consent – these matters cannot be considered unrelated to the LDP or its Action Programme.

Gladman Planning (0392/2)

A more up to date picture of housing land programming will be reflected in the 2016 housing land audit and this should be used to form the starting point of the LDP figures moving forward. East Lothian Council is currently facing a recognised shortfall in the housing land supply (3.32 years) using the 2015 housing land audit, on which the Proposed LDP is based. In that context the proposed 23% generosity does not go far enough. The focus should be on effective sites, deliverable within the plan period in order to ensure delivery in the shortest possible timeframes, as large a range and choice of



these sites should be included as possible. Failing that, the Council should consider the option of providing for additional housing opportunity or a greater range of safeguarded sites, that can be brought forward for consideration in the event of a shortfall. In Table HOU2, the anticipated contribution from new allocations seems highly ambitious given that many sites do not yet have planning permission and are expected to deliver a significant number of units by 2019. These allocations need to be fully appraised and the necessary adjustments made – i.e. introduction of more allocations to make up the shortfall.

Gladman Planning (0392/3)

Additional allocations are required as per previous submissions and attachments. Safeguarded sites would become available for consideration in the event of a shortfall in the effective land supply, in order to ensure the ongoing delivery of appropriate sites at all times.

CALA Management Ltd (0393/9)

The SESplan HNDA signposts that there may be need and demand for a further 3,820 dwellings in East Lothian for the period 2024 – 2032. The SDP does not require the LDP to allocate housing land for that period. However, SPP (para. 119) requires that LDPs "allocate a range of sites which are effective or expected to become effective in the plan period to meet the housing land requirement of the strategic development plan up to year 10 from the expected year of adoption". The LDP is expected to be adopted in 2018. Therefore the LDP should allocate land up to 2028. although the Proposed Plan indicates programming of allocations beyond 2028, it does not specifically set out the requirement for the period to 2028. Table HOU2: Housing Land Requirements and Supply on Page 67 should be updated to include the allocations to 2028 to be far clearer, and to be compliant with Para 119 of SPP. The LDP does identify and safeguard potential opportunities. These include allocated sites that are not expected to be fully developed by 2024. Blindwells is intended to have such a role, which may be enhanced if a suitable comprehensive solution for development of a larger new settlement is found. A potential new development location at Drem is also safeguarded, both as a potential long-term solution to continued housing land supply pressure but also as a suitable alternative should the preferred strategy fail to deliver the requisite number of new homes. In line with representations elsewhere, we are proposing that land at Drem is safeguarded for medium-long term development and in response to SESPlan 2 and this plan that recognises the difficulty in accommodating further major growth in the west of the County. Drem would also provide a credible back-up should major developments at inter alia Musselburgh, Wallyford or Blindwells not deliver new homes within the lifetime of this LDP.

The Traquair and Stewart Families (0409/2)

Seeks amendments to Planning for Housing paras 3.31 – 3.35 Housing and Housing Land Requirement and Spatial Strategy on generosity allowance; that additional sites may be required to meet pre-2019 housing targets and maintain a 5 year housing land supply; that additional sites will be brought forward if effective supply is not maintained; a caveat to Table HOU2 to ensure the LDP site contribution is subject to agreement with the development industry/Homes for Scotland. Seeks amendments to Maintaining an Adequate Effective Five-Year Housing Land Supply paras 3.41 – 3.48 and Advice Box 1 to refer to agreement with the development industry; generosity allowance; marketability and phasing; deletion of reference to discounting marketability criteria and amendment to Policy HOU 2.

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/4)

Support the recognition that in para 3.44 "if the supply of effective housing land is not enough for the next 5 years, Scottish Government planning policy would expect this plan's policies on the supply of housing land to be considered out of date, and a presumption in favour of development that contribute to sustainable development to be a material consideration". Policy HOU2 would appear to not serve any real purpose given the statement above. In that circumstance, then the SPP is to be applied in terms of the presumption in favour of sustainable development. It would appear that such a policy is redundant and we object to the policies inclusion.

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/3)

Support the recognition that in para 3.44 "if the supply of effective housing land is not enough for the next 5 years, Scottish Government planning policy would expect this plan's policies on the supply of housing land to be considered out of date, and a presumption in favour of development that contribute to sustainable development to be a material consideration". Policy HOU2 would appear to not serve any real purpose given the statement above. In that circumstance, then the SPP is to be applied in terms of the presumption in favour of sustainable development. It would appear that such a policy is redundant and we object to the policies inclusion.

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/3)

Support the identifications of HN1: Letham Mains and HN2: Letham Mains Expansion within Table HOU2, noting that the proposed allocation does not currently form part of the established supply as it, until the plan is adopted, remains a proposal. Table HOU2 outlines the Council's position in regards to the housing land supply against the requirements of the SDP. The SPP requires that in addition to the housing land requirements, as set by the SDP, that Local Authorities also add a 'generosity allowance' to the housing land requirement of between 10-20% - East Lothian do not add a generosity allowance on to each of the housing land requirement figures for each of the periods.

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/2)

Support the identifications of HN1: Letham Mains and HN2: Letham Mains Expansion within Table HOU2, noting that the proposed allocation does not currently form part of the established supply as it, until the plan is adopted, remains a proposal. Table HOU2 outlines the Council's position in regards to the housing land supply against the requirements of the SDP. The SPP requires that in addition to the housing land requirements, as set by the SDP, that Local Authorities also add a 'generosity allowance' to the housing land requirement of between 10-20% - East Lothian do not add a generosity allowance on to each of the housing land requirement figures for each of the periods. If higher generosity figures of 20% are utilised, the requirement to 2019 should be 7500 and from 2019-2024, 4,560. If these figures are utilised or indeed some of the allocated sites fails to be deliverable in the plan period then East Lothian Council need to look at additional sites. The subject site is one which should be utilised and could be considered by the Reporter to the Examination of the Plan if any shortfall in housing land is found.

**Modifications sought by those submitting representations:**John Slee (0049/3)

No Modification sought

James Millar (Kilduff) Ltd (0204/5)

Introduce a new Para 3.37 (on Page 64) with the heading “Drem Expansion Areas Role in Meeting Housing Land Requirements” to the effect: “The vision for the Drem Expansion Area is the creation and delivery of a sustainable mixed community, within an SDA, in a sustainable location, that contributes to the Housing Land Requirements post 2019 and beyond. The SDP allows for, in circumstances where there is a failure in the 5 year land supply, the early draw down of land identified in the plan before unallocated greenfield land can be brought forward. The identification of a safeguard provides landowners and developers with the confidence to invest significant resources to resolve issues to facilitate delivery post 2019 and for the Council to bring forward the early release of this identified development opportunity, in a plan led manner, the event of a failure in the 5 year land supply”. Amend the current (or re-numbered) Para 3.37 to read “Blindwells and Drem are intended...” and “...of a larger new settlement, or expansion area, is found.” Renummer subsequent Paras as a result. Amend Para 3.38 (on Page 64) to read “...Housing Land Audit 2015, and safeguarded areas have been identified which will enable any changes to this to be met in a plan led manner”. Amend Table HOU1: Housing Proposals by Cluster Area (on Page 66) to include in a similar manner to Blindwells a LDP Safeguard in the North Berwick Cluster as follows (unfortunately the portal does not allow for the insertion of tables); Under LDP Safeguards in the North Berwick Cluster add "NK12" under Site Ref; add "Drem Expansion Area" under LDP Safeguards and add "2,000" under Capacity with subsequent amendments to the Total columns to reflect this change.

James Millar (Kilduff) Ltd (0204/6)

Identify Drem as a development safeguard.

Messrs R and A Kennedy (0208/2)

TT1 deleted from LDP.

Balfour Beatty (0209/1)

Revise the boundary of PROP TT7 Macmerry North to deliver to 200 new homes.

Gladman Planning (0213/4)

The representation states that para 3.31 should set out the Housing Land Requirement for the period of ten years from the expected year of adoption of the plan (2018-2028). Para 3.34 should be amended to reflect this.

Gladman Planning (0213/5)

Use of 2016 HLA as a baseline. Table HOU1: Introduction of a substantial number of additional housing proposals and safeguarded sites. Table HOU1: Introduction of an increased number of safeguarded sites.

Gladman Planning (0213/6)

Table HOU2: Re-appraisal of the level and timing of delivery of new allocations.

Gladman Planning (0213/7)

Para 3.41: The Plan does not go far enough to ensure an effective five year housing land supply at all times, partly through reliance on larger scale developments that require significant investment, with associated timing implications, As such there is a need to allocation a range of short term, effective sites. The focus should be on LDP means of delivering sites rather than the challenges. Introduction of additional housing opportunity sites and safeguarded sites.

Haig Hamilton (0219/2)

The Glebe (Site H8) Athelstaneford should be replaced with an alternative site.

Messrs R and A Kennedy & Omnivale (0227/3)

The allocation of land on the east side of Tranent for up to 850 units and community facilities.

Stewart Milne Homes Ltd (0229/3), A P Dale and R F Dale (0243/3)

LDP Table HOU2 is replaced by a new table, reflecting the correct methodology outlined in this representation.

Barratt David Wilson Homes (0246/6)

Paragraph 3.31 - reference should be added to an additional 10%-20% generosity allowance as required by Scottish Planning Policy Paragraph 116. Paragraphs 3.32 and 3.33 – should add that additional sites may be required to be brought forward to meet pre-2019 strategic housing targets and to maintain a five year effective housing land supply. Paragraph 3.35 – amend second last sentence to state that additional sites will be brought forward if effective supply is not maintained. Table HOU1 – Add new site to Dunbar Cluster: Preston Mains, East Linton, 150 unit capacity Paragraph 3.35 – amend second last sentence to state that additional sites will be brought forward if effective supply is not maintained. Table HOU2 – caveat LDP site contribution as subject to agreement with development industry / Homes for Scotland.

Barratt David Wilson Homes (0246/7)

Paragraph 3.41 – amend first sentence to state that proposed supply phasing is subject to agreement with development industry and if not agreed, additional sites may be required to be brought forward. Advice Box 1 – amend Part 2 to take into account the SPP requirement for a 10%-20% generosity allowance on top of the housing land requirement. Amend Part 4 top remove reference to housing monitoring paper. Paragraph 3.46 - Marketability, and associated phasing, is a key consideration and Paragraph 3.46 should be amended to reflect this.

Paragraph 3.48 – reference to discounting the marketability criteria of PAN2/2010 when assessing effective land supply shortfall should be deleted.

Policy HOU2 – Criteria should be amended to be: SESplan Policy 7 criteria plus ‘effectiveness’ and ‘contribution to sustainable development aims’.

Sirius Sport and Leisure (0274/4)

Table HOU2 should be modified as set out in the submitter’s assessment of Housing Land Supply, which would suggest the LDP does not provide sufficient housing land and that additional housing land allocations are necessary.

Wallace Land Investments (0281/2)

It is recommended that the Council, in formulating its Schedule 4s for the Examination, allocates additional land to meet this short term requirement.

Ashfield Commercial Properties Ltd. (0282/2)

Table HOU 2 amended to include a generosity allowance in the SDP requirement to 2024 of at least 12%.

Wallace Land Investments (0283/2)(0283/3)

Table HOU2 should be modified as set out in the submitter’s assessment of Housing Land Supply, which would suggest the LDP does not provide sufficient housing land and that additional housing land allocations are necessary.

Wallace Land Investments (0284/2)(0284/3)

Table HOU2 should be modified as set out in the submitter’s assessment of Housing Land Supply, which would suggest the LDP does not provide sufficient housing land and that additional housing land allocations are necessary.

Wallace Land Investments (0285/3)(0285/4)

Table HOU2 should be modified as set out in the submitter’s assessment of Housing Land Supply, which would suggest the LDP does not provide sufficient housing land and that additional housing land allocations are necessary.

BS&S Group (0286/2)

Paragraph 3.31 – reference should be made to an additional 10-20% generosity allowance. Paragraph 3.32 – 3.33 should add that additional sites may be needed to be brought forward to meet pre-2019 strategic housing targets and to maintain a five year effective housing land supply. Paragraph 3.34 – reference should be made to delays in the development plan process being a contributing factor. Paragraph 3.35 – amend second land sentence to state that additional sites will be brought forward if an effective supply is not maintained. Table HOU1: add new site. Table HOU2 – caveat that LDP site contribution as subject to agreement with development industry / Homes for Scotland.

BS&S Group (0286/3)

Paragraph 3.41 – amend first sentence to state that the proposed supply phasing is subject to agreement with development industry and if not agreed, additional sites may be

required to be brought forward. Advice Box 1 – amend part 2 to take account of SPP requirement for a 10 – 20% generosity allowance on top of the Housing Land Requirement. Amend part 4 to remove reference to housing monitor paper. Paragraph 3.46 – Marketability, and associated phasing, is a key requirement and paragraph 3.46 should be amended to reflect this. Paragraph 3.48 – reference to discounting the marketability criteria of PAN 2/2010 when assessing the effective land supply should be deleted. Policy HOU2 – criteria should be amended to be: SESplan Policy 7 criteria plus ‘effectiveness’ and ‘contribution to sustainable development aims’.

#### The Esperance Trust Group (0303/2)

Paragraph 3.31 – reference should be made to an additional 10-20% generosity allowance. Paragraph 3.32 – 3.33 should add that additional sites may be needed to be brought forward to meet pre-2019 strategic housing targets and to maintain a five year effective housing land supply. Paragraph 3.35 – amend second land sentence to state that additional sites will be brought forward if an effective supply is not maintained. Table HOU2 – caveat that LDP site contribution as subject to agreement with development industry/Homes for Scotland.

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#### Gullane Opposed to Over Development (0309/1)

No Modification sought

#### Stewart Milne Homes (0311/2)

Paragraph 3.31 – reference should be made to an additional 10-20% generosity allowance. Paragraph 3.32 – 3.33 should add that additional sites may be needed to be brought forward to meet pre-2019 strategic housing targets and to maintain a five year effective housing land supply. Paragraph 3.34 – reference should be made to delays in the development plan process being a contributing factor. Paragraph 3.35 – amend second land sentence to state that additional sites will be brought forward if an effective supply is not maintained. Table HOU1: add new site. Table HOU2 – caveat that LDP site contribution as subject to agreement with development industry / Homes for Scotland.

#### Stewart Milne Homes (0311/3)

Paragraph 3.41 – amend first sentence to state that the proposed supply phasing is subject to agreement with development industry and if not agreed, additional sites may be required to be brought forward. Advice Box 1 – amend part 2 to take account of SPP

requirement for a 10 – 205 generosity allowance on top of the Housing Land Requirement. Amend part 4 to remove reference to housing monitor paper. Paragraph 3.46 – Marketability, and associated phasing, is a key requirement and paragraph 3.46 should be amended to reflect this. Paragraph 3.48 – reference to discounting the marketability criteria of PAN 2/2010 when assessing the effective land supply should be deleted. Policy HOU2 – criteria should be amended to be: SESplan Policy 7 criteria plus ‘effectiveness’ and ‘contribution to sustainable development aims’

Miller Homes (0340/2)

LDP Table HOU2 is replaced by a new table, reflecting the correct methodology outline in this representation.

Hargreaves Services Ltd (0349/6)

Modify Policy HOU1 to reference Blindwells ability to accommodate further housing demand.

Hargreaves Services Ltd (0349/7)

No Modification sought

Homes for Scotland (0353/1)

Amend paragraph 3.34 to make clear that it is a matter for the spatial strategy to allocate land for housing in places where people want to live; sites that are marketable and deliverable, and where there is more likely to be sufficient flexibility to fund any necessary infrastructure interventions.

Homes for Scotland (0353/3)

Following Modifications Sought in relation to Effective Five Year Housing Land Supply

- a. Paragraph 3.42 should be more strongly worded to reflect the onus on the planning authority to determine applications as quickly as possible to deliver the ambitious programme set out in the plan.
- b. Programming start dates for the Local Development Plan sites should be pushed back to 2018/19 to be more realistic, reflecting current and recent past delivery rates, and reasonable programmed completions.
- c. Amend Table HOU2 to take into account generosity allowance and allocation for 10 years from plan adoption – setting out completions up to 2028 clearly within the table.
- d. Amend paras 3.46 – 3.48 to include marketability as a factor in calculating the five year effective land supply.
- e. Delete ‘and this is not due to ‘marketing constraints’ from para 3.48
- f. Amend paragraph 3.47 which is currently contradictory – development plan policies about the supply of housing land are considered out-of-date when a shortfall arises in the five-year effective supply, and ‘the presumption in favour of development that contributes to sustainable development is a significant material consideration, not the plan strategy.
- g. Delete reference to ‘or any housing monitoring paper’ within point 4 of Advice Box 1
- h. Amend Policy HOU1 to refer to the most up-to-date Housing Land Audit.

Musselburgh Conservation Society (0368/3)

(i) In Table HOU1 amend the allocations to reflect the changes contained in Section 2.(ii) In Table HOU1 accommodate increased allocations at appropriate sites following an assessment of suitability so as to make provision for 250 of the 1000 dwellings displaced from the Musselburgh cluster.(iii) In Table HOU2 reduce the figure for contributions from new allocations by 750.(iv) In Table HOU2 add 300 to the figure for contribution from future windfall sites.(v) In Table HOU2 reduce to 18.5% the percentage generosity in land supply to 2024 representing 450 fewer new dwellings being needed overall.

Musselburgh Conservation Society (0368/4)

There should be a phasing policy for the release of sites contained within this section of the Plan so that priority is given to the larger strategic sites which bring specific benefits.

Inveresk Village Society (0385/12)

(i) In Table HOU1 amend the allocations to reflect the changes contained in Section 2.(ii) In Table HOU1 accommodate increased allocations at appropriate sites following an assessment of suitability so as to make provision for 250 of the 1000 dwellings displaced from the Musselburgh cluster.(iii) In Table HOU2 reduce the figure for contributions from new allocations by 750.(iv) In Table HOU2 add 300 to the figure for contribution from future windfall sites.(v) In Table HOU2 reduce to 18.5% the percentage generosity in land supply to 2024 representing 450 fewer new dwellings being needed overall.

Inveresk Village Society (0385/13)

There should be a phasing policy for the release of sites contained within this section of the Plan so that priority is given to the larger strategic sites which bring specific benefits.

The Scottish Government/Transport Scotland (0389/16)

Table HOU2 (Page 67): demolitions and surplus should be shown as negative figures.

The Scottish Government/Transport Scotland (0389/17)

Reference should be made in the plan to how the additional allowance from the SESplan supplementary guidance has been taken into account.

Gladman Planning (0392/1)

Paragraph 3.31 should set the housing land requirement for the period of ten years from the expected year of adoption (2018/2028). Rewording of paragraph 3.34 to remove negative references to the rate of delivery of housing, or if remaining, include additional text to show how the LDP will work to overcome this potential issue in order to meet targets, preferably by allocating a larger number and range of sites.

Gladman Planning (0392/2)

Gladman seek the use of the 2016 housing land audit as the baseline. Table HOU1: Introduction of a substantial number of additional housing allocations and safeguarded



sites. Table HOU2: Introduction of additional allocations, to result in increased % generosity in the housing land supply. Table HOU2: full re-appraisal of the level and timing of delivery of new allocations.

Gladman Planning (0392/3)

Paragraph 3.41 – the plan does not go far enough to ensure an effective five year housing land supply at all times, partly through reliance on larger scale developments that require significant investment, with associated timing implications. As such there is a need to allocate a range of short term, effective sites. The focus should be on LDP means of delivering sites, rather than challenges. Introduction of additional housing opportunity sites.

CALA Management Ltd (0393/9)

The LDP should allocate land up to 2028. Table HOU2: Housing Land Requirements and Supply on Page 67 should be updated to include the allocations to 2028 to be far clearer, and to be compliant with Para 119 of SPP. A potential new development location at Drem is also safeguarded, both as a potential long-term solution to continued housing land supply pressure but also as a suitable alternative should the preferred strategy fail to deliver the requisite number of new homes.

The Traquair and Stewart Families (0409/2)

Seeks amendments to Planning for Housing paras 3.31 – 3.35 Housing and Housing Land Requirement and Spatial Strategy on generosity allowance; that additional sites may be required to meet pre-2019 housing targets and maintain a 5 year housing land supply; that additional sites will be brought forward if effective supply is not maintained; a caveat to Table HOU2 to ensure the LDP site contribution is subject to agreement with the development industry/Homes for Scotland. Seeks amendments to Maintaining an Adequate Effective Five-Year Housing Land Supply paras 3.41 – 3.48 to refer to agreement with the development industry; generosity allowance; marketability and phasing; deletion of reference to discounting marketability criteria and amendment to Policy HOU 2.

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/4); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/3)

Para 3.34 should be amended and policy HOU2 deleted.

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/3); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/2)

East Lothian should add a generosity allowance on to each of the housing land requirement figures for each of the periods.

**Summary of responses (including reasons) by planning authority:**

**The Council has responded in the normal way within this Schedule 4 form to each of the representations raised. However, the Council has also prepared a Planning for Housing Position Statement, which it has lodged to the Examination as a Core Document (CD066). The Planning for Housing Position Statement should be read**

**together with this Schedule 4 form as well as Technical Note 1. Together they set out the LDP approach to Planning for Housing. The Position Statement allows relevant considerations to be drawn together in a way not possible within the format of the Schedule 4 form itself. It sets the Council's answers to the representations within the wider context that is necessary to understand how and why the Council's policy position has developed in respect of this issue.**

John Slee (0049/3); James Millar (Kilduff) Ltd (0204/5); Messrs R and A Kennedy (0208/2) Balfour Beatty (0209/1); Gladman Planning (0213/4); Gladman Planning (0213/5); Gladman Planning (0213/6); Gladman Planning (0213/7); Haig Hamilton (0219/2); Messrs R and A Kennedy & Omnivale (0227/3); Stewart Milne Homes Ltd (0229/3); A P Dale and R F Dale (0243/3); Barratt David Wilson Homes (0246/6); Barratt David Wilson Homes (0246/7); Sirius Sport and Leisure (0274/4); Wallace Land Investments (0281/2); Ashfield Commercial Properties Ltd. (0282/2); Wallace Land Investments (0283/2 & 0283/3); Wallace Land Investments (0284/2 & 0284/3); Wallace Land Investments (0285/3 & 0285/4); BS&S Group (0286/2); BS&S Group (0286/3); The Esperance Trust Group (0303/2); The Esperance Trust Group (0303/3); Gullane Opposed to Over Development (0309/1); Stewart Milne Homes (0311/2); Stewart Milne Homes (0311/3); Miller Homes (0340/2); Homes for Scotland (0353/3); Gladman (0392/1); Gladman (0392/2); Gladman (0392/3); CALA (0393/9); The Traquair and Stewart Families (0409/2); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/3); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/2).

The Council considers that the drafting of paragraph 3.42 is appropriate and acknowledges that the efficient handling and determination of planning applications is one of many important factors in the delivery of new homes. The Council's position on programming, marketability and anticipating the start dates and rates of programming for sites is set out in Technical Note 1 (CD046) and in its wider Planning for Housing Position Statement (CD066).

The Council submits that paragraph 32 of SPP (2014) (CD013) is clear that 'the presumption' (SPP (2014) paragraph 28 - 29) does not outweigh the statutory status of the development plan as the starting point for decision-making, as set out at Section 25 of the Town and Country Planning Scotland Act 1997 (as amended). SPP (2014) (CD013) does state that the policies of the plan will be considered out-of-date where there is not enough effective housing land (SPP (2014) paragraphs 125 and 32 – 35). However, it does not state that out-of-date policies cannot be significant material considerations in their own right, or that they should carry less weight than SPP (2014). The Council therefore submits that it is legitimate for the LDP to identify the range of relevant material considerations set out in paragraph 3.47 – i.e. not just the plan strategy or sites – and that these can be significant in decision making too. The degree of weight to be attached to the development plan and other relevant material considerations, irrespective of their 'significance', will be a matter for the decision-maker (see LDP paragraph 1.8).

The Council submits that the principles of the approach it has followed to setting the Housing Land Requirement for the LDP is the correct and only one that should be followed in the preparation of the Local Development Plan for the area. The Planning for Housing Technical Note 1 (CD046) sets out in detail the approach the LDP has taken to setting Housing Land Requirement. A key consideration is whether or not the methodology and approach to planning for housing between SPP (2010) (CD012) and SPP (2014) (CD013) is the same – i.e. are the policy principles of the old and new SPP interchangeable. Importantly, under SPP (2010) the Housing Supply Target, Housing Requirement and

Housing Land Requirement were to be the same figures. This is because the estimates of housing need and demand from the HNDA were to be ‘the’ evidence base for setting them – i.e. the Housing Supply Target, Housing Requirement and Housing Land Requirement were to be equal to the HNDA estimates for housing need and demand. A generous housing land supply would be available if an effective five-year housing land supply could be maintained at all times – i.e. demonstrated at the point of plan adoption, and when the plan is operative, based on the principles of a calculation approach for this implied by PAN 2/2010 (CD019b). PAN 2/2010 was published to complement the policy principles and approach of SPP (2010).

The Council submits that the approach to planning for housing set out in SPP (2014) should not be selectively and retrospectively applied to increase the SDPs (CD030) approved Housing Land Requirements by 10-20% in the preparation of the LDP for East Lothian. This is because SPP (2014) should not carry greater weight than the approved SDP, which was prepared and approved under SPP (2010) and with which the LDP must, by law, be consistent. Additionally, SPP (2010) and SPP (2014) are clear that in city regions SDPs set LDP Housing Land Requirements. For the avoidance of doubt, SPP (2014) (footnote 22 page 11) is clear that the SDP is not out-of-date solely because it was approved before SPP (2014) was published.

The Council further submits that it is the intention of SPP (2010) and SPP (2014) that an LDP is to plan to meet the SDP Housing Land Requirements for a period up to 10 years following the ‘anticipated’ year of LDP adoption. The Council submits that this must be read in the context that it stems from an expectation that the SDP Housing Land Requirement is set for a period of 12 years following its anticipated year of approval. This should also be read in the context of the parallel expectation that LDPs should be adopted within two years of SDP approval. Accordingly, these provisions of SPP can be met if the LDP allocates sufficient land to equal the SDPs Housing Land Requirements for year 12 (i.e. the original anticipated LDP year 10). In SESplan’s case this would be the periods up to 2019 and 2019 to 2024 only. There is no need to introduce to the LDP an additional Housing Land Requirement for the period beyond 2024, even if LDP adoption is delayed. The LDP period is intended to be the same as the SDP period, as both plans are to be taken together as the Development Plan for a local area and so should have concurrent timescales and development requirements.

In line with the Scottish Government’s current national planning policy and advice, if there is not ‘enough’ effective housing land in East Lothian for the next five years, a presumption in favour of development that contributes to sustainable development will be a significant material consideration in the determination of proposals for housing development on land not identified by the LDP as suitable in principle for that purpose. Any such proposals will be assessed against all relevant policies of the development plan, including SDP Policy 7, not SESplan Policy 7 only, as well as other relevant material considerations.

The matter of ‘generosity’ being included within the effective housing land supply calculation is covered within the Council’s wider Planning for Housing Position Statement (CD066). However, the thrust of representations seeking the application of higher Housing Land Requirements, further housing allocations and a significantly more challenging basis for calculating whether the amount of effective housing land is adequate in the context of current levels of house building activity underscores why the correct interpretation and application of SPP (2010) and SPP (2014) is important. The Council submits that it is appropriate to prepare a housing monitoring paper, as the housing land audit does not take into account other sources of housing land including future windfall projections when

considering how much of the housing land requirement may remain to be delivered.

The Council acknowledges the issues associated with considering 'marketability' and site programming as a reliable indicator of the amount of land that can be counted as effective. The Council will take into account site programming in determining whether there is 'enough' effective land available for the next five years. It will also take into account the amount of land that, were it not for a marketing constraint, is 'unconstrained' and available for the construction of homes. The Council submits that it is important to consider this point in the context of the rates of development that would need to be achieved to deliver the SDPs requirements, and that no matter how much land is made available that rate of development and thus the SDPs requirements are unlikely to be achieved.

The Council submits that the 2015 Housing Land Audit (CD085) is the audit year that the LDP is based on, and that this should remain. The Council has, with its policy approach Interim Planning Guidance: Housing Land Supply (CD108b; CD108c; CD108d) that was operative and reviewed three times during the development of the LDP (See CD066 page 30), and by the scale of housing land release proposed to be made by the LDP, provided a sufficient supply of appropriate sites that could allow the SDP requirements to be met if it were and is possible to achieve the necessary rates of completions. In that context, the Council submits that any further housing land releases would be inappropriate and unjustified through this LDP.

The Council submits that Policy HOU2 is consistent with SDP Policy 7, that it is a reasonable policy position to take, and that it provides further clarity on how SDP Policy 7 should be interpreted and applied at local level. The Council submits that the criterion of Policy HOU2 set out an appropriate basis to determine relevant applications and are justified as follows:

- **Location** – SDP Policy 7 requires proposals to be in keeping with the character of the settlement and local area so Policy HOU2 clarifies the meaning of this in the context of the LDP;
- **Effectiveness** – site must be demonstrated as able to be made effective to justify its consideration under the policy, and should also be able to be substantially completed within five years to a) ensure that the site will maximise its contribution to the effective supply and b) to ensure that larger sites which would continue to be developed beyond the 5 year period are dealt with through a review of the LDP, as they should be, rather than by way of application;
- **Scale** – to assist with the interpretation of those matters relevant to the effectiveness criterion, namely if the scale of the proposal means that more housing on the site would be delivered beyond five years than within five years this should outweigh the short term contribution to the supply which is a justification for considering the sites development in the first instance;
- **Timing** – to ensure there is as reasonable a prospect as possible of the site starting and not being land banked;
- **Development Plan Strategy** – to ensure that any such windfall proposals do not undermine the ability to deliver the adopted LDP when it is operative (consistent with the SDP paragraph 18 'The Spatial Strategy'), or are dependent on the provision of infrastructure from sites that are not being developed and where that infrastructure has not been provided;
- **Any Additional Infrastructure** – as per SESplan Policy 7. Furthermore, in relation to SESplan Policy 7 part b - it should be noted that the proposed LDP identifies within the text of its spatial strategy locations which are important to retaining green belt objectives.

In respect of safeguarding sites for potential future development, the Council has made its settled view clear in respect of potential future development locations that may be considered in to the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP. For this LDP period, the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54), and the unique benefits that such a scale of development there would offer for East Lothian.

More generally, the SDP allows consideration to be given to potential housing development locations beyond 2024, but it anticipates that the majority of any longer term housing land requirements would be satisfied from planned and committed sites to the extent that they are not developed by 2024. Whilst the SDP acknowledges (paragraph 112) that in the preparation of LDPs it may be possible to identify other opportunities for housing growth, it is also clear that confirmation of these will be subject to the conclusions of a future review of the SDP itself. The matter of land safeguarding has also been addressed in respect of specific relevant sites at Issue 13.

The Council's wider position is set out within the Planning for Housing Position Statement (CD066) and Technical Note 1 (CD046). **The Council submits that no modification of the plan is necessary.**

#### **Policy HOU1: Established Housing Land**

John Slee (0049/3)

The LDP must by law be consistent with SESplan's SDP1 (CD030) and its Supplementary Guidance on Housing Land (CD036), which sets the Housing Land Requirement for East Lothian at 10,050. This cannot be re-distributed to other local authority areas, and must be accommodated within East Lothian. **The Council submits that no modification of the plan is necessary.**

Hargreaves Services Ltd (0349/6)

The Council submits that the sentiment is addressed throughout the LDP, and in particular at paragraphs 3.36 - 3.37 of the Planning for Housing chapter. The Council submits that the suggested modification to Policy HOU1 would be unnecessary and inappropriate. **The Council submits that no modification of the plan is necessary.**

#### **Table HOU1: Housing Proposals by Cluster Area**

Homes for Scotland (0353/1)

The Council submits that LDP paragraphs 1.21, 2.3 – 2.5 and 3.35, taken together, describe the approach that the spatial strategy has taken to respond to the housing market characteristics within the area and the need for infrastructure provision to support development in sustainable and marketable locations. The Council notes that Homes for Scotland does not suggest that any part of East Lothian is not a marketable location.

In terms of programming, the Council submits that the proposed LDP sets out the infrastructure interventions that are needed to deliver the scale of growth proposed, including their costs and apportionment to and among developers, consistent with Circular

3/2012, within the necessary timescales. For example, the Council submits that it has found temporary education capacity solutions that would allow development to proceed prior to the provision of permanent education capacity to allow proposals to come forward within the planned timescales (See LDP paras 3.74-3.110). The Council has also made clear that it is willing to consider phased payment of obligations to assist cash flow and viable development proposals (LDP para 8.10). The Council also submits that it has concluded the necessary Schools Consultations to support the emerging LDP (CD099; CD100; CD101; CD102; CD103), and that as far as possible the Council has dealt with the procedural implications of its strategy and created the context for proposals to come forward within the planned timescales.

There are very few strategic actions on the Council that it needs to conclude in order to deliver the plan. Such extensive up-front work has been done before LDP adoption to give landowners and developers clear and early sight of the necessary interventions, and their costs. The Council submits that this should be taken into account in development appraisals and in negotiations for land assembly / acquisition, acknowledging that it is the 'key' requirements that can be identified at this stage, not all requirements. The Council submits that in a strategic sense it has done all that it can to do deliver the LDP. The Council submits that project level solutions will be required, and the necessary consents will need to be secured. These actions will be developer led, although the Council also acknowledges its role in this at para 3.42 of the LDP. The Council's wider position is set out within the Planning for Housing Position Statement (CD066). **The Council submits that no modification of the plan is necessary.**

Musselburgh Conservation Society (0368/3)

The Council submits that the principles of the approach it has followed to setting the Housing Land Requirement for the LDP is the correct and only one that should be followed in the preparation of the Local Development Plan for the area (see also response to 0049/3). The Planning for Housing Position Statement (CD066) and Technical Note 1 (CD046) sets out in detail the approach the LDP has taken to setting Housing Land Requirement. **The Council submits that no modification of the plan is necessary.**

Inveresk Village Society (0385/12)

Noted. See response to representation 0368/3. **The Council submits that no modification of the plan is necessary.**

**Table HOU2: Housing Land Requirements and Supply**

The Scottish Government/Transport Scotland (0389/16) (0389/17)

Comments noted. The Planning for Housing Technical Note (CD046) sets out in detail the approach the LDP has taken to setting Housing Land Requirement and the calculation set out in Table HOU2. **The Council submits that no modification of the plan is necessary.**

**Policy HOU2: Maintaining an Adequate 5-year Effective Housing Land Supply**

James Millar (Kilduff) Ltd (0204/6)

The Council notes and welcome the acknowledgement that the LDP has identified in

overall numerical terms sufficient land to meet, and exceed, the SDP Housing Land Requirement. The Council's wider position is set out within the Planning for Housing Position Statement (CD066). **The Council submits that no modification of the plan is necessary.**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/4); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/3)

In line with the Scottish Government's current national planning policy and advice, if there is not 'enough' effective housing land in East Lothian for the next five years, a presumption in favour of development that contributes to sustainable development will be a significant material consideration in the determination of proposals for housing development on land not identified by this Plan as suitable in principle for that purpose. Any such proposals will be assessed against all relevant policies of the development plan, including SDP Policy 7, Policy HOU2 and any other relevant material considerations, including SPP (2014) (CD013). The Council submits that Policy HOU2 is consistent with SDP Policy 7 and that it provides further clarity on how SDP Policy 7 should be interpreted and applied at local level. The Council submits that the criterion of Policy HOU2 set out an appropriate basis to determine relevant applications and are justified as follows:

- **Location** – SDP Policy 7 requires proposals to be in keeping with the character of the settlement and local area so Policy HOU2 clarifies the meaning of this in the context of the LDP;
- **Effectiveness** – site must be demonstrated as able to be made effective to justify its consideration under the policy, and should also be able to be substantially completed within five years to a) ensure that the site will maximise its contribution to the effective supply and b) to ensure that larger sites which would continue to be developed beyond the 5 year period are dealt with through a review of the LDP, as they should be, rather than by way of application;
- **Scale** – to assist with the interpretation of those matters relevant to the effectiveness criterion, namely if the scale of the proposal means that more housing on the site would be delivered beyond five years than within five years this should outweigh the short term contribution to the supply which is a justification for considering the sites development in the first instance;
- **Timing** – to ensure there is as reasonable a prospect as possible of the site starting and not being land banked;
- **Development Plan Strategy** – to ensure that any such windfall proposals do not undermine the ability to deliver the adopted LDP when it is operative (consistent with the SDP paragraph 18 'The Spatial Strategy'), or are dependent on the provision of infrastructure from sites that are not being developed and where that infrastructure has not been provided;
- **Any Additional Infrastructure** – as per SDP Policy 7. Furthermore, in relation to SDP Policy 7 part b - it should be noted that the proposed LDP identifies within the text of its spatial strategy locations which are important to retaining green belt objectives.

**The Council submits that no modification of the plan is necessary.**

Hargreaves Services Ltd (0349/7)

Noted. **The Council submits that no modification of the plan is necessary.**



Musselburgh Conservation Society (0368/4)

The Council submits that the SDP (CD030) Policy 6 essentially already provides a 'phasing' preference, which would need to be considered in the assessment of relevant housing proposals. However, the Council submits that it is not possible to control the start date or rate of development on housing land allocations, even if they have planning permission, or housing land safeguards. The Council further submits that it could not require the submission of planning applications, for allocated sites or for sites that may be safeguarded. As such, the introduction of a phasing policy would not achieve the objectives sought by the representation. If it is considered that there is not enough effective housing land for the next five years, every planning application would need to be assessed on its own merits against the development plan and other relevant material considerations, including SPP (2014) (CD013). The Council submits that LDP Policy HOU2 is consistent with SDP Policy 7 and that it provides further clarity on how SDP Policy 7 should be interpreted and applied at local level. The Council submits that the criterion of LDP Policy HOU2 set out an appropriate and reasonable basis to determine relevant applications. **The Council submits that no modification of the plan is necessary.**

Inveresk Village Society (0385/13)

Noted. See response to 0368/4 to Musselburgh Conservation Society. **The Council submits that no modification of the plan is necessary.**

**Reporter's conclusions:****Preliminary**

1. In addition to the council's response to this issue set out above, the council relies upon its Planning for Housing Position Statement (CD066) and Technical Note 1: Planning for Housing. I have had regard to both these documents. In the course of dealing with this issue, I requested further information from relevant parties including the council on a range of housing related matters. In some instances, the responses provide an update to the respondent's position with regard to certain matters and I have taken account of these updated positions along with the original representations.

2. In order to provide some further background to this issue and to deal efficiently with the wide range of matters raised, I have found it necessary to introduce certain headings in my conclusions and to set out the context provided by the strategic development plan.

**Strategic Development Plan Background**

3. The proposed local development plan is required to be consistent with the provisions of the strategic development plan. The strategic development plan for Edinburgh and South East Scotland (SESplan) was approved in June 2013.

4. SESplan's spatial strategy identifies the Strategic Development Area (SDA) of East Lothian as having a role in helping to meet the housing need and demand of the SESplan area. While SESplan recognises that most of the new housing would be on land already committed within local plans or with planning permission (figures quoted are based on the 2010 housing land audit), it is also recognised that a significant proportion of these sites will be delayed or not prove deliverable at all. Up to 2024, further allocations may also be required to meet the additional housing need and demand arising from within the



City of Edinburgh. In the longer term, from 2024 to 2032, a significant proportion of the committed sites are expected to continue into this period and other opportunities for growth may also be identified, with confirmation subject to a future review of SESplan.

5. SESplan identifies the need for sufficient housing land to be allocated so as to enable 107,545 houses to be built for the period 2009 to 2024 (see Table 1 below). These figures are derived from the Housing Need and Demand Assessment (HNDA) estimates of need and demand for housing units in the South East Scotland region.

Table 1: Assessed amount of houses to be built by plan period (SESplan)

	2009/19	2019/24	2024/32
SESplan area	74,835	32,710	47,999

6. Reference is made in SESplan Policy 5 to the preparation of supplementary guidance to inform local development plans. SESplan’s Supplementary Guidance: Housing Land (SG) was adopted in November 2014 and is supported by a technical note which provides the supporting evidence base. The SG distributes SESplan’s 107,545 houses to be built amongst constituent local development plans that cover the strategic development plan area. The SG refers to this as the housing land requirement. For East Lothian, the local development plan must identify enough land to accommodate 10,050 homes over the period 2009 to 2024 (6,250 homes for the period 2009 to 2019 and 3,800 homes for the period 2019 to 2024). For the period 2024 to 2032, existing sites which are assessed as constrained, but also capable of delivering housing completions over this period, should be safeguarded.

7. The SG indicates that most of the new houses required are expected to be built on land already committed in local plans or with planning permission although additional allocations are expected. Based on a position with the 2012 housing land audit, an additional allowance of 3,560 units is identified for East Lothian. However the SG expects the extent to which the committed sites remain capable of delivering housing completions by 2024 to be re-assessed in the local development plan and alternative sites allocated where necessary. Justifiable allowances can also be made for windfall sites and demolitions. The identification of land within the local development plan should also give priority to brownfield sites within existing built-up areas and additional land should be located within the Strategic Development Area (SDA) in the first instance. Policy 7 of SESplan enables the local development plan to allocate greenfield sites outwith the SDA, subject to satisfying the policy criteria, in order to maintain a five year effective housing land supply.

8. In terms of delivery, the SG indicates that a very significant increase in the rate of house completions will be needed if the requirements are to be met. The guidance anticipates that this will be particularly challenging in the period to 2019 with local development plans not expected to be adopted until around 2015.

**Housing Land Requirement and Supply**

9. For this issue, the main concerns arising from the unresolved representations relate to the following, each of which I have considered in turn:

- The relevance of the policy terminology under which SESplan and its associated SG were prepared.
- Scottish Planning Policy 2014 as a material consideration.
- Whether generosity needs to be added.

- The appropriate level of generosity.
- How to account for any shortfalls in supply.
- The appropriate timescales to consider.
- How to present Table HOU2.

*Relevant policy terms and Scottish Planning Policy 2014 (SPP 2014)*

10. In terms of the national policy context, SESplan and the SG were prepared under Scottish Planning Policy 2010 (SPP 2010). Although SPP 2014 was published in June 2014, the SG confirms that it reflects SPP 2010. I note the view from Wallace Land Investments that the policy requirements of the superseded SPP 2010 are not relevant for this examination and that the local development plan is required to meet the local policy requirements of SESplan and the national policy requirements of SPP 2014. While I agree with this in principle, the matter of establishing conformity is not entirely straightforward given that SESplan was prepared in a different policy context; a matter which has attracted considerable commentary from the council and others.

11. SPP 2014 generally uses the term 'housing supply target' to refer to the number of homes that are planned to be built. It uses a separate term 'housing land requirement' to describe the amount of land needed to accommodate the housing supply target. The expectation in SPP 2014 is that the housing land requirement will be a larger number in order that the supply of land is 'generous' enough to support delivery of the housing supply target. SESplan does not refer to the housing supply target but uses the term 'housing requirement'. In order to address the matters raised in the representations, I must first consider how these terms differ.

12. The housing requirement set through SESplan and its SG is already approved. The council argues that the housing supply target, the housing requirement and the housing land requirement, under SPP 2010, were to be same figures based on the premise that the overall estimates of housing need and demand from the HNDA were to be the evidence base for such figures. In SPP 2010 (paragraphs 69 and 70), the scale, nature and distribution of the housing supply target and also the housing requirement, was to be based on the outcome of the HNDA. Wider strategic economic, social and environmental policy objectives were also to be taken into account. Furthermore, paragraph 74 indicates that sufficient land should be available to meet the housing requirement. The glossary definition of the 'housing requirement' in SPP 2010 states that it is the total amount and type of housing necessary to accommodate a given or projected population. Although I note the council's view that the term comprises the total amount of homes that should be built, I do not consider this to be entirely clear from the description given above.

13. In seeking to provide further clarification I note that within SPP 2014, within Diagram 1, the number of new homes to be built as expressed under 'Strategic Development Plans', could be just one element of what is referred to as the housing supply target to which generosity is added to determine the housing land requirement. Within SPP 2010, the reference to the housing supply target as covering all tenures and including new housing supply, replacement housing, empty properties and conversions also suggests that new house building could represent just one component.

14. The council submits that the outputs of the HNDA were transposed directly into SESplan, with no adjustment. Although that may be the case, it does not automatically transpire that the requirement set by the HNDA was meant to be the same as the housing land requirement referred to in the SG. SESplan Policy 5 expects local development plans

to allocate sufficient land capable of becoming effective and delivering the scale of the housing requirements for each period, which will be confirmed in the SG. Despite the terminology used in the SG, this suggests it was meant to set the housing requirement (the number of homes planned to be built) rather than the housing land requirement. Further on this matter I note that PAN 2/2010, at paragraph 13, expects the housing land requirement to be based on the outcome of the HNDA and a generous supply of land to be allocated to meet housing requirements.

15. The representations on this issue interpret the term 'housing requirement' from SPP 2010 as representing a policy view of the amount of housing that requires to be delivered, which means it is analogous to the description of the housing supply target in SPP 2014. There is no longer a definition of the term 'housing requirement' within SPP 2014. Although it is not possible to transpose this term directly into SPP 2014, I accept that there are similarities between the terms 'housing requirement' and 'housing supply target'. Consequently, I do not find that it is impossible to establish what the housing requirement is. While I note the council's statement that SPP 2014 should not carry greater weight than SESplan, I cannot ignore the fact that SPP 2014 has replaced SPP 2010 in terms of providing an up to date policy context for the plan. However, I accept the general assertions made that the plan must legally conform to SESplan and therefore refer to the housing requirement, but that SPP 2014 is a relevant material consideration.

16. For clarity therefore, I recommend that within the relevant paragraphs of the plan which refer to SESplan's Housing Land Requirement (paragraphs 1.50, 1.54, 2.5, 3.33, 3.39) this should be amended to refer to the Housing Requirement. I also recommend that the glossary definition for the Housing Land Requirement should be amended to better reflect the meaning of this term as established in SPP 2014.

#### The need for generosity

17. In contrast to SPP 2010, SPP 2014 explicitly requires the strategic development plan to set a housing land requirement which comprises of the number of new homes to be built (a component of the housing supply target) plus a generous margin of between 10% and 20%.

18. The representations on this matter consider that as the housing requirement within SESplan and its associated SG is equivalent to the housing supply target, it does not include generosity (a view also reached in the examination of the Edinburgh Local Development Plan); generosity should therefore be added to the requirement for each SESplan period consistent with SPP 2014.

19. In the context set by SPP 2010, there was an expectation that the housing requirement (number of homes planned to be built) was to be met in full and the housing land requirement (amount of land required) would ensure this. The allocation of a generous supply of land for housing in the development plan was required to give the flexibility necessary to ensure continued delivery.

20. I note that paragraph 26 of SESplan indicates that the housing requirements (number of homes planned to be built), that are to be met by each local development plan in both periods provided for in the SG, are on the basis of the evidence in the HNDA and in order to provide a generous supply of land. Although this suggests that there was an intention within SESplan to include generosity in the housing requirements, I note that SPP 2010 did not indicate the extent of generosity to be included and neither is it specified within

SESplan or the SG itself. It is also possible therefore, to reach the conclusion that SESplan identifies the number of homes planned to be built and expects local development plans to identify sufficient land to enable this to take place.

21. In taking account of the SESplan examination findings and also SPP 2014, the council indicates that it has chosen to increase the supply of housing land to provide additional generosity above the housing land requirement. Although I note SPP 2014 requires that generosity be added to actually determine the housing land requirement, the council's position appears to reflect its interpretation of the term 'housing land requirement' taken from the SG.

22. The council asserts that a generosity margin of between 10% and 20% is a matter for the next generation of development plans and was not expected by SPP 2010, SESplan or the SG. While I acknowledge that a specific generosity margin was not stated within these documents, the SESplan examination findings accept that not all sites will become effective or built out within the timescales originally anticipated. To account for this, the examination report concludes that there is a need for some flexibility in the supply; a position which the council in its submissions appears to endorse. Further to this, SESplan Policy 5 requires sufficient land to be allocated to enable the requirement to be achieved. Overall, I consider that the principle of adding generosity should be followed.

23. The council states that its approach in identifying the amount of generosity in the housing land supply was as follows: new sites were selected and added to the supply until the cumulative contribution of dwelling completions that could be anticipated, met and exceeded the housing land requirement for each plan period by around 10% to 20%. Again, the council appears to use the term 'housing land requirement' to mean the number of homes planned to be built.

24. I do not find that there is anything fundamentally wrong in the council's approach set out in paragraph 23 above, as it involves an underlying assessment of the actual sites that will make up the supply. However, it does not demonstrate a deliberate decision by the council to secure a generosity margin in response to local circumstances, as referred to in SPP 2014. Awareness of the prospect of potential delays in the delivery of certain allocated sites would, in my view, be one such consideration that could affect such a margin.

25. Following a request for further information, the council has suggested a minor modification to paragraph 3.32 of the plan in order to clarify its approach to generosity. Currently, the last sentence of this paragraph indicates that the amount of additional housing land needed and new site allocations made by the plan has been informed by the resultant housing land shortfall and the start date and rate of development anticipated. The council suggests the removal of the word 'new' and the addition of the words 'to provide a generous supply of housing land'.

26. While SPP 2014 is not prescriptive in terms of how to determine the generous margin and thus the housing land requirement, paragraph 116 and Diagram 1 suggest that the generosity margin should be set first, and then land identified to meet it. The SPP indicates that the exact extent of the margin will depend on local circumstances, but a robust explanation for it should be provided in the plan.

27. While the council's approach to identifying generosity as set out above is not wholly consistent with SPP 2014 and has been pre-determined by the land considered to be

available, if the generosity margin had been set initially as prescribed by SPP 2014, it is unlikely that it would have resulted in a different result; a point illustrated in Tables 5 and 6 below.

28. Further on this matter, Homes for Scotland has clarified in its later response that it was referring to the local development plan in terms of acknowledging that an element of generosity has been added to the plan, albeit to the supply of land rather than the housing requirement.

#### The level of generosity

29. The SESplan SG highlights that delivering the level of housing required is going to be challenging and will require a very significant increase in house completion rates. The council expresses the view that due to the slowdown in the housing market, delivery of new housing has not been as expected and the SESplan requirements are now very unlikely to be met. Likewise, many of the representations also acknowledge this albeit the reason for the delay is largely directed at the failings of the council.

30. It is suggested in the representations that the generosity margin should reflect the track record of the council's housing land audit in predicting actual delivery. Stewart Milne Homes Ltd highlights that over the period 2001 to 2006, 55% of the effective housing land supply was not developed within East Lothian. More recent figures have not been provided for this examination.

31. Homes for Scotland highlights that the council's references to on-going delays in site starts is a misnomer and is actually a result of overly ambitious programming of the new allocations within the plan. Consequently, the 2017 audit reveals a very different picture.

32. Within the representations, criticism in general is directed at the plan's over-reliance on large scale allocations which is likely to affect future delivery and lead to further shortfalls. It is important to note that although agreement has been reached between Homes for Scotland and the council with regard to the 2017 audit, various respondents (including house builder representatives) consider the programming to be very optimistic. Criticism is made that the audit includes some constrained sites which have no prospect of delivery and the programming restriction of 25 units per year further distorts the level of supply available.

33. The council acknowledges that the rate of development needed to meet the requirement to 2024 is far in excess of that delivered over the SESplan period to date with expected build rates of over 1,000 units per annum compared with average completions of 340 units per annum achieved since 2009.

34. In response to my request, the council has produced a number of tables which chart the forecast built rates of the new allocations within the plan. I note stark differences, particularly in the period to 2019, when the original figures in Technical Note 1 (TN1) are compared with the agreed 2017 audit (see summarised Tables 2 and 3 below). This appears to be a result of the revised start dates anticipated for many of the new allocations; some of which have been put back by up to 4 years. A greater proportion of the supply (82%) is now expected to deliver in the five years from 2019 to 2024 compared to previously (59%).

Table 2: Programmed completions 2017/24 (TN1 tables 6, 14 & 15)

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Committed sites	862	687	637	820	459	346	172
New allocations	790	1325	990	530	445	435	506
Total combined supply	1652	2012	1627	1350	904	781	678
% of supply							59

Table 3: Programmed completions 2017/24 (2017 Housing Land Audit)

	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Committed sites	558	586	688	731	722	669	484
New allocations	126	344	871	1073	954	588	375
Total combined supply	684	930	1559	1804	1676	1257	859
% of supply							82

35. Homes for Scotland has provided a copy of its document: Housing Land Audits: Homes for Scotland Procedures which sets out programming assumptions on the maximum annual completion rates (market housing) for most urban sites. Between 30 and 90 units per annum is indicated which drops to between 24 and 72 units per annum where no developer is identified. Lead-in times of around 18-24 months are indicated from submission of an application to delivery of the first units on site.

36. The council highlights that in general, the 2017 audit programmes around 25 units per annum for the new allocations increasing to 50 units for larger sites where two builders are involved or 75 units for strategic sites. I note that the audit highlights two cases (Letham Mains and Wallyford) where up to 150 units per annum is indicated; both these sites are currently under construction.

37. While I note the criticism made of the forecast programming, the 2017 audit is an agreed position of the council and the main representative of the house building industry. It represents the most up to date record available at this time and I find it appropriate, in the absence of anything further that has been agreed, that it is used for the purposes of assessing the programming of the completions likely to be delivered from the established supply and new allocations in the period up to 2024.

38. I accept that an ambitious build programme is necessary to meet the housing land requirement for East Lothian. However, I do not consider that it is unreasonable to plan for this level of housing development given the amount of need and demand expressed within the HNDA. Although I have been referred to the forthcoming second version of SESplan (SESplan2) and the scale of proposed house building expressed there, which is based on an updated HNDA, I do not consider such matters to be relevant for the purposes of this plan and for this examination. This local development plan is required to conform to the current SESplan.

39. The foregoing conclusions all point to the main purpose of adding generosity which is to account for any underperformance in the delivery of sites with the aim of ensuring that the housing requirement (number of homes planned to be built) can still be met. Ideally, therefore, the level of generosity should reflect the degree of confidence that this requirement will be achieved.

40. On the matter of the performance of future sites, I note the doubts expressed by a

range of parties. I find it reasonable therefore that an appropriate level of generosity is included to account for any delay in delivery of sites and to ensure the provision of a sufficient supply of land to meet the housing requirement. Taking all the above factors into consideration in relation to this plan, it seems sensible that the level of generosity should be towards the upper end of the maximum 20% generosity indicated by SPP 2014. A generosity margin equivalent to 17.6% is shown within my recommended modifications to Table HOU2. I consider this to be a reasonable margin to apply based on the circumstances presented.

41. I do not believe that adding more generosity beyond this (and consequently more land allocations) would result in the delivery of significantly more housing. This applies equally to the introduction of smaller sites. Although adding more land allocations may provide an even greater range and choice of sites, the spatial strategy already relies on the delivery of significant levels of infrastructure in a variety of locations and a substantial annual rate of new house building over the next few years. Most of the main settlements within East Lothian have been allocated for new housing development, consistent with the spatial strategy. In general, we have not found any reason to object to the plan's overall spatial strategy and the variety of site locations provided within the plan. There are a few exceptions to this as highlighted in paragraph 68 below and recommended in Issues 3 and 6. Within Issue 13, we consider whether other housing sites are suitable for allocation. With the exception of Land at Newtonlees Farm, Dunbar, we do not find it appropriate to recommend any further allocations and doing so would not necessarily speed up the total level of completions in East Lothian. Overall, therefore, I do not consider it necessary that the generosity margin indicated in my recommendation for Table HOU2 requires to be increased.

42. Musselburgh Conservation Society and Inveresk Village Society suggest that a greater contribution should be secured from windfalls (additional 300 units) and that there should be increased densities on sites allocated within the smaller settlements (additional 250 units). They suggest other changes to specific sites all of which would result in a generosity margin to 2024 of 18.5%.

43. Windfall levels in the plan have been determined from SESplan's windfall assumption for East Lothian set out within the SG Technical Note (CD37). I do not agree that relying on a significantly greater number of windfalls without the past evidence to justify this is appropriate in the circumstances. Similarly, I do not accept that increasing densities on sites arbitrarily without any assessment of the impacts on the character and identity of existing settlements and available infrastructure is an appropriate way forward for the plan. The council indicates in response to Issue 30 that it has assessed suitable sites on a consistent basis in terms of densities - at 30 units per hectare. I am satisfied this is a reasonable assumption to make.

44. While I have been referred to Clydeplan, the strategic development plan for the Glasgow and Clyde Valley area which was approved in 2012, I note the approach there was somewhat different to SESplan. Only indicative housing requirements were set, with the housing land requirements and the level of generosity to be determined by the local development plans. Therefore I do not find the situation directly comparable.

#### Accounting for shortfalls in supply

45. SESplan has identified how much of the housing requirement should be met by site allocations in local development plans that are capable of development by the end of

year 7 (2019). Although the council highlights that it was not the intention of SPP 2010 to set such an interim requirement over the period to 2024, it accepts that this was introduced through the SG. However, the council maintains that the adequacy of the effective supply should only be measured against the overall requirement established for the end of SESplan year 12 (2024).

46. Most respondents to my further information request (including the council) accept that on the basis of the 2017 audit, a housing shortfall is now likely to 2019. The difference between the housing requirement and the supply of land for housing over the period 2009 to 2019 is 1,533 units.

47. In relation to this issue I consider it relevant to assess the reality of the current position. The seven year target expressed within SESplan and the SG took account of two years anticipated for adoption of local development plans following approval of SESplan. The predicted adoption date of SESplan was 2012, whereas it was actually adopted in 2013. The scale of the requirement within the SG was not known until November 2014. The council indicates that this had consequential impacts on resources, plan production timescales and reporting within East Lothian Council.

48. Subsequently, the Main Issues Report was not published until 2014, a draft proposed plan (non-statutory stage) not published until 2015 and the proposed plan not published until 2016. With the examination now proceeding, adoption of the local development plan is most likely sometime in 2018. I also note the council introduced interim guidance during this timeframe which supported the principle of housing development where there was a shortfall in the five-year effective land supply.

49. Notwithstanding the recognised shortfall to 2019, Homes for Scotland and others who support their position, generally accept that there would be little point in identifying additional sites at this stage to address the identified undersupply. They indicate that such sites would be unlikely to deliver enough homes in this timeframe to make any meaningful contribution to the shortfall. Consequently, more emphasis should be placed on the delivery of housing from 2018 to 2024. Further to this, I note that individual representations indicate that the shortfall in the first period should be carried over and not discounted.

50. While I acknowledge that there is a shortfall identified in the supply to meet the 2019 requirement, I consider a pragmatic approach is necessary at this stage in the proceedings with regard to this issue. The council and the main representative of the house building industry recognise that the addition of further sites would be unlikely to deliver in the timescales necessary. Given the period of time remaining, I consider this to be a reasonable reflection of the circumstances and I accept that no additional allocations should be made over the period to 2019. Notwithstanding this conclusion, I consider that the whole period 2009 to 2024 should be considered as part of this examination to establish whether a sufficient supply of housing land exists within the plan.

#### Appropriate timescales

51. In order to be consistent with SPP 2014, house builder representatives suggest that a third housing land requirement for the period 2024 to 2028 should be included within the plan to provide sufficient housing land to meet the requirement to year 10 from the expected year of adoption of the plan.



52. The council has identified in Table HOU2, a figure of 3,820 units for the period 2024 to 2032. This is not considered to be part of SESplan's housing requirement but an estimate of housing need and demand during that period from the HNDA. The council does not support a separate requirement being established for the period 2024 to 2028 as it considers that this matter is for the next strategic development plan which will take into account updated HNDA estimates for that period and if necessary set a housing supply target for the period after 2024. Hence, it would not be appropriate to assume that future growth would be derived on the same basis or to predetermine how much and where this should take place.

53. The representations on this matter highlight the shortfalls to 2019 and the further delay in site starts likely over the period to 2024, as necessitating a longer term picture to be represented by the land requirement. Further safeguarding of land is suggested to provide a fall-back position. In the most recent calculations presented within the representations, it is argued that when the period from 2009 to 2028 is considered, with a 20% generosity applied, additional land for around 1,300 units needs to be allocated within the plan (see Table 6 below).

54. SESplan was prepared in the context of SPP 2010 and was required to indicate where land should be allocated in local development plans to meet requirements up to year 12 beyond predicted year of plan approval. It was also required to give an indication of the possible scale and location of housing land up to year 20. In the case of SESplan, this covers the periods up to 2024 and up to 2032 respectively.

55. SPP 2010 required local development plans to allocate land on a range of sites effective or capable of becoming effective to meet the housing land requirement up to year 10 from the predicted year of adoption, ensuring a minimum of five years effective supply at all times. I acknowledge that SPP 2014 also requires this.

56. It is important to note that the SG does not identify a requirement for the period beyond 2024. In conforming to SESplan and ensuring concurrent timescales, I do not consider that the local development plan is required to allocate land for the period beyond 2024. Notwithstanding, I have been provided with various different methods on how a figure for the period 2024 to 2028 might be determined, including two separate methods from the council. However, none provide certainty of the specific housing requirement (number of homes planned to be built) for East Lothian that may be needed in the future.

57. I have also been referred to the latest examination report of the Edinburgh proposed local development plan as providing direction for the approach I should take on this matter. I note in that case that the reporter accepted an additional housing land requirement for the period 2024 to 2026. While providing useful context, I am not bound by this conclusion and highlight the variation in circumstances presented. Firstly, Edinburgh City Council appears to have been amenable to such an approach at the hearing and parties were able to agree in principle on the matter. That is not the case here. Secondly, I find that the plan was examined over the period 2015/16, over two years ago, prior to the publication of the proposed plan for SESplan2 (October 2016).

58. On this second matter, the relative progress with SESplan2 is now of greater consequence. SESplan2 is currently at examination and scheduled for approval in 2018. Given the relatively short timescale for East Lothian to commence a review of the local development plan in order to reflect the housing supply target that will be provided, I

consider it unwarranted that this plan should be involved in predicting a requirement for the period 2024 to 2028. The basis for such a figure is a matter for the strategic development plan and the wider considerations that will apply; a matter which is now moving towards fruition.

59. Up to 2024, I consider there to be sufficient housing land (as demonstrated within my recommended revisions to Table HOU2) to ensure the maintenance of an effective housing land supply. According to the 2017 audit, a number of sites will continue to build out in the period beyond 2024 including the new settlement at Blindwells (Proposal BW1). I find this to be adequate in terms of reflecting the estimate of need and demand for housing established in the HNDA (2010) for this period. An expansion of Blindwells is safeguarded within the plan as Proposal BW2. In Issue 5, I do not agree with the suggestion in the plan that the expansion area could be allocated through the adoption of supplementary guidance. Consequently, I recommend BW2 should remain safeguarded. Beyond this, we do not consider that additional safeguarding of sites is required, in particular that suggested for Drem. The suggestion for safeguarding at this particular location is dealt with in Issue 9.

60. Had I been prepared to accept that a housing land requirement beyond 2024 needed to be identified in the plan, I would have explored the suggested methods in detail. However, given my conclusions above I do not find that this is necessary and on the whole, I support the way the council deals with the matter in Table HOU2, although given that there is no specific requirement for this period I do not consider it necessary to express any consequent shortfall or surplus.

Table HOU2: Housing land requirements and supply

61. The council presents a revision to Table HOU2 (Table 4 below) in its latest response to a further information request. It considers there to be merit in the way the table is presented as it enables a read across between SPP 2010 and SPP 2014 and as an attempt to reflect the approach set out in Scottish Government’s Draft Planning Delivery Advice.

Table 4: Revised Table HOU2 (potential hybrid) – Council

	2009/19	2019/24	2009/24	2024/32	Beyond 2032	Total
SDP Housing Target/Housing Requirement/Housing Land Requirement	6,250	3,800	10,050	3,820*	0	13,870
Generous Housing Land Supply @10%	6,875	4,180	11,055	3,820	0	14,875
Generous Housing Land Supply @20%	7,500	4,560	12,060	3,820	0	15,880
LDP Housing Land Supply**	6,892	5,437	12,329	2,713	958	16,000

\* Signposted need and demand

\*\* Based on 2015 HLA

62. While the council’s approach above is useful as a high level expression, it omits the detail presented on the supply in the original Table HOU2. I also find the council’s assertions elsewhere that generosity is added to the supply to be confusing given that its

figures in the table above show it added to the top line figures. Furthermore, within Table 2 of the Draft Advice, it assumes the housing land requirement has already been set by the strategic development plan including a generous margin; as I have already concluded above, I do not consider that to be the case here. Scottish Government has also recently advised that it has withdrawn the Draft Advice, effectively removing any assistance on how this matter should be presented within development plans.

63. The council submitted a further revision to Table HOU2 (Table 5 below). This is laid out in an identical way to that shown in the plan, although the completion figures are updated and the contributions from the established land supply and new allocations now reflect the 2017 audit.

Table 5: Revised Table HOU2 – Council

	2009/19	2019/24	Total 2009/24	2024/32	Beyond 2032	Total 2009/32
<b>SDP Housing Requirement to 2024</b>	<b>6,250</b>	<b>3,800</b>	<b>10,050</b>	<b>3,820</b>	<b>0</b>	<b>13,870</b>
Dwelling Completions 2009/17	3,064	0	3,064	0	0	3,064
Established Land Supply	1,144	3,003	4,147	594	0	4,741
New allocations	470	3,861	4,331	2,225	325	6,881
Windfall Sites	42	105	147	110	0	257
Loss of Supply to Dwelling Demolitions	3	8	11	12	0	23
Sub-Total Housing Land Supply	4,717	6,961	11,678	2,917	325	14,920
Contribution from Blindwells	0	291	291	801	508	1,600
<b>Grand Total Housing Land Supply</b>	<b>4,717</b>	<b>7,252</b>	<b>11,969</b>	<b>3,718</b>	<b>833</b>	<b>16,520</b>
Shortfall/surplus of Housing Land*	-1,533	3,452	1,919	-102	833	2650
% generosity in land supply to 2024			19			

\*Note: I have amended the figures in this row to a minus/plus to enable the total from the row to add correctly.

64. Homes for Scotland, supported by other house builder representatives, have also suggested a revision to Table HOU2 which specifically adds a generosity margin of 20% to determine the housing land requirement. In their latest response they also consider the table should utilise the 2017 audit (see Table 6 below).

Table 6: Revised Table HOU2 - Homes for Scotland and others

	2009/19	2019/24	2024/28	2009/28
<b>Housing Land Requirement</b>				
SESplan Housing Requirement (housing supply target)	6,250	3,800	3,040	13,090
Generosity 20%	1,250	760	608	2,618
<b>Housing Land Requirement</b>	<b>7,500</b>	<b>4,560</b>	<b>3,648</b>	<b>15,708</b>
Meeting the Housing Land Requirement				

Housing Completions 2009/17	3,064	0	0	3,064
Established Supply	1,213	3,213	594	5,020
Small sites	70	106	140	316
New allocations	331	3,545	1,265	5,141
Windfall sites	42	105	55	202
Loss of Supply to Dwelling Demolitions	-3	-8	-6	-17
Contribution from Blindwells	0	291	388	679
<b>Total Land Supply</b>	<b>4,717</b>	<b>7,252</b>	<b>2,436</b>	<b>14,405</b>
Shortfall/surplus	-2,783	2,692	-1,212	-1,303

65. In the above submissions, the number of completions over the period 2009 to 2017 does not appear to be in dispute. Neither are the figures for windfalls and demolitions up to 2024. In terms of the presentation of Table HOU2, that put forward by Homes for Scotland and others generally reflects the terms used in SPP 2014 where a generous margin is to be added to determine the housing land requirement. The council's version of the table (Table 5 above), while incorporating a level of generosity in the overall land supply, excludes any reference to the housing land requirement. I accept that the generosity margin and consequently the housing land requirement is meant to be determined at the strategic development plan level (according to SPP 2014). Although not explicit within SESplan or the SG, generosity has clearly been added in this local development plan. Therefore I recommend that this is shown within Table HOU2 as set out in my recommended modification.

66. The council states that it does not support the use of the 2017 audit as the basis for the plan. It is assumed therefore that it does not also support the use of the revised figures for Table HOU2 as provided in its latest response (Table 5 above). The council regards the quantitative housing land requirement as having been met and exceeded by the proposed plan and therefore it is consistent with SESplan; a shortage of land cannot be the reason for any delay in delivery. Essentially the council is of the view that Table HOU2 as expressed within the plan already does what it is required to do and the rate and volume of completions that are being achieved by housing providers is not a matter that the plan has any influence over or should be reflected in Table HOU2.

67. While I note the council's latest position, it is a function of the development plan to allocate sufficient land for housing on sites which are deliverable and where there is the ability to provide the necessary infrastructure. I note the council's estimate of start dates for new allocations has been substantially revised in producing the 2017 audit. As this audit is an agreed position with the representative of the house builder industry, it seems sensible to me that this more up to date information should now be utilised.

68. With the updated information from the 2017 audit, I consider that the amount of housing identified through the plan up to 2024 (including committed and new allocations) is sufficient to meet the housing land requirement including an appropriate level of generosity (see Table HOU2 in my recommendations). The only exception to make with regard to the audit is the figure for the new allocations between 2019 and 2024, which should be amended to reflect our recommendations to delete proposals MH13 Howe Mire (170 units) in Issue 3, TT15 Humbie North (20 units) and TT16 East Saltoun (75 units) in Issue 6 and the recommendation to add Land at Newtonlees Farm (115 units) in Issue 13. However, I do not consider that such amendments alter my overall conclusions on this matter. Therefore I recommend that these changes are reflected within a modified Table HOU2 as set out in my recommendations below. Consequential changes to Table HOU1 would also

be required.

69. I also agree that the inclusion of negative figures for demolitions within Table HOU2 would make the calculation easier to follow. However, I do not consider it necessary to show any figures for any surplus or shortfalls; the purpose of the table is to demonstrate that SESplan's housing requirement (number of homes planned to be built) would be met by the supply of land within the plan. My recommendations for Table HOU2 demonstrate that the total housing land supply over the period 2009 to 2024 exceeds the housing requirement and includes an appropriate margin of generosity as discussed above. With regard to the SESplan SG's additional allowance for East Lothian, this is accounted for in the reassessment of the land supply based on the 2017 audit. Therefore I do not consider that any specific reference to this additional allowance, as requested by Scottish Government, would assist interpretation of the housing land position.

### **Policy HOU1: Established Land Supply**

70. This policy has a direct relationship with Table HOU1: Housing Proposals by Cluster Area and Tables MH1, TT1, HN1, DR1 and NK1 which list the sites that make up the remaining established land supply (as distinct from those sites specifically allocated within the plan). In presenting the established housing land supply, the council has attempted to separate out those sites that are carried forward from the local plan and/or gained planning permission at the date the proposed plan was produced from those newly allocated or still to gain planning permission. As we have found in Issues 3, 4, 6, 7, 8 and 9 in response to the representations by Scottish Environment Protection Agency, the carry forward sites still make a considerable contribution towards the total housing land supply set out in Table HOU2 and should therefore be subject to the same rigour in term of assessment as allocated sites.

71. As highlighted above, Policy HOU1 deals with the established housing land supply. Consequently, Hargreaves Services Ltd suggestion to add references to Blindwells ability to accommodate further housing demand would not be appropriate. The position of the safeguarded Blindwells expansion area is explained within paragraph 3.36 of the plan and also reflected in my recommended modifications set out in Issue 5.

72. I accept that the reference to the 2015 housing land audit within Policy HOU1 is now out of date and references to the 2017 audit as suggested would be more appropriate given my recommended modifications to Table HOU2. Therefore, I recommend making this change.

### **Maintaining an adequate effective five-year housing land supply**

73. The representations on this issue refer to various statements within the plan at paragraphs 3.31 to 3.35 and 3.41 to 3.49 along with Advice Box 1, which set out the council's proposed approach in responding to any shortfall in the five-year effective land supply.

74. The council highlights that the allocation of a generous overall supply and the identification of a range and choice of effective or capable of becoming effective sites, will help ensure a five-year effective supply is maintained. The council raises concerns over the potential to undermine the plan's spatial strategy and the displacement of necessary infrastructure if housing sites not planned for are approved. However, it accepts in paragraphs 3.44 and 3.49, in accordance with SPP 2014, that the presumption in favour of

development that contributes to sustainable development would be a significant material consideration where a five-year effective land supply is not being maintained and effectively introduces Policy HOU2 to deal with the matter.

75. Objections are raised to the last sentence of paragraph 3.47 which refers to foregoing matters which are to be regarded as significant material considerations. These matters relate to the risks in approving unplanned development including diluting capacity and resources and impacts on the delivery of infrastructure. In the council's response to my further information request it highlights a number of other material considerations, the sentiments for which are acknowledged within the Draft Planning Delivery Advice: Housing and Infrastructure.

76. The withdrawal of the Draft Advice has the effect that it now ceases to be a material consideration. Consequently, while I consider it useful to respond to these wider factors, I do not consider it appropriate that these are highlighted within the plan as significant material considerations. Therefore, for clarity, I recommend removing the last sentence of paragraph 3.47.

77. Advice Box 1 sets out the method by which the five-year effective land supply will be calculated. A recalculated housing land requirement is derived by considering the length of time remaining in the respective plan period(s). The calculation takes account of any completions achieved to date and any shortfall is carried over into the next period. The supply figure, which represents the amount of homes programmed to be developed in the next five years, is based on the latest housing land audit or any other monitoring paper.

78. The representations highlight that the method proposed within the plan ignores generosity. I note within the council's latest calculation of the five-year effective supply, which is supported by Homes for Scotland and others, that the requirement figure against which the supply is to be measured is net of generosity. While I accept that there is no prescribed method for the calculation and the Draft Advice has recently been withdrawn, it seems sensible to me that the benchmark against which the five-year effective supply is assessed should be the figure for the number of new homes planned to be built (the housing requirement) before generosity is added. The margin of generosity is only included to help this requirement be realised.

79. This matter is complicated as PAN 2/2010, which was published when SPP 2010 was in place, refers in paragraph 41 to 'a five-year on-going effective land supply is available to meet the identified housing land requirements'. There is a degree of ambiguity within PAN 2/2010 where Paragraph 51 dealing with housing land audits expects the housing supply to be compared with the housing land requirement whereas paragraph 55 dealing with the effective land supply refers to the housing requirement. SPP 2014 requires that a generous supply of land for house building is maintained and (*my emphasis*) there is always enough effective land for at least five years. While I accept that the terminology may be different, in effect, the main policy objective is to ensure sufficient land is available to enable the number of homes planned to be built, to be met. This supports my conclusion reached in paragraph 78 above. Therefore, I recommend that the terminology within paragraph 3.44 of the plan and Advice Box 1 is amended to refer to the Housing Requirement in all cases rather than the Housing Land Requirement.

80. Relative to Advice Box 1, a number of representations object to the use of a housing monitoring paper rather than the housing land audit to determine the amount of homes programmed to be developed in the next five years. In response to my request for further information, the council indicates that such a paper does not currently exist but it could

comprise a regional (SESplan) or local (local authority) level monitoring paper that would provide a rolling calculation of the five-year effective land supply position while the plan is operative. The council indicates this would prove useful in informing any council decision on this matter and the application of Policy HOU2. The monitoring paper would also contain certain quantitative and qualitative contextual information. An early example of what is intended is the council's interim guidance on housing land supply.

81. Despite the council's explanation, along with the representations on this issue I find there to be insufficient detail as to how such a monitoring paper would be used. I understand the council's reasons for wanting an alternative source (given its concerns over the application of all the criteria within PAN 2/2010 as discussed further below), but I see no national policy support for deviating from using the annual housing land audit as the basis for determining the five-year effective supply.

82. SPP 2014 (and PAN 2/2010) are clear in indicating the use of the audit to critically review and monitor the availability of effective housing land and to manage the land supply. Until this position changes, I do not consider it would be appropriate to use an alternative, as yet undefined, source. Therefore I recommend the removal of the reference to "or any housing monitoring paper" within Advice Box 1.

83. As referred to above, the council raises a number of concerns over a reliance on using the current audit process to establish the amount of homes programmed to be built in the next five years. Its main concern relates to the inclusion of marketability as a criterion (as established by PAN 2/2010) and the impact this can then have on assessments of the five-year effective supply.

84. The council has provided some illustrative graphs which show the direct impact of varying states of the economy on the programming of house completions. The council asserts that when programming is only considered over the first five year period, in a weak economy where demand for housing is low, the availability of unconstrained land in the period beyond the five years is not accounted for. This gives the perception of a numerical shortfall of effective land when in fact sufficient land is available. Therefore, by including marketability as a consideration, land which is otherwise unconstrained is discounted simply because the housing programmed is not to be delivered fast enough.

85. Overall, I accept that the delivery of housing across the region has been slower than anticipated by SESplan. In general, since 2008, I do not doubt that market conditions and the consequent demand for housing has impacted on the strategic investment decisions by house builders and overall capacity in the construction industry. Despite this, Homes for Scotland point out that over this timeframe the council's housing land audit has identified relatively few sites as constrained. For the few sites which are identified as constrained in the 2017 audit, the council cites marketability as the reason whereas Homes for Scotland assert that ownership is more likely.

86. PAN 2/2010 distinguishes between effective sites and non-effective (or constrained) sites; the latter being those which are 'affected by constraints which cannot be overcome in time to contribute to the housing land requirement'. The 2017 audit identifies a total effective supply which extends beyond the SESplan period of 2024. For example, HN2 Letham Mains Expansion is not programmed to deliver units until 2024/25 onwards but is included as effective within the audit and not flagged as constrained or non-effective.

87. Homes for Scotland and others do not consider that the market has been a major

constraint on site starts and development progress within East Lothian. They highlight a range of other influences such as delays in the production of the local development plan, delays in planning decisions and the rate of development being controlled by planning conditions. While I acknowledge that there may be other contributory factors, I am not in a position to ascertain exactly the main causes without examining each site in detail.

88. I note the general comments that only a few sites have been approved through the council's interim guidance. While I have no information on the extent to which the guidance has allowed housing sites to come forward in advance of the plan and the reasons for this, the adoption of the plan should provide additional confidence to the development industry and with regard to future infrastructure provision.

89. Nevertheless, I do not consider that a sufficient (quantitative) supply of land identified within the plan absolves the council from any further responsibility. I find it incumbent on the council to ensure that the sites allocated are effective or capable of being made effective within the timeframe under consideration; otherwise this would purely be an exercise in 'housing numbers'. Furthermore, paragraph 30 of SPP 2014 states that development plans should set out a spatial strategy which is both sustainable and deliverable, providing confidence to stakeholders that the outcomes can be achieved.

90. The requirement for developer contributions identified as part of this plan and the consequent need for planning obligations in many cases could ultimately affect approval timescales. I also consider that the types of sites (location, size etc.) could also have an influence on the overall rate of development. The council acknowledges (in paragraph 3.42) that it has a role to play in the efficient handling and determination of proposals and masterplans. The Action Programme will seek to align stakeholders, phasing, financing and infrastructure investment. Clearly there will be a role for all stakeholders to be involved and for collaborative working as the plan already suggests. The rate of housing delivery will therefore be dependent on many factors including the range and choice of sites allocated within the plan and the Action Programme. However, I consider that the fourth sentence of paragraph 3.34 of the plan appears to suggest otherwise. Therefore, I recommend that this is modified slightly.

91. The council sets out in detail why it considers that any undersupply in terms of past completions (where this is a result of the lack of market demand) should not affect the remaining housing requirement for that period and consequent assessment of the five-year effective land supply. Support for this view is also taken from the Draft Advice. Although I note the points made, the current advice on this matter within PAN 2/2010 is unchanged. It is also on the basis of PAN 2/2010 that the council has assessed the five-year effective supply in the evidence submitted to the examination (Table 7 below), although an alternative method based on the Draft Advice was also provided by the council.

Table 7: Five-year effective housing land supply

	<b>2017 – 2022</b>
Five-year effective target	5,466
Five year effective supply	6,750 (2017 audit)
	6.17 years supply

92. The 'target' referred to by the council in Table 7 above is derived from SESplan's housing requirement (number of homes planned to be built). The completions figure of 3,064 units for the period 2009 to 2017 is subtracted from the housing requirement figure of 6,250 units for 2009 to 2019 leaving 3,186 units. An average figure of 760 units per



year is then derived from the housing requirement for the period 2019 to 2024 (3,800) resulting in 2,280 for the three years from 2019 to 2022. Added together this equals 5,466 units. The supply figure for the five years from 2017 to 2022 is taken directly from the programming set out within the 2017 audit and includes windfalls (105 units) and takes account of demolitions (8 units). This results in a total five year supply figure of 6,750 units which represents 6.17 years supply. The above approach and figures arrived at are also supported by Homes for Scotland.

93. The council confirms that marketability has been used as a factor to determine the effectiveness and the programming of sites through the housing land audit process consistent with PAN 2/2010. However, the commentary within paragraphs 3.46 and 3.48 of the plan and the council's Position Statement (CD66) suggest a different approach might be advanced in the on-going operation of the plan. The council outlines a situation that if the housing land requirement continues to increase, as a result of discounting past completions, to the extent that it exceeds the effective supply, then a number of responses will be required: quantitative and qualitative factors will need to be considered in assessing the supply; and the overall scale of the target may need to be revisited.

94. Paragraph 3.48 of the plan suggests that a shortfall in the five-year effective supply will not be considered where the contributory factor is due to market constraints. The council, quite reasonably in response to the Draft Advice which states: "Where past completions are lower than expected, it does not always follow that additional land needs to be allocated for housing", anticipates that a more balanced view should be taken in assessing the five-year effective supply.

95. In response to my request for a view on the Scottish Government's intimation that it was minded to withdraw the Draft Advice, the council acknowledges that PAN 2/2010 remains in place. The council also indicates that the method it intends to follow in terms of measuring the adequacy of the five-year effective supply is in line with the expectations of PAN 2/2010 and takes into account what the council refers to as an interim housing land requirement. While I note this position, in order to be wholly consistent with PAN 2/2010, the criterion 'marketability' should be included in the assessment of the five-year effective supply. The council has not provided an assessment of the effective supply which excludes marketability as a criterion, and has not explained to my satisfaction how it would intend to decide that on a site by site basis, presumably with the input of the house builder industry. Therefore I recommend that specific references to marketability within the plan, where it is cited as not to be used as a contributory factor in measuring the adequacy of the five-year effective supply, should be deleted.

96. SPP 2014 requires that local development plans provide for a minimum of five-years effective land supply at all times. In its response the council has considered the five-year supply from 2017 (Table 7 above) but stops short of assessing it beyond this timeframe. Further figures are provided by Wallace Land Investments which demonstrate a rolling five-year effective housing land supply up to 2028.

97. Our recommendations to delete proposals MH13 Howe Mire for 170 units programmed 2019 to 2023, TT15 Humbie North for 20 units programmed 2020 to 2022 and TT16 East Saltoun for 75 units programmed 2020 to 2023, would not result in a major fall in the number of years supply to 2024 such that it would drop below five years supply. Therefore, overall, with regard to this matter I am satisfied that once adopted, the plan as recommended to be modified would enable the council to demonstrate that a five-year effective housing land supply could be maintained at all times as required by SPP 2014.

**Policy HOU2: Maintaining an adequate 5-year effective housing land supply**

98. Policy HOU2 sets out the council's approach in dealing with proposals for housing where a five-year effective supply is not being maintained. Proposals are accepted in principle and required to comply with SESplan Policy 7, the six criteria contained within Policy HOU2 and all other relevant plan policies.

99. Representations on this issue express the following concerns:

- The criteria should be consistent with that in SESplan Policy 7.
- The criteria should consist of Policy 7, an assessment of 'effectiveness' and a 'contribution to sustainable development aims', as concluded within the Edinburgh LDP examination.
- The policy is redundant given the context set by SPP 2014 and the presumption that would apply.
- Later programmed sites should be brought forward before approving non-allocated sites (reference SESplan Policy 6).
- Priority should be given to larger strategic sites which bring specific benefits.

100. I also asked the council to clarify two further matters: in relation to Criterion (1), how the Policy HOU2 would deal with a situation where a proposal did not comprise an extension to an existing settlement; and why the figure of a maximum 300 units quoted in Criterion 3 was appropriate.

101. Representations on Policy HOU2 indicate that it should not set out alternative criteria to that within Policy 7 (in the sense of giving it a different meaning) but should only amplify the existing criteria. To be consistent with SESplan, I agree that the latter should be its main purpose. This view also justifies retaining Policy HOU2 in some form to provide a greater level of detail with which to apply Policy 7.

102. I take from the council's latest response that Policy HOU2 is meant to be consistent with SESplan Policy 7. Policy 7 contains three criteria, one of which requires the development to be in keeping with the character of the settlement and local area. Criterion (1) of Policy HOU2 requires sites to be an appropriate extension to an existing settlement. In support of this, the council submits that Policy 7 can only apply in situations where the proposal would be an expansion of an existing settlement. I note the point made by the council that development should be in keeping with both the character of a settlement and local area but I do not interpret this as excluding greenfield sites that are away from settlements. The suggested wording by Wallace Land Investments would also not improve this interpretation. In my view, a proposed development which is physically detached from a settlement still requires being in keeping with its character and local area – the overall scale of the development, potential for coalescence and historical context could all affect whether a development is suitable for such a location. Therefore, I do not consider Criterion (1), as currently written, is consistent with Policy 7 and I recommend that it is deleted from Policy HOU2.

103. Criterion (3) restricts the maximum scale of sites which are to be approved under this policy to 300 units. The council's latest response indicates that in order to allow a site to come forward it should be capable of delivering the majority of its units within the next five year period. The council's submitted example takes into account an 18 month lead in time, two developers building on the site and estimates of 25 units per annum for each builder; this would deliver a maximum 175 units over the five year period.

104. Homes for Scotland and others consider that a site should be capable of making a meaningful contribution within the five year period but should not have to deliver at least half the development as suggested by the council. Given the council’s example, the policy approach (under Criterion 2) would exclude sites larger than around 175 units, since significantly larger sites would not be capable of being substantially completed within the five year period. Such an approach could interfere with the main purpose of the policy which is to ensure that sites come forward to help maintain a five-year effective supply.

105. Assessing whether a proposed development is likely to prejudice future development identified within the plan is likely to take on board a range of issues, only one of which may be related to scale. SESplan Policy 7 does not impose a threshold limit. Criterion (3) is therefore introducing an additional requirement. While I acknowledge the council’s Interim Guidance currently adopts a 200 unit limit, which the council is agreeable for me to introduce (rather than 300) if I consider it appropriate, I am not convinced of its arguments for retaining any development size restriction. Therefore I recommend that references which restrict the maximum scale of development are removed from Criterion (3). Furthermore, I recommend that Criterion (2) is amended so that sites can be individually assessed as to their contribution in reducing the identified shortfall.

106. With regard to the suggestion that later programmed sites should be considered first, I consider this is likely to have a limited effect. No phasing is indicated within the plan (except for Blindwells) and sites which are programmed over the plan period could come forward sooner if the necessary infrastructure is in place. The programming of allocated sites will be monitored through the housing land audit process, which will help determine whether there is a five-year effective supply. Where a shortfall is identified, I fail to see how sites could be brought any further forward when their programming has already been taken into account.

107. With regard to the conclusions reached within the Edinburgh local development plan examination report, I consider that each local planning authority can apply criteria which are relevant to its particular plan’s circumstances. In terms of the introduction of specific criteria on effectiveness, I have fully considered this matter above under Criterion (2). With regard to ensuring that a proposal contributes to the principles of sustainable development, I note that Policy HOU2 refers to the need for proposals to comply with all other relevant plan policies. Such matters would therefore already be given full consideration.

**Other representations**

108. A number of consequential changes to Table HOU1: Housing Proposals by Cluster Area and Table HOU2 are requested that relate to proposals to remove, add or increase the density of particular sites. For allocated sites, these are dealt with in the respective Cluster Issues 3, 4, 5, 6, 7, 8, 9 and 9a and for new suggested sites, within Issue 13.

**Reporter’s recommendations:**

Modify the local development plan by:

1. Replacing existing references to “housing land requirement” with “housing requirement” within the following paragraphs: 1.50, 1.54, 2.5, 3.33, 3.39 and 3.44.
2. In paragraph 3.34, replacing the fourth sentence as follows: “Yet the rate of housing delivery that will take place may be dependent on many factors not related to the SDP

requirement, or the LDP or its Action Programme.”

3. In Policy HOU1, amending the reference to the Housing Land Audit 2015 to refer to the Housing Land Audit 2017.

4. Making consequential changes to Table HOU1 to reflect the position in Table HOU2.

5. Replacing Table HOU2 with the following:

Table HOU2: Housing Land Requirements and Supply

	2009/19	2019/24	2009/24	2024/32	Beyond 2032	Total
<b>Housing Requirement and Housing Land Requirement 2009 to 2024</b>				<b>Housing Need and Demand (vi)</b>		
SESplan Housing Requirement	6,250	3,800	<b>10,050</b>	3,820	0	13,870
Housing Land Requirement	7,350	4,469	<b>11,819</b>	n/a	n/a	n/a
<b>Housing Supply 2009 to 2024</b>						
Housing Completions 2009/17	3,064	0	3,064	0	0	3,064
Contribution from Established Supply(i)	1,144	3,003	4,147	594	0	4,741
Contribution from New Allocations(ii)	470	3,711	4,181	2,225	325	6,731
Contribution from Blindwells(iii)	0	291	291	801	508	1,600
Contribution from Future Windfall sites(iv)	42	105	147	110	0	257
Loss of Supply to Dwelling Demolitions(v)	-3	-8	-11	-12	0	-23
<b>Total Housing Land Supply</b>	<b>4,717</b>	<b>7,102</b>	<b>11,819</b>	<b>3,718</b>	<b>833</b>	<b>16,370</b>
<b>Generosity</b>			<b>17.6%</b>			

- (i) Based on 2017 Housing Land Audit including contribution of 70 dwellings from small sites (less than 5 units) programmed 2017/19 and 106 units 2019/24 as per audit;
- (ii) Based on 2017 Housing Land Audit [adjusted for deletion of MH13, TT15 and TT16 and the addition of Land at Newtonlees Farm, Dunbar];
- (iii) Based on 2017 Housing Land Audit;
- (iv) SESplan’s windfall assumption for East Lothian;
- (v) Based on demolitions from information from ELC Building Standards;
- (vi) Estimate of need and demand for housing from SESplan HNDA (not part of SESplan Housing Requirement).

6. Within Advice Box 1, replacing all references to the “housing land requirement” with “housing requirement”.

7. Within Advice Box 1, removing reference to “or any housing monitoring paper”.

8. In paragraph 3.46, deleting the last sentence.

9. In paragraph 3.47, deleting the last sentence.

10. In paragraph 3.48, deleting the text “and this is not due to ‘marketing constraints’” from the second sentence.

11. In Policy HOU2, deleting Criterion 1.

12. In Policy HOU2, within Criterion 2, replacing the following text: “capable of being substantially completed within five years” with: “capable of making a meaningful contribution to reducing the identified shortfall.”

13. In Policy HOU2, within Criterion 3, delete the following text:

“and should be no more than 300 homes – the subdivision of a larger sites into smaller applications in order to meet this maximum will not be supported.”

14. Amending the Glossary definition of Housing Land Requirement to read as follows:

“The amount of land required to be allocated for housing (including generosity) to meet the identified housing requirement.”

<b>Issue 13</b>	<b>New Sites</b>	
<b>Development plan reference:</b>	A Spatial Strategy for East Lothian (pg 11-56)	<b>Reporter:</b> Claire Milne Jo-Anne Garrick Malcolm Mahony
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>North Berwick Community Council (0003) Hew Balfour (0057) Muir Homes (0165) Messrs R and A Kennedy (0188) Muir Homes (0189) James Millar (Kilduff) Ltd (0204) Messrs R and A Kennedy (0208) Gladman Planning (0213) Omnivale Ltd (0217) Omnivale Ltd (0218) Haig Hamilton (0219) Messrs R and A Kennedy &amp; Omnivale (0227) Stewart Milne Homes Ltd (0229) CALA Management Ltd (0231) CALA Management Ltd (0233) John Gray (0242) Mr A P Dale and Mr R F Dale (0243)</p>	<p>Barratt David Wilson Homes (0246) Omnivale Ltd (0268) Lord Wemyss Trust (0277) Wallace Land and Investments (0281) Ashfield Commercial Properties Ltd (0282) Wallace Land and Investments (0283) Wallace Land Investments (0284) The BS&amp;S Group (0286) Stewart Milne Ltd (0297) The Esperance Trust Group (0303) Stewart Milne Homes (0311) Taylor Wimpey (0330) Miller Homes (0340) Karting Indoors Ltd (0342) Lawrie Main (0370) CALA Management Limited (0393) Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>	
<b>Provision of the development plan to which the issue relates:</b>	All proposed Local Development Plan	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Musselburgh Cluster</b></p> <p><b>Land at Pinkiehill, Inveresk</b></p> <p><u>CALA Management Ltd (0231)</u></p> <p>Land at Pinkiehill, Inveresk should be allocated for residential development (capacity 45 units over 2.6ha of a 4.4ha site). The site lies within the Edinburgh Green Belt and Inveresk Village Conservation Area. The site meets the effective criteria in Planning Advice Note 2/2010, is effective and available pre-2019, in a sustainable location that can accommodate development. The Council must consider a range of housing allocations including those on smaller sites and in the upper market range.</p> <p><b>Land at Goshen, Musselburgh</b></p> <p><u>Ashfield Commercial Properties Ltd (0282/1)</u></p> <p>Objects to the inclusion of Goshen in the Green Belt and the exclusion of Goshen as an allocated site in the LDP as the allocation of Goshen was supported by Council officers at</p>		

Main Issues Report and draft Proposed Plan stages; the site is suitable from a planning, environmental, cultural heritage, transport and other infrastructure perspective and Ashfield is committed to the delivery of the necessary infrastructure requirements in accordance with Policy DEL1; statutory consultees including SNH, Transport Scotland, Historic Environment Scotland and SEPA supported the inclusion of the Goshen site at Main Issues Report and draft Proposed Plan stages (see Masterplan Report accompanying this representation); following recent archaeological trenching work no evidence of the battlefield site was discovered and an alteration to the Battlefield National Inventory is being sought from Historic Environment Scotland; the LDP Musselburgh cluster relies on the Wallyford site to meet housing need yet there is no evidence of contractual terms having been concluded with any house builder (see submitted housing Land and New Sites Assessment report accompanying this representation); the LDP PROP MH9: Land at Wallyford and PROP MH10: Land at Dolphingstone are in the same ownership and 1,000 additional houses are allocated there; 1,500 houses are allocated at Craighall therefore 67% of the housing land supply new sites in Table HOU1 are in the control of just two parties; 350-400 houses in PROP MH9 and MH10 are undeliverable due to landscape constraints and the need to provide land for a secondary school; two of the sites that replaced Goshen, PROP MH10 and MH13, were the subject of objection from SNH and Historic Environment Scotland on landscape impact and cultural heritage grounds (see Housing Land and New Sites Assessment report accompanying this representation); although no longer promoted by East Lothian Council a formal missive remains in place between East Lothian Council and Ashfield to facilitate a secondary school at Goshen, and the Masterplan can accommodate it.

### **Land at Galt Terrace, Musselburgh**

#### Stewart Milne Homes (0311/1)

The site at Galt Terrace Musselburgh is effective and should be allocated for a residential development of 190 homes, with associated amendments to Table HOU1, Proposal Map and Action Programme. Site is within the SDP SDA. The site could compensate for low levels of delivery so far towards SDP housing requirement. Site (MIR/MH/HSG133) assessed at MIR stage but not selected for inclusion within the MIR or proposed LDP. Representation notes that Musselburgh has coalesced with neighbouring settlements to the west, and also 'essentially' does with Wallyford to the east. Objection notes that the proposed LDP modifies green belt boundaries to accommodate strategic development requirements already proposed, and suggests that such boundaries should be further modified to accommodate this site. The site's accessible location outweighs its retention within the green belt. The development of the site would have minor impacts on green belt objectives; mitigation could be provided through careful design with green network opportunities included. Reference is made to East Lothian Council's MIR preferred policy approach to green belt boundary modification (MIR Table 9 page 61), and it is suggested that it conforms to that position. Coalescence of Musselburgh and Wallyford has already occurred with the introduction of Wallyford Park and Choose. Objector notes the landscape impact of other proposed sites within the LDP and considers their site to be appropriate for development in the context of those decisions.

### **Prestonpans Cluster**

#### **Land at Port Seton Links**

#### Mr A P Dale and Mr R F Dale (0243/1)



Port Seton is within the East Coast Strategic Development Area identified in SESplan, and is therefore considered in general terms to be a sustainable location for new housing development, relatively close to Edinburgh and a good strategic transport network. In respect to Housing Supply & Demand, it is concluded that the Proposed LDP does not identify enough housing sites to meet the SESplan housing requirements for East Lothian. Consequently, additional housing sites will need to be allocated, and we recommend that Port Seton Links is one of these.

### **Land at Meadowmill, Prestonpans**

John Gray (0242)

The representor submits 4 acres of derelict land at Meadowmill which is within DC1. Has been advised by ELC to seek a policy review for the land to allow development for houses and units. This was thought to be supported by Councillors and then rejected. Denied a democratic right to engage in the process to promote development.

### **Land at Fishergate Road, Port Seton**

Wallace Land Investments (0284/1)

The Fishergate Road site has capacity for around 150 homes, and substantial open space. It is within the East Lothian SDA. Representations made elsewhere seek to demonstrate that there is an insufficient amount of housing land allocated for the short term up to 2019, and therefore additional land allocations are needed if the LDP is to enable the SDPs Housing Requirement to be met. East Lothian is a prime housing market area, the Fishergate Road is effective in line with PAN 2/2010 and viable and can be developed within the LDP period, over a four year period, starting in 2018. A statement of effectiveness explains this. Representation acknowledges that Port Seton is accessible in regional terms compared to many other settlements in East Lothian. The site is nearby existing active travel and public transport routes as well as local amenities, including Cockenzie Primary School. Secondary school pupils would attend Preston Lodge High School. Representation suggests there is the ability to expand the schools. New development at the site could help sustain and enhance these facilities. Notwithstanding the number and variety of cultural and natural heritage assets here, including listed buildings and a conservation area nearby the site, and that the site is within the Prestonpans Battlefield (although the core of this is to the west and it is contended that the site is unrelated to the battle and it has a negligible contribution towards the interpretation of the battle: a heritage assessment will be undertaken to demonstrate this), the submission suggests that there is environmental and landscape capacity (including mitigation measures that could be provided) to accommodate the proposed scale of development, as explained in the development framework report. Countryside Around Town designation here unnecessary. Affordable housing will be provided as part of the proposals as will SUDs. Jobs will be created from construction. Development here will consolidate the landscape setting of the settlement. Design will be dealt with at project level, but will complement the character of the area.

### **Tranent Cluster**

#### **Land at Humbie**

Hew Balfour (0057/3)



Proposes a small extension of the Humbie settlement boundary to the west to include the residential properties at Upper Keith Farm and the area of land between Upper Keith and the existing settlement boundary.

**Land east of Tranent**

Messrs R and A Kennedy (0208/3)

Land at Tranent East (Refer to Supporting Documentation 2) should be allocated for development of up to 200 residential units with associated uses (primary school site, community facilities/uses, public park/open space, and related infrastructure).

Messrs R and A Kennedy & Omnivale (0227/2)

Seek allocation of land on the east side of Tranent for residential purposes for up to 850 units and community facilities.

Omnivale Ltd (0268/1)

Objects to the non allocation of land for residential, education and eastern relief road on the north and east sides of Tranent - Support the allocation of land at East Tranent in the LDP for the strategic expansion of Tranent Eastwards.

**Land west of Tranent Cemetery**

Omnivale Ltd (0217)

Seek allocation of land on the west side of Tranent Cemetery for residential purposes.

**Land east of Tranent Cemetery**

Omnivale Ltd (0218)

Seek allocation of land on the east side of Tranent Cemetery for residential purposes.'

**Land at Hillview Road, Ormiston**

The Esperance Trust Group (0303/1)

The land at Hillview Road, Ormiston is an effective site that can contribute to East Lothian's 5 year supply of housing land. It should be allocated for a specialist retirement housing site to complement existing mainstream housing proposals in the village, with associated amendments to Table HOU1 and inset map 30. The capacity of the site is to be confirmed. This site underwent SEA at MIR stage (SEA ref: MIR/TT/HSG132). A mix of tenure solutions could be provided with a combination of affordable rent, discounted sale or other tenures to be agreed. Discussions have taken place with Places for People, an RSL, who would act as developer for the site, or an agreed governance structure would be put in place by the landowner to allow for funding via the Rural Housing Fund for all or part of the site. The objector suggests ELCs HNDA points to a need for this type of housing, particularly in this area when compared to the rest of East Lothian. The site is no longer part of a viable agricultural holding. Landscaping of boundaries could be achieved. Site

capacity to be agreed following further technical and design work. A planning application is to be prepared in early 2017.

### **Land to the north of the A1 Gladsmuir junction**

#### Karting Indoors Ltd (0342/5)

Land to the north of the A1 Gladsmuir junction currently occupied by Raceland Karting is identified as a specific development proposal for roadside services within the Tranent Cluster.

### **Haddington Cluster**

#### **Monkrigg Road, Haddington**

#### Messrs R and A Kennedy (0188/1)

The subject site at Monkrigg Road, Haddington should be allocated for retirement development to include housing exclusively for the over 55 age group and related facilities to serve this specialist housing provision. There is presently confirmed development/operator interest in the provision of retirement development/village in Haddington and no availability of land within the present land allocations to accommodate this both for practical and financial reasons. The lack of any positive provision for retirement style development is a fundamental failing in the emerging DP, one that can be readily addressed by a pragmatic allocation followed by a tailored solution in conjunction with the developer and the relevant stakeholders.

### **Land at OTH-H8, West Letham**

#### Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/26)

In addition to the existing sites identified for development in Haddington, the land at OTH-H8 should be allocated as a deliverable, viable housing opportunity. Supporting information shows that the site can be developed in response to issues raised in the MIR regarding landscape and open nature of the site.

### **Land at OTH-H6, Amisfield**

#### Lord Wemyss Trust (0277/1)

Allocation of a site for housing which was proposed (and rejected) at an earlier stage of the LDP process. (OTH-H6 Amisfield). The subject land forms an integral part of the area of land referred to in Para 2.16 of the LDP which is considered unremarkable in landscape terms. The land proposed is not remarkable and therefore not covered by a specific landscape designation. The Lord Wemyss Trust acknowledges the role to be played by Haddington as the 'County Town' of East Lothian and, as such, is seeking to help facilitate a high quality, residential-led mixed-use development in a very accessible location next to the A1 and, within close proximity of Haddington's town centre with its extensive range of services and facilities. In this regard, the site provides for a logical, sustainable extension to the east of the settlement in the short, medium or longer term, balancing the recent pattern of growth in the town as detailed in the Proposed Plan which has principally focussed on land to the west of Letham Mains and Gateside. The proposed site will be

developed on higher ground avoiding the floodplain and access issues can be overcome. Additionally, it is not considered that development on the subject land would adversely impact on the character and wider landscape setting of Haddington.

### **Land at South Gateside**

#### The BS&S Group (0286/1)

Representation on the Non-inclusion of land at South Gateside, north of the A6093, Haddington. The South Gateside land is effective and should be allocated for a mixed use proposal comprising housing and community uses, with associated amendments to Table HOU1, Proposal Map and Action Programme. Site is within the SDP SDA. It has capacity for around 480 homes, and could compensate for low levels of delivery and provide a dual approach to development and programming if allocated with HN2. Site comprises site of Proposal HN2 and an extension of a smaller site (MIR/HN/HSG125) assessed at MIR stage but not selected for inclusion within the MIR or proposed LDP. Representation suggests the expansion would compare well to Letham Mains in terms of site assessment. Objects to text of the LDP that suggests that any further significant expansion of Haddington may only in the wider Dovecot area. The proposed site would continue the westward expansion of Haddington. Landscape character of existing small holdings could be retained by appropriate structural landscape treatment. Additional housing land is required and phase 1 of this site could contribute towards short term requirements. Site effectiveness discussed and no known constraints identified. Intention is that this site would contribute towards delivery of Letham Mains Primary School. Object to phasing of site HN2 being linked to HN1, and following HN1. Representation suggests that table HOU1 be modified to include new site in the Haddington Cluster: HN9a (300 units) and HN9b (180 units). It may be that the representation seeks to allocate South Gateside for 480 homes with Proposal HN2 for 755 homes.

### **Dunbar Cluster**

#### **Land at Newtonlees Farm, Dunbar**

#### Gladman Planning (0213/3)

Introduction of a further housing proposal to the Dunbar Cluster for 115 homes as an extension to the south west of the town, as a continuation phase of the recently approved DR5 development for 240 units. Whilst the site has not previously been promoted during this LDP review, it is a sustainable site within the urban envelope, with scope to deliver much needed housing development commencing in 2018, whilst also facilitating an immediate community benefit in the form of a cemetery extension. Timing of the planning application and associated delivery of new housing (within 5-6 years), means that the case in support of the proposal is assisted by the recognised shortfall in the Council's five-year housing land supply. Allocating this site for housing linked to the provision of a cemetery extension in the adopted LDP would add an additional effective site to be factored in to the housing land supply.

#### **Land at Phantassie, East Linton**

#### Stewart Milne Homes Ltd (0229/2)

Land at Phantassie, East Linton, to the east of the village, should be allocated for

residential development and open space. A significant part of the site is identified as a public park, to the north of approximately 100 new homes. The site itself can be developed in a manner that will not detract from the character of the area. The supporting information sets out issues relating to the following: Landscape and conservation, Transport, Flooding, Design, Site Effectiveness. The representation demonstrates 'Housing Supply and Demand' has a significant shortfall in the amount of housing land allocated in the Proposed LDP relative to SESplan requirements. Additional housing sites therefore require to be identified, and this particular site is ideally suited. Physically, the site is well suited for accommodating housing. It represents a relatively small and logical extension to East Linton, and as demonstrated by the LVIA and Conceptual Masterplan can be appropriately accommodated within the existing landscape structure of the area. The site is effective. The Transport Appraisal shows that East Linton is an accessible location, located as it is with good access onto the trunk road network. The prospect of a new rail halt in the town is increasing likely, which will further improve the opportunity for sustainable travel. The site itself is easily connected into the existing road network.

### **Land at Preston Mains, East Linton**

#### Barratt David Wilson Homes (0246/4)

The Preston Mains site at East Linton is an effective and deliverable site which can provide a development of approximately 100-150 houses in an accessible location and will not adversely impact the settlements character or landscape qualities. The supporting planning, landscape, transport and heritage statements submitted with the representation for Preston Mains demonstrates the deliverability and suitability of the site for the development of approximately 100-150 new homes. BDW Homes object to the non-inclusion of Preston Mains as a proposed site within the Dunbar Spatial Strategy.

### **Land at Drylawhill, East Linton**

#### Wallace Land and Investments (0283/1)

The Drylawhill site has capacity for around 215 homes, and substantial open space. It is within the East Lothian SDA, and an area of search identified through the Council's MIR. Representations made elsewhere seek to demonstrate that there is an insufficient amount of housing land allocated for the short term up to 2019, and therefore additional land allocations are needed if the LDP is to enable the SDPs Housing Requirement to be met. East Lothian is a prime housing market area, the Drylawhill site is effective in line with PAN 2/2010 and viable and can be developed within the LDP period, over a six year period, starting in 2018. A statement of effectiveness explains this.

### **Land at Eweford, Dunbar**

#### Taylor Wimpey (0330/3)

Allocate the Eweford land for residential led mixed use development through inclusion of a new proposal and identification of the site on the Proposals Map. If East Lothian Council and/or the Examination reporter do not consider this to be necessary, then we propose that the site is safeguarded for development. This latter would simply reflect the terms of LDP paragraph 2.132, which states that the site may be considered suitable in the longer term as a mixed used expansion area.

**North Berwick Cluster****Employment Sites, North Berwick**North Berwick Community Council (0003/2)

Representation relates to the approved amendments regarding sites for employment uses in North Berwick. The representation is intended to build on a previous North Berwick Community Council response of 7th June 2016. The representation makes a general point that with increasing population there should be additional employment opportunities provided within North Berwick. Working from home is also expected to increase in future and provision should also be made for mixed business units locally. Five sites are suggested by North Berwick Community Council as employment land allocations to be included within the LDP, and these are: 1) Tantallon Road: site on the south site of Tantallon Road (A198) which is a triangular area of land; 2) Former ELC Depot at Lime Grove; 3) Land at Williamston access via Gasworks Lane; 4) Old Gasworks; 5) Fenton Barns.

**Foreshot Terrace, Dirleton**Muir Homes (0189/2); Muir Homes (0165/1)

Informed by a Landscape and Visual Appraisal of Development Capacity in Dirleton and the range of sensitivities at Dirleton and in particular those related to the proposed development at Castlemains it is clear that an alternative site at Foreshot Terrace is a more appropriate location for new development in Dirleton.

Lawrie Main (0370/2)

Objects to the omission of Foreshot Terrace from the LDP and promotes the designation of the site at Foreshot Terrace as an allocation for housing. The site is relatively self contained, has a committed developer and plans for development which demonstrate that the site could be developed with less harm to the conservation area than Castlemains Place.

**Drem**James Millar (Kilduff) Ltd (0204/9)

Drem should be safeguarded as a future development site and sets out the areas in which it appeases the plan. There is supporting information in the form of a development framework.

CALA Management Limited (0393/3)

Safeguard Drem as a site for future development.

**Land East of Athelstaneford**Haig Hamilton (0219/1)

The Land to the East of Athelstaneford should be allocated for the delivery of the site for a

residential development of approximately 30 units as it is in line with SPP. SESplan locates Athelstaneford within the East Coast Strategic Development Area and the site would contribute towards the required housing land supply figures and can be developed within the plan period. The site represents an excellent opportunity to provide much needed family housing within an area already suited to this type of development.

### **Bickerton Fields, Aberlady**

#### CALA Management Ltd (0233)

It is acknowledged that the Proposed Plan allocates sufficient land to meet the overall housing land requirement to 2024. The programming for new allocations in the LDP is very ambitious. Greater flexibility in the supply may be necessary to ensure the ongoing maintenance of a 5 year effective housing land supply. The LDP should identify additional allocations which can be delivered without the requirement for significant infrastructure interventions, prioritising sites which have already undergone assessment by ELC and represent locations where the principle of development can be accommodated. Bickerton Fields, Aberlady which has been comprehensively assessed by ELC and previously identified in part as an alternative development option in the MIR, must be reconsidered to ensure that the Council's housing programme can be delivered. Supporting information addresses concerns raised in the SEA and the site is suitable for allocation through the Examination process if the Reporter determines that additional allocations required. ELC have incorrectly identified the northern field within HES's Inventory of Historic Battlefields.

### **Fenton Barns**

#### Stewart Milne Ltd (0297)

The land surrounding the existing employment areas at Fenton Barns, as identified in the supporting information, is allocated as a new settlement with capacity for up to 6000 homes and appropriate commercial uses along with a policy to guide its future development through a master planning brief. Notwithstanding that, the flexibility contained within the Main Issues Report (MIR) would allow an initial settlement of up to 1,000 homes. The SESplan Proposed Plan recognises that initially sites around existing East Lothian settlements will provide a significant amount of land to meet the housing requirements of the council area. Notwithstanding, in the future it suggests there may be a need for a second new settlement in the east of East Lothian (Para 3.13). A new settlement at Fenton Barns sits well with this requirement and for new housing within sustainable locations. Blindwells has an existing allocation in the current East Lothian Local Development Plan for 1,600 houses. Despite no housing having been built to date, the Council has safeguarded further land to the east to expand to a size of 6,000. Whilst housing may eventually come forward here, the Council must diversify the options for significant housing growth by ensuring that there are a range of opportunities identified in its forthcoming LDP. Only then will East Lothian have a credible and effective 5 year housing land supply as required by Scottish Planning Policy (SPP). The MIR noted potential constraints in respect to Potential Drem Expansion Area of Search (Site reference OTH-N11). These included a main Pink Footed Geese feeding area, flood risk and a nearby gas pipeline. None of these relate to the subject land to the west of Fenton Barns. The submitted supporting information addresses all the key considerations required for a new settlement at Fenton Barns, concluding that the site is suitable for the new settlement.



Wallace Land and Investments (0281/1)

Designation of Fenton Barns as a settlement would initially allow appropriate infill development associated with a village use, complementing and supporting existing businesses. Designation as a settlement would benefit the broad range of existing businesses at Fenton Barns. The Development Framework Report submitted as part of this representation explains in more detail the case for designating the area known as Fenton Barns as a settlement. The supporting information also shows the settlement area to designate as well as the settlement boundary. The scale of growth which could be accommodated at Fenton Barns is set out in the Development Framework Report submitted in support of this representation. The proposal is for around 1,000 private and affordable homes, a new community primary school, and associated facilities and infrastructure.

**Modifications sought by those submitting representations:****Musselburgh Cluster****Land at Pinkiehill, Inveresk**CALA Management Ltd (0231)

Allocation of 4.4 ha of land at Pinkiehill, Inveresk for residential development of circa 45 units in the Musselburgh development proposals and reconsideration of the site assessment.

**Land at Goshen, Musselburgh**Ashfield Commercial Properties Ltd (0282/1)

Land at Goshen should be allocated for 900 houses, local centre and if necessary a primary school; PROP MH10 should revert to a strategic reserve; PROP MH13: Land at Howe Mire should be deleted; the proposed secondary school should be allocated at Goshen and site PROP MH11: New Secondary School Establishment deleted, if Reporters agree with the East Lothian Council Depute Chief Executive's report of November 2015; spatial strategy for Musselburgh (page 15), the proposals map; the development brief supplementary guidance and the developer contributions Framework supplementary guidance should be amended accordingly.

**Land at Galt Terrace, Musselburgh**Stewart Milne Homes (0311/1)

Allocate new site in the Musselburgh Cluster at Galt Terrace for 190 homes. Modify green belt boundary on the proposals map to include site as shown in Development Framework Report.

**Prestonpans Cluster****Land at Port Seton Links**Mr A P Dale and Mr R F Dale (0243/1)

Land at Port Seton Links to be allocated for housing development in the LDP.

**Land at Meadowmills, Prestonpans**

John Gray (0242)

Allocation of land in the LDP for proposed development of houses and units.

**Land at Fishergate Road, Port Seton**

Wallace Land Investments (0284/1)

If the Council agrees that it needs to allocate further land to meet an identified housing shortfall in the development strategy to meet SESplan's housing land target as explained in the Assessment of Housing Land Supply, then residential land should be allocated at Fishergate Road, Port Seton as shown on the plan (section 5 of the Development Framework report). Delete reference to DC8 designation and replace with DC1. Delete paras 5.20 – 5.22 of the written statement.

**Tranent Cluster**

**Land at Humbie**

Hew Balfour (0057/3)

Proposes a small extension of the Humbie settlement boundary to the west to include the residential properties at Upper Keith Farm and the area of land between Upper Keith and the existing settlement boundary.

**Land east of Tranent**

Messrs R and A Kennedy (0208/3)

Land at Tranent East should be allocated for development of up to 200 residential units with associated uses (primary school site, community facilities/uses, public park/open space, and related infrastructure).

Messrs R and A Kennedy & Omnivale (0227/2)

TT1 deleted from LDP and allocation of land on the east side of Tranent for up to 850 units.

Omnivale Ltd (0268/1)

Allocation of land at East Tranent in the LDP for the strategic expansion of Tranent Eastwards.

**Land west of Tranent Cemetery**

Omnivale Ltd (0217)

The representation seeks the removal of the site from the Proposed Plan as a potential



cemetery extension and its designation as a housing site.

**Land east of Tranent Cemetery**

Omnivale Ltd (0218)

The representation seeks the allocation of land on the east side of Tranent Cemetery for residential purposes.

**Land at Hillview Road, Ormiston**

The Esperance Trust Group (0303/1)

Allocate new site in the Tranent Cluster at Hillview Road for retirement accommodation. Include site boundary on the proposals map as shown in Development Framework Report. Amend Table HOU1.

**Land to the north of the A1 Gladsmuir junction**

Karting Indoors Ltd (0342/5)

Identification of land to the north of the A1 Gladsmuir junction currently occupied by Raceland Karting is identified as a specific development proposal for roadside services within the Tranent Cluster.

**Haddington Cluster**

**Monkrigg Road, Haddington**

Messrs R and A Kennedy (0188/1)

The site at Monkrigg Road, Haddington should be allocated for retirement development to include housing exclusively for the over 55 age group and related facilities to serve this specialist housing provision.

**Land at OTH-H8, West Letham**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/26)

The land at OTH-H8 (Haddington) should be allocated for housing in the plan.

**Land at OTH-H6, Amisfield**

Lord Wemyss Trust (0277/1)

Allocation of a site for housing which was proposed (and rejected) at an earlier stage of the LDP process. (OTH-H6 Amisfield).

**Land at South Gateside**

The BS&S Group (0286/1)

Allocate new site in the Haddington Cluster: HN9a (300 units) and HN9b (180 units). It may be that the representation seeks to allocate South Gateside for 480 homes with Proposal HN2 for 755 homes, but this is not clear. Modify site boundary on the proposals map to include site as shown in Development Framework Report.

### **Dunbar Cluster**

#### **Land at Newtonlees Farm, Dunbar**

Gladman Planning (0213/3)

Introduction of further housing proposal to the Dunbar Cluster. Land at Newtonlees Farm is allocated for a housing development incorporating a cemetery, access, infrastructure, open space and landscaping. Policy OS5 applies.

#### **Land at Phantassie, East Linton**

Stewart Milne Homes Ltd (0229/2)

Land at Phantassie, East Linton to be allocated for housing development in the LDP.

#### **Land at Preston Mains, East Linton**

Barratt David Wilson Homes (0246/4)

Request a specific development Proposal for Preston Mains is included in the LDP which states: - "PROP DR12: Preston Mains, East Linton - Land is allocated for a residential development of circa 100 -150 homes. Any development proposals for the site must include a comprehensive masterplan for the entire allocated site that integrates development with the surroundings. Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network and on education and community facilities as appropriate."

#### **Land at Drylawhill, East Linton**

Wallace Land and Investments (0283/1)

If the Council agrees that it needs to allocate further land to meet an identified housing shortfall in the development strategy to meet SESplan's housing land target as explained in the Assessment of Housing Land Supply, then residential land should be allocated at Drylawhill, East Linton as shown on the plan (section 5 of the Development Framework report Supporting Information).

#### **Land at Eweford, Dunbar**

Taylor Wimpey (0330/3)

Allocate the Eweford land for residential led mixed use development through inclusion of a new proposal and identification of the site on the Proposals Map.

**North Berwick Cluster**

**Employment Sites, North Berwick**

North Berwick Community Council (0003/2)

Allocation of sites within the LDP at Tantallon Road, Lime Grove, Williamston Farm, Old Gasworks all North Berwick and at Fenton Barns, near North Berwick, for employment uses.

**Foreshot Terrace, Dirleton**

Muir Homes (0189/2); Muir Homes (0165/1)

Inclusion of the site at Foreshot Terrace in the LDP.

Lawrie Main (0370/2)

Designation of Foreshot Terrace as a housing site within the LDP.

**Drem**

James Millar (Kilduff) Ltd (0204/9)

Safeguard Drem as a site for future development.

CALA Management Limited (0393/3)

Safeguard Drem as a site for future development.

**Land East of Athelstaneford**

Haig Hamilton (0219/1)

Land to the East of Athelstaneford should be allocated for residential development in the LDP.

**Bickerton Fields, Aberlady**

CALA Management Ltd (0233)

Allocation of Bickerton Fields as a proposed allocation in the plan.

**Fenton Barns**

Stewart Milne Ltd (0297)

Inclusion of the land surrounding the existing employment areas at Fenton Barns as a new settlement within the Proposed Plan.

Wallace Land and Investments (0281/1)

Propose that Fenton Barns is designated as a settlement. Further text should be added to after paragraph 2.154 of the Proposed Plan: This should recognise that Fenton Barns has a role to play as a mixed use location, and that residential led development at Fenton Barns could lead to investment in the creation of further small businesses and speciality retailing, together with a primary school, open space and landscaping etc.

**Summary of responses (including reasons) by planning authority:**

**MUSSELBURGH CLUSTER**

**Land at Pinkiehill, Inveresk**

CALA Management Ltd (0231)

The representation suggests the allocation of land for around 45 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is currently situated in the catchments of Pinkie St. Peter's Primary School, Loretto RC Primary School and Musselburgh Grammar School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. The addition of this site would require a reappraisal of the proposed education requirements. There is limited scope for further expansion at Pinkie St. Peter's Primary School and no potential to expand its campus.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this

site cannot therefore be supported.

Pinkiehill lies within the green belt and within the Inveresk Conservation Area and is prime quality agricultural land that should not be developed as it is not an essential component of the settlement strategy. The site adjoins PROP MH5 Former Edenhall Hospital Site and if developed would unnecessarily isolate an agricultural field to the north. The Council contends that the allocation of Pinkiehill would be harmful to the Conservation Area (See CD 104 Inveresk Conservation Area Character Appraisal) in terms of its landscape impact. The Council notes that Historic Environment Scotland has stated it would object to the allocation of this site as it raises issues of national importance in respect of archaeology.

The Council notes that Historic Environment Scotland has stated it would object to the allocation of this site as it raises issues of national importance in respect of archaeology. Historic Environment Scotland has published its intention to extend and change an existing Scheduling to additionally include this land as part of a Scheduled Monument, but this has been the subject of appeal from the landowner (MDA-011-1) (CD 133). The decision on the appeal was issued on 13 March 2017 and the appeal was dismissed therefore the site is confirmed by Historic Environment Scotland as part of a Scheduled Monument known as Catherine Lodge, Roman settlement & field system 205m NNW to 585m SE of, and which comprises the buried remains of a Roman settlement and associated field systems.

The site covers 4.4 ha but is promoted for only 45 houses, a density of almost 12 dph compared with the target expressed in Policy DP3 of 30 dph. This policy states that justifications for lower density requirements based only on demand considerations of a particular market sector will not be accepted. The low density of 12 dph is not therefore considered to be an efficient use of land.

The amended site would require a revised SEA site assessment if it were to be included in the LDP because the Reporter's decision has been issued in respect of the Monument Designation Appeal. Nonetheless, the current site assessment indicates that the site is within the core of the Battle of Pinkie site and Historic Environment Scotland advises that this raises issues of national importance. The site is also Class 1 prime quality agricultural land. It is also within the green belt, and as explained at paragraph 2.19 of the LDP is important to retaining green belt objectives here.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Goshen, Musselburgh**

Ashfield Commercial Properties Ltd (0282/1)

The representation suggests the allocation of land for around 900 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land

allocations are required here or elsewhere for this LDP period.

The land subject to this representation is currently situated in the catchments of Wallyford Primary School, Loretto RC Primary School and Musselburgh Grammar School. Education capacity for the Goshen site has not been assessed as it has not been included in the LDP, both in terms of potential to provide additional school capacity or the associated costs. Only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. For this scale of development there would be no capacity within the current schools, and consideration to build a new primary school would be required.

Importantly, the Council does not support the provision of any additional education capacity for this site and in particular does not propose to consult on any new school catchments associated with providing this; the Council has not chosen and will not choose to make education capacity available for this site. As such, the provision of additional education capacity is a key constraint in respect of any housing development at the Goshen site. This means that the Council does not support the Goshen site as one that is or can be made effective for housing development.

Notwithstanding that the Goshen site was supported by officers for allocation by the Draft Proposed LDP, East Lothian Council decided to remove the site from the LDP and redistribute the housing that was recommended to be allocated there by officers to other sites instead. That decision was taken on 17<sup>th</sup> November 2015 (CD 105), and after the Council considered the consultation responses to the Main Issues Report which indicated significant local opposition to the allocation of the Goshen site for development (see MIR Consultation Feedback: Summaries and Key Messages (April 2015) (CD 070)

Since then the Council as Education Authority has taken decisions to provide a new secondary school at Wallyford adjacent to the new primary school to be provided there, to complement the development strategy proposed in the proposed LDP. On 20<sup>th</sup> December 2016, the Council as Education Authority approved the location for the delivery of the new additional secondary school at Wallyford, following a statutory schools consultation, as set out in the associated report to Council (CD 099). Associated technical work is progressing on the basis of that decision. Proposal MH11 in the Local Development Plan sets out the proposal for the provision of educational capacity at Wallyford.

The Council has undertaken a Transport Appraisal (TA) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology. There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a



significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

Goshen is Class 1 prime quality agricultural land and designated green belt and should not be developed as it is not an essential component of the settlement strategy. The Council further submits that approval of planning application 15/00473/PPM (associated with site PS2: Land at Dolphingston North) extends the urban boundary of Prestonpans further west than the current urban boundary. This means that, if the Goshen site were to be developed, the eastern boundary of the site would visually and essentially physically coalesce Musselburgh and Prestonpans. The LDP at paragraph 2.19 explains the importance of the remaining land between Musselburgh and Prestonpans to the maintenance of green belt objectives. The Council notes that the key agencies did not actively support Goshen at Main Issues Report stage, they raised issues with the site and in some cases decided whether these could be mitigated.

The Council submits that one of the tests of site effectiveness set out in PAN 2/2010 (CD 019b) is to have a willing landowner, not necessarily contracts with house builders. The Council notes that in submission 0337, East Lothian Developments Limited, paragraph 1.3 notes that the first phase of development by Cruden Homes now has detailed permission and ELDL are in active discussion with a number of house builders. Approval of matters specified in conditions of planning permission in principle 14/00903/PPM - Erection of 26 houses, 18 flats and associated works was granted to Cruden Homes east on 29.9.16 (CD145 & CD146).

This representation notes concern regarding 67% of housing land in the Musselburgh cluster being in the ownership of two parties. However, the Council submits that irrespective of site size the sites allocated for development in the Musselburgh cluster are the most appropriate ones, and either are or can be made effective. The Council notes the submission 0337 from East Lothian Land Ltd that ELDL are currently redrafting the masterplan for MH10 Dolphingstone so that it more fully accords with the draft development brief. The Council contends that it is a matter for the respective masterplans for MH9 and MH10 to address how development is proposed to be accommodated on their sites, and there is no indication that this will lead to any shortfall of housing land as suggested in this representation. The Council submits that in relation other Craighall development area, there is sufficient land there to accommodate a larger housing and reduced employment proposal.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Galt Terrace, Musselburgh**

#### Stewart Milne Homes (0311/1)

The representation suggests the allocation of land for around 190 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's

response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is currently situated in the catchments of Wallyford Primary School, Loretto RC Primary School and Musselburgh Grammar School. Education capacity is a key constraint and the site is within the catchment of Wallyford Primary School, which is anticipated to be delivered in association with proposal MH9. There is no available capacity within the existing school facility, and no potential to provide further additional temporary capacity other than to accommodate proposed allocations. This means that education capacity will be a constraint to the development of this site within the timescales anticipated by the representor, thus undermining the assertion that it can yield completions in the short term.

A planning application has been submitted for the development of this site (16/00118/PPM) (CD 170a) for a residential development which is pending consideration. Nonetheless, the Council submits that the proposed LDP should not be modified.

The impact of this proposed site has not been assessed in terms of potential to provide additional education capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity. However at this stage the Council is concerned that the addition of this site could impact on capacity at Wallyford Primary School. Further technical work would be required to assess whether the addition of this site and the cumulative impact of sites supported by the proposed LDP would compromise the ability to deliver the wider elements of the LDP in terms of providing education capacity.

The Council has undertaken a Transport Appraisal (TA) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA (CD 041) included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

The Council submits that coalescence of Musselburgh with settlements to the west was considered in a strategic context, including in view of proposals emerging from plans in adjoining local authority areas. Sites proposed to be allocated at Wallyford are proposed within locations that in landscape terms would continue to provide open land and thus physical separation between neighbouring settlements. These sites will bring about



significant economic and regeneration benefit, and on balance, these opportunities combined with the impact on the green belt, including consequent on decisions in adjoining planning authority areas, means that their allocation outweighs the continued retention of the land as green belt. The LDP at paragraph 2.19 makes clear the importance of retaining the remaining land as green belt to the maintenance of green belt objectives within East Lothian.

The site that is subject to this representation is more strategically significant in green belt terms than as a location for development. This is particularly true given the amount of development land proposed to be made available within the Musselburgh area. The proposed LDP makes clear that the land proposed for development by this representation is important to maintaining green belt objectives, by providing a separation buffer between Musselburgh and Wallyford (LDP para 2.19-2.20). The Council submits that, within its own area it wants to pro-actively and carefully manage such competing objectives when deciding where development should and should not occur, including retaining the setting and identity of settlements and communities. These are relevant considerations in the context of SESplan Policy 7 here.

The Council further submits that the other sites proposed to be allocated by the plan in this area would retain physical separation between neighbouring settlements, and therefore retain green belt objectives in the area. This means that the significance of the remaining land to the retention of green belt objectives is reinforced. The loss of this land from the green belt, it being the last remaining wedge between Musselburgh and Wallyford and thus important to the retention of settlement identity, outweighs the proximity of this to Wallyford rail halt. The introduction of the Park and Choose at Wallyford is an infrastructure proposal that has an operational requirement for that location. The openness of the area partially remains. Notwithstanding this, SPP is clear that the form of the green belt need not be continuous and can comprise buffers and wedges, such as that currently provided by the proposed development site.

In terms of SEA the site has been assessed (MIR/MH/HSG133) (CD060a). The site is believed to be Class 1 prime quality agricultural land. Historic Environment Scotland has advised that the site is part of the Battle of Pinkie site and that it would object to any proposed allocation or planning application for the development of the site, as the sites development would raise issues of national significance.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

## **PRESTONPANS CLUSTER**

### **Land at Port Seton Links**

Mr A P Dale and Mr R F Dale (0243/1)

The representation suggests the allocation of land for around 90 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's

response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Cockenzie Primary School, St Gabriel's RC Primary School and Preston Lodge High School. The impact of this proposed site has not been assessed in terms of potential to provide additional education capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity. However at this stage the Council is concerned that the addition of this site could impact on capacity at Cockenzie Primary School and undermine the Council's developing plans for specialist provision across the school estate as well as the ability to provide temporary education capacity for Blindwells. Further technical work would be required to assess whether the addition of this site and the cumulative impact of sites supported by the proposed LDP would compromise the ability to deliver the wider elements of the LDP in terms of providing school capacity at Cockenzie Primary School, St Gabriel's RC Primary School and Preston Lodge High School.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA the site has been assessed (MIR/PP/HSG129) (CD 060b). The site is Class 1 prime quality agricultural land. The site is also at risk of surface water and river flooding (pluvial and fluvial), and is part of a functional flood plain. It is likely that a housing development here would increase the risk of flooding at the site or elsewhere. SEPA would be unlikely to support a housing proposal at this site for this reason. There is believed to be some contamination on the site. Historic Environment Scotland has advised that this site is an important view corridor for the Category A listed Seton Castle and development of the site (particularly in combination with site MIT/PP/HSG130 'Fishergate Road Port Seton') would adversely impact on the views to and from and the setting of category A listed building. It also advises that the site is part of the Battle of Pinkie site and any development of the site would raise issues for its effect on the battlefield.

The Council submits that the site provides separation between Port Seton and the adjacent

caravan park, and more widely is important to the overall Countryside Around Town Designation proposed here (Proposals Map Inset 32), as explained at paragraph 2.55 – 2.56 of the LDP. The open undeveloped character of the site also allows views into the Seton House (Palace) inventory garden and designed landscape, which is an important part of the setting of Seton Castle.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Fishergate Road, Port Seton**

#### Wallace Land Investments (0284/1)

The representation suggests the allocation of land for around 150 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Cockenzie Primary School, St Gabriel's RC Primary School and Preston Lodge High School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity. However at this stage the Council is concerned that the addition of this site could impact on capacity at Cockenzie Primary School and undermine the Council's developing plans for specialist provision across the school estate as well as the ability to provide temporary education capacity for Blindwells. Further technical work would be required to assess whether the addition of this site and the cumulative impact of sites supported by the proposed LDP would compromise the ability to deliver the wider elements of the LDP in terms of providing school capacity at Cockenzie Primary School, St Gabriel's RC Primary School and Preston Lodge High School.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA the site has been assessed (MIR/PP/HSG130) (CD 060b). The site is Class 1 prime quality agricultural land. A small part of the site is at risk of surface water flooding (pluvial), and the nearby Seton Burn and Blindwells mine water abstraction regime would need to be considered (see also response to representation 0243/1). The site is in close proximity to a number of listed buildings, including those at Seton Mill and Seton Castle. Historic Environment Scotland has advised that this site is an important view corridor for the Category A listed Seton Castle and development of the site (particularly in combination with site MIT/PP/HSG129 'Land at Port Seton Links) would adversely impact on the views to and from and the setting of category A listed building. It also advises that the site is part of the battle of Pinkie site and any development of the site would raise issues for its effect on the battlefield.

The Council submits that the site provides a setting for Port Seton, and more widely is important to the overall Countryside Around Town Designation proposed here (Proposals Map Inset 32), as explained at paragraph 2.55 – 2.56 of the LDP. This is particularly true considering the proximity of the proposed new settlement at Blindwells to the south. The Council submits that development here would adversely affect the setting of Seton House (Palace) inventory garden and designed landscape, which is an important part of the setting of Seton Castle.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

## TRANENT CLUSTER

### Land at Humbie

#### Hew Balfour (0057/3)

The representation suggests the allocation of land for housing. This is a larger area than included within LDP Proposal TT15: Humbie North.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Humbie Primary School, St Martin's RC Primary School and Ross High School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed.

Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity.

This proposal site has not been included in the Transport Appraisal (CD 041) modelling to assess its impacts either as an individual site, or cumulatively. It is of a scale that could have a cumulative adverse impact on the strategic transport network. In the absence of the modelling information this site cannot therefore be supported.

The Council submits that the proposed LDP proposes to make a small scale allocation for around 20 homes at Humbie North (site TT15). The Council submits that this allocation is in keeping with the character and scale of the settlement, and sufficient capacity is available to accommodate this scale of development at Humbie Primary School. Site TT15 will help to maintain a viable pupil roll at the primary school (see LDP paragraph 3.93). The Council submits that the allocation of site TT15 is appropriate and sufficient for Humbie and that no additional land allocations would be appropriate there.

This site is one of two covering generally the same land (one large site (PM/TT/HSG061) and one small site (PM/TT/HSG095)) that were assessed as part of the SEA (CD 060e). The smaller site is proposed to be allocated, whilst the larger area is the subject of this representation. This larger site is prime quality agricultural land Class 3.1. The SEA notes that the scale of the larger site is significant in relation the scale of the existing settlement, and suggests that a smaller area to the south of the larger site would be more appropriate in landscape terms. This smaller area is the one proposed to be allocated by the LDP (site TT15).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land East of Tranent**

#### Messrs R and A Kennedy & Omnivale (0227/2)

This representation is an overall submission promoting the allocation of land to the east of Tranent. It relates to a number of land holdings submitted through separate representations as follows:

- Messer R and A Kennedy (0208/3) for land to the east of Tranent north and south of the A199 (also seeking the removal of Proposal TT1);
- Omnivale Ltd (0268/1) for land east of Tranent Mains Farm House;
- Omnivale Ltd (0217) for land west of Tranent cemetery
- Omnivale Ltd (0218) for land east of Tranent cemetery.
- A related representation is also submitted from Omnivale Ltd (0214) objecting to the safeguarding of land for a cemetery through LDP Proposed CH5. This is dealt with at Issue 17.

In total, these representations suggest the allocation of land for around 1,000 homes.

In respect of these new sites, the Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD



030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The impact of this proposed package of sites has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity.

The land subject to this representation is situated in the catchments of Sanderson's Wynd Primary School, Windygoul Primary School, St Martin's RC Primary School and Ross High School. In the case of the former the Council has assessed the need for additional campus land and capacity at Windygoul based on proposed allocations. The addition of these sites would require a reappraisal of the proposed education requirements at Windygoul Primary School, which may impact the need for campus land at TT1 and the scale of developer contributions within the school catchment area. In the case of Sanderson's Wynd Primary School an assessment would be required as to whether or not there is sufficient campus land to accommodate the new development and if there is the level of Capital Contributions required. The impact on St Martin's RC Primary School and Ross High School is also unclear.

The proposal to provide a new primary school at the site would affect more than one primary school catchment area and would require catchment reviews and new school catchments to be formed, and thus statutory schools consultation. At this stage the Council does not support the provision of an additional primary school here and does not propose to consult on any amendment to school catchments. This means that the Council does not support the provision of a new primary school here to make the site effective for housing development, as explained at paragraph 3.95 of the LDP.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified.

The Council further submits that the representation does not demonstrate that the Bankton A1 (T) Interchange can accommodate the combined flows associated with the full development of the Blindwells Development Area plus the flows that would arise from any

expansion at east Tranent with the proposed road layout and connection to the Bankton A1(T) Interchange set out within this representation. The Council notes that at Bankton the flows from these respective developments would conflict with one another, and Blindwell would have right of way. This means that there would be potential queuing on Tranent Mains Road and thus the traffic from any development at east Tranent may re-route through Tranent town centre. This would particularly be the case if a shared access solution of a sufficient standard to accommodate the volume of vehicle trips these sites would generate through site 0268 to the Bankton A1(T) Interchange cannot be secured as well as same between sites (0268) and (0208), notwithstanding the Council's concerns in respect of Blindwells.

The Council further submits that, whilst land has been safeguarded for a potential new trunk road interchange at Adniston including a spur to the A199 (see LDP Proposal T18 and Proposal Map 35) the feasibility of delivering these interventions requires further investigation (see also Scottish Government/Transport Scotland representation (0389/22) at Issue 18d). The Council further submits that it has made its position clear in respect of any expansion at east Tranent at LDP paragraph 2.76, 2.84-2.85.

In SEA terms, the land to the east of Tranent north and south of the A199 (0208/3) has been assessed (PM/TT/HSG072) (CD 060c). The site assessment notes that the land is prime quality agricultural land (Class 2 and 3.1). There is potential for unknown archaeological remains. The site would be visible in views from the A1 and A199 and sensitive layout and design would be required.

The land east of Tranent Mains Farm House (0268/1) has been assessed (SDP/TT/HSG005 – Site A) (CD 060c). The site assessment notes that the land is prime quality agricultural land and that there are coal deposits underground at the site (LDP Policy MIN11: Prior Extraction of Shallow Coal may be relevant). Development of the site may affect the nearby Tranent Kirk, and the northern part of the site features as part of the Prestonpans Battlefield. There are also some concerns in respect of the affect on the setting of Tranent Mains Farm House, a category C listed building. The site would be visible in views from the A1 and some visual coalescence with Blindwells could result. It is not clear if noise attenuation measures would be required, but should they be then this may be challenging to accommodate without adversely affecting the character of the area.

The land west of Tranent Cemetery (0217) has been assessed for a budget hotel, nursing home or similar (PM/TT/HSG005 – Site C) (CD 060c) and for cemetery provision (MIR/TT/OTH028) (CD 060c). The site assessment notes that the land is prime quality agricultural land (Class 1 and Class 2). Development of the site may affect the nearby Tranent conservation area and the listed buildings on Church Street, including the parish church. Development here would also be prominent in views from the A1 and on the entrance to the settlement. It is not clear if noise attenuation measures would be required, but should they be then this may be challenging to accommodate without adversely affecting the character of the area. The Council submits that in landscape terms the development of the site for a cemetery would be more in keeping with the character of the settlement and local area than would the development proposed at MIR stage or through the representations to the proposed LDP.

The land east of Tranent cemetery (0218) has been assessed for a park and ride development and potential housing opportunity (SDP/TT/HSG005 – Site B) (CD 060c). The site assessment notes that the land is prime quality agricultural land. Development of the site may affect the setting of nearby Tranent cemetery. Development here would also

be prominent in views from the A1 and on the entrance to the settlement. It is not clear if noise attenuation measures would be required, but should they be then this may be challenging to accommodate without adversely affecting the character of the area.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

Messrs R and A Kennedy (0208/3)

The representation suggests the allocation of land for around 550 homes (option 1), or 200 homes (option 2). The comments below relate to both of these options.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. The land subject to this representation is situated in the catchments of Sanderson's Wynd Primary School, Windygoul Primary School (Option 2 land), St Martin's RC Primary School and Ross High School. In the case of the former the Council has assessed the need for additional campus land and capacity at Windygoul based on proposed allocations. The addition of these sites would require a reappraisal of the proposed education requirements at Windygoul, which may impact the need for campus land at TT1 and the scale of developer contributions within the school catchment area. In the case of Sanderson's Wynd PS an assessment would be required as to whether or not there is sufficient campus land to accommodate the new development as well as the level of capital contributions required. The impact on St Martin's RC Primary School and Ross High School is also unclear.

The proposal to provide a new primary school at the site would affect more than one primary school catchment area and would require catchment reviews and new school catchments to be formed, and thus statutory schools consultation. At this stage the Council does not support the provision of an additional primary school here and does not propose to consult on any amendment to school catchments. This means that the Council does not support the provision of a new primary school here to make the site effective for housing development, as explained at paragraph 3.95 of the LDP.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local



Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

This would particularly be the case if a shared access solution of a sufficient standard to accommodate the volume of vehicle trips these sites would generate through site 0268 to the Bankton A1(T) Interchange cannot be secured as well as same between sites (0268) and (0208), notwithstanding the Council's concerns in respect of Blindwells. This means that traffic from any development at east Tranent would route through Tranent town centre. This may have consequential impacts on the town centre and wider road network including on the Bankton and Dolphingstone A1(T) Interchanges. As such, the Council's concerns expressed in response to representation 0227/2 in respect of such cumulative impacts undermining capacity for the Blindwells Development Area at the Bankton Interchange remains relevant in respect of this representation. The same is also true in respect of other sites and interchanges, such as TT1 and MH9 and MH10 in respect of the Dolphingstone Interchange.

In SEA terms, the land to the east of Tranent north and south of the A199 (0208/3) has been assessed (PM/TT/HSG072) (CD 060c). The site assessment notes that the land is prime quality agricultural land (Class 2 and 3.1). There is potential for unknown archaeological remains. The site would be visible in views from the A1 and A199 and sensitive layout and design would be required.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

#### Omnivale Ltd (0268/1)

The representation suggests the allocation of land for around 350 homes. The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Sanderson's Wynd Primary School, St Martin's RC Primary School and Ross High School. The impact of this proposed site has not been assessed in terms of potential to provide additional education capacity nor the associated costs. At this point only the impact of the LDP sites have been

assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. In the case of Sanderson's Wynd PS an assessment would be required as to whether or not there is sufficient campus land to accommodate the new development and if there is the level of capital contributions required. The impact on St Martin's RC Primary School and Ross High School is also unclear.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

The Council further submits that the representation does not demonstrate that the Bankton A1 (T) Interchange can accommodate the combined flows associated with the full development of the Blindwells Development Area plus the flows that would arise from any expansion at east Tranent with the potential road layout and connection to the Bankton A1(T) Interchange associated with this representation. The Council notes that at Bankton the flows from these respective developments would conflict with one another, and Blindwells traffic would have right of way. This means that there would be potential queuing on Tranent Mains Road and thus the traffic from any development at east Tranent may re-route through Tranent town centre.

In SEA terms, the land east of Tranent Mains Farm House (0268/1) has been assessed (PM/TT/HSG005 – Site A) (CD 060c). The site assessment notes that the land is prime quality agricultural land and that there are coal deposits underground at the site (LDP Policy MIN11: Prior Extraction of Shallow Coal may be relevant). Development of the site may affect the nearby Tranent Kirk, and the northern part of the site features as part of the Prestonpans Battlefield. There are also some concerns in respect of the affect on the setting of Tranent Mains Farm House, a category C listed building. The site would be visible in views from the A1 and some visual coalescence with Blindwells could result. It is not clear if noise attenuation measures would be required, but should they be then this may be challenging to accommodate without adversely affecting the character of the area.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

**Land west and east of Tranent Cemetery**Omnivale Ltd (0217); Omnivale Ltd (0218)

Representation 0217 suggests the allocation of land west of the cemetery for around 30 homes, whilst representation 0218 suggests the allocation of land east of the cemetery for around 30 homes.

The objection to the proposal to safeguard land for a potential extension of the graveyard at Tranent is noted by the Council. The Council submits that this site is the most appropriate site for burial purposes at Tranent and further submits that in this regard no modification to the LDP is necessary. The Council response to the associated representation (0214) is dealt with at Issue 17.

In respect of the housing proposal at these sites, the Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Sanderson's Wynd Primary School, St Martin's RC Primary School and Ross High School. The impact of this proposed site has not been assessed in terms of potential to provide additional education capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. In the case of Sanderson's Wynd PS an assessment would be required as to whether or not there is sufficient campus land to accommodate the new development and if there is the level of capital contributions required. Further technical work would be required to assess whether the addition of this site and the cumulative impact of sites supported by the proposed LDP would compromise the ability to deliver the wider elements of the LDP in terms of providing school capacity at Sanderson's Wynd Primary School, St Martin's RC Primary School and Ross High School.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In SEA terms, the land west of Tranent cemetery (0217) has been assessed for a budget hotel, nursing home or similar (PM/TT/HSG005 – Site C) (CD 060c) and for cemetery provision (MIR/TTOTH028)) (CD 060c), reflecting a submission made at MIR stage. As such this site has not been assessed for a residential development as now suggested by this representation to the LDP. The site assessment notes that the land is prime quality agricultural land (Class 1 and Class 2). Development of the site may affect the nearby Tranent conservation area and the listed buildings on Church Street, including the parish church. Development here would be prominent in views from the A1 and on the entrance to the settlement. It is not clear if noise attenuation measures would be required in association with a residential development here, but if they are it may be challenging to accommodate them without adversely affecting the character of the area. The Council submits that in landscape terms the development of the site for a cemetery would be more in keeping with the character of the settlement and local area than would the development proposed at MIR stage or the residential development now proposed through this representation to the proposed LDP.

In SEA terms, the land east of Tranent cemetery (0218) has been assessed for a park and ride development and potential housing opportunity (PM/TT/HSG005 – Site B) (CD 060c). The site assessment notes that the land is prime quality agricultural land. Development of the site may affect the setting of nearby Tranent cemetery. Development here would also be prominent in views from the A1 and on the entrance to the settlement. It is not clear if noise attenuation measures would be required here too, but should they be then this may be challenging to accommodate without adversely affecting the character of the area.

These new sites have not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include these sites as allocations within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Meadowmill**

#### John Gray (0242)

The representation suggests the allocation of land for around 9 homes.

The Council has no recorded response from the representor to the MIR consultation and the decision taken on the site at that stage in the process. At MIR stage an advert was prepared and was published in the East Lothian News and East Lothian Courier on 7 November 2014. A notice was placed in East Lothian Living (Winter 2014) in the form of a 4-page pull-out for inclusion in Living magazine (delivered to all East Lothian households). The documents were placed on display at each of the Council libraries, at the Council's John Muir House and Musselburgh's Brunton Hall and hard copies were sent to each Community Council. An email was sent to all the email addresses on the Local Development Plan consultation database (of which Mr Grays agent is part of) providing links to various consultation reply mechanisms.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further

housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Sanderson's Wynd Primary School, St Martin's RC Primary School and Ross High School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. In the case of Sanderson's Wynd PS an assessment would be required as to whether or not there is sufficient campus land to accommodate the new development and if there is the level of Capital Contributions required. The impact on St Martin's RC Primary School and Ross High School is also unclear.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively. It is of a scale that could have a cumulative adverse impact on the local and strategic transport network. In the absence of the modelling information this site cannot therefore be supported.

The site in question was submitted to Council as part of the Stage 1 'call for sites' process. The site was assessed as part of the MIR (see SEA Tranent Site Assessment (PM/TT/HSG054) (CD 060d)). The site is not a suitable small scale site to be brought forward for allocation as there are better ones closer to settlements that offer better transport and infrastructure opportunities. The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.88 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Hillview Road, Ormiston**

#### The Esperance Trust Group (0303/1)

The representation suggests the allocation of land for retirement homes (capacity to be determined by the agreed form and type of housing and landscaping requirements).

An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, as explained at paragraph 3.58 of the LDP, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. For the purposes of this study, Specialist Housing Provision is defined as:

*'specially designed housing, including wheelchair accessible housing, which comprises purpose built, remodelled or substantially adapted dwellings that include special design features suitable for a household that contains someone with mobility, sensory and/or cognitive impairment'.*



This includes retirement and amenity housing which plays an important part in helping to meet the needs of older people. Amenity housing is usually designated for people over the age of 55 years and is designed to assist with people with mobility issues and those requiring to downsize. There is no care support with this type of housing, although some may have access to emergency service via provision of community alarms.

This type of affordable housing is needed as part of the overall affordable housing to be delivered to help ensure that the housing system functions properly – e.g. to ensure there is supply in the right types and tenures of housing to allow movement up, down and across the system. For the avoidance of doubt, the outputs of the study are not intended to provide the basis for the allocation of additional land for housing, only to establish how the Council's affordable housing policy can help meet such need.

As such, Policy HOU3 'Affordable Housing Quota' includes all housing that is defined under use Class 9, as defined by **The Town And Country Planning (Use Classes) (Scotland) Order 1997**, whether it be amenity, elderly or sheltered housing. For clarity, this is a different classification from use Class 8, as defined by **The Town and Country Planning (Use Classes) (Scotland) Order 1997**.

However, it is noted that the original site submission proposes 'housing' at this site. It is not clear what tenure of housing is proposed, the capacity of the site or the use class being promoted. Retirement housing is suggested overall, presumably within Class 9 with conditions restricting occupancy. The Council submits that land for this tenure of housing, for either RSL or other tenures, could be secured from sites proposed to be allocated for housing by the proposed LDP. Another site to the west of Ormiston is allocated for housing and affordable housing is to be delivered there. That site provides an opportunity to help satisfy need in the area.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

For the avoidance of doubt, the land subject to this representation is situated in the catchments of Ormiston Primary School, St Martin's RC Primary School and Ross High School. Education capacity is a key constraint at Ormiston Primary School which cannot be resolved by developer contributions. As this proposed site has not been assessed, the impact on St Martin's RC Primary School and Ross High School is also unclear.

It has not yet been established whether there is sufficient infrastructure capacity to serve the development and what the timescales would be for achieving this; however additional housing in this area will have associated impacts on Tranent High Street, Dolphinstone and Bankton interchanges which are likely to have a significant impact. This site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively. It is of a scale that could have a cumulative adverse impact on the local and strategic transport network. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (MIR/TT/HSG132) (CD 060e) has been assessed but not selected for inclusion within the MIR or proposed LDP. The site assessment shows that the site is prime quality agricultural land and SEPA has raised concerns about flood risk here

(particularly relevant given the nature of the use proposed within the representation). There is landscape setting issues, particularly to the east of the site where it protrudes beyond the existing urban edge into the setting of the settlement. This is a view shared with Scottish Natural Heritage.

The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.88 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216) (CD 068).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land to the north of the A1 Gladsmuir junction**

#### Karting Indoors Ltd (0342/5)

The representation suggests the allocation of land for a road side services station.

The Council submits that the Raceland Karting site is currently proposed to be included within the Proposal BW2: Safeguarded Blindwells Expansions Area (Proposals Map Inset Map 7) and within the Policy DC1: Rural Diversification (Proposals Map Inset Map 3). Applying Policy DC1 and Proposal BW2 together would not presume against the continued operation of the existing facility or an appropriate expansion of it, subject to satisfying Proposal BW2s provision that such a proposal would not undermine the ability to expand Blindwells.

Similarly, uses that could be supported in principle under Policy DC1 would also be acceptable on the site, subject to Proposal BW2. Whilst in respect of roadside services a case could be made that a location adjacent to a trunk road interchange such as this is sufficient justification for a countryside location, the Council submits that the nature of such a proposal and its associated impacts are unknown. This would need to be fully understood before it could be included within the plan as a proposal, including the assessment of the site in terms of SEA and HRA and the ability to demonstrate consistency with SPP (2014) paragraphs 282 and 290.

The Council considers there to be adequate existing provision of roadside facilities and lorry parking eight miles to the west of the Raceland Karting site at Old Craighall Services, Musselburgh. Given the complexity and detailed design required in respect of such facilities, particularly in light of the need to ensure access via the Gladsmuir interchange for any expansion of Blindwells would not be undermined, the Council submits that any such proposal would best be addressed at project level through the Development Management process, and considered in the context of Proposal BW2. It should be noted that Transport Scotland would be a key consultee in respect of any proposal.

This site has not been subject to Strategic Environmental Assessment site assessment since it has only been submitted as a representation to the proposed LDP and not prior to

this. This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

## HADDINGTON CLUSTER

### Monkrigg Road, Haddington

Messrs R and A Kennedy (0188/1)

The representation suggests the allocation of land for provision of a retirement development/village (no capacity provided).

An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, as explained at paragraph 3.58 of the LDP, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. For the purposes of this study, Specialist Housing Provision is defined as:

*‘specially designed housing, including wheelchair accessible housing, which comprises purpose built, remodelled or substantially adapted dwellings that include special design features suitable for a household that contains someone with mobility, sensory and/or cognitive impairment’.*

This includes retirement and amenity housing which plays an important part in helping to meet the needs of older people. Amenity housing is usually designated for people over the age of 55 years and is designed to assist with people with mobility issues and those requiring to downsize. There is no care support with this type of housing, although some may have access to emergency service via provision of community alarms.

This type of affordable housing is needed as part of the overall affordable housing to be delivered to help ensure that the housing system functions properly – e.g. to ensure there is supply in the right types and tenures of housing to allow movement up, down and across the system. For the avoidance of doubt, the outputs of the study are not intended to provide the basis for the allocation of additional land for housing, only to establish how the Council’s affordable housing policy can help meet such need.

As such, Policy HOU3 ‘Affordable Housing Quota’ includes all housing that is defined under use Class 9, as defined by **The Town And Country Planning (Use Classes) (Scotland) Order 1997 (CD 003)**, whether it be amenity, elderly or sheltered housing. For clarity, this is a different classification from use Class 8, as defined by **The Town and Country Planning (Use Classes) (Scotland) Order 1997**.

However, as retirement housing is suggested overall, presumably within Class 9 with conditions restricting occupancy. The Council submits that land for this tenure of housing, for either RSL or other tenures, could be secured from sites proposed to be allocated for housing by the proposed LDP. The Council notes that an application for a care home on the land allocated for employment at site HN4: Land at Gateside East is minded to grant (CD 170c, CD 170e & CD 170f) subject to conclusion of a legal agreement. Other substantial housing sites are allocated to deliver housing in Haddington, all of which will



provide an affordable housing component.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

For the avoidance of doubt, the land subject to this representation is situated in the catchments of Haddington Infant School, King's Meadow Primary School, St Mary's RC Primary School and Knox Academy. Primary education capacity is a key constraint in Haddington. Haddington Infant School, King's Meadow Primary School and St Mary's RC Primary School have significant capacity constraints beyond that needed to accommodate the proposed sites in the LDP, which cannot be resolved by developer contributions.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (PM/HN/HSG065) (CD 060f) has been assessed but not selected for inclusion within the MIR or proposed LDP. The land is prime quality agricultural land (Class 2 and 3.1). There are landscape issues associated with the site, since it forms part of the setting of Haddington. The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.116-2.117 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216) (CD 069).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

**Land at OTH-H8, West Letham**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/26)

The representation suggests the allocation of land for around 600 homes (based on MIR).

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Haddington Infant School, King's Meadow Primary School, St Mary's RC Primary School and Knox Academy. Primary education capacity is a key constraint in Haddington. Haddington Infant School, King's Meadow Primary School and St Mary's RC Primary School have significant capacity constraints beyond that needed to accommodate the proposed sites in the LDP, which cannot be resolved by developer contributions.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (PM/HN/HSG044 – Site A) (CD 060f) has been assessed but not selected for inclusion within the MIR or proposed LDP. The site is prime quality agricultural land (Class 2). Development here would be visually exposed beyond what will become the well defined urban edge to the town provided by the Letham Mains policy woodland. The open nature of the land is important to the setting of Haddington. This is an opinion shared with SNH, since development here would significantly change the character of the western approach to Haddington. The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.116-2.117 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216) (CD 068).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at OTH-H6, Amisfield**

#### Lord Wemyss Trust (0277/1)

The representation suggests the allocation of land for around 500 homes (based on MIR).

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Haddington Infant School, King's Meadow Primary School, St Mary's RC Primary School and Knox Academy. Primary Education capacity is a key constraint in Haddington. Haddington Infant School, King's Meadow Primary School and St Mary's RC Primary School have significant capacity constraints beyond that needed to accommodate the proposed sites in the LDP, which cannot be resolved by developer contributions. It is noted that the representation does not consider the provision of education capacity for the site.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

It is also uncertain if a suitable and deliverable site access can be achieved. This is particularly since for a site of this size, two points of access would be required. One point of access is proposed to be taken by forming an additional sixth roundabout arm on the Abbotsview A1 Junction, which according to correspondence from Transport Scotland dated 2011 (submitted with the representation) would be subject to achieving a satisfactory DMRB compliant design and traffic analysis and accident study. The second is located

outwith the area proposed for development within the representation, providing a connection to the A199 via an overbridge of the A1.

In terms of SEA, the site (PM/HN/HSG032) (CD 060f) has been assessed but not selected for inclusion in the MIR or proposed LDP. The site is prime quality agricultural land (Class 2). Development here would be visually exposed beyond the existing well defined eastern urban edge of the town. The open nature of the land is important to the setting of Haddington and the adjacent Amisfield Designed Landscape, conservation area and listed buildings. This is also true of the interrelationships between these features in views across the site. This is an opinion shared with SNH and HES, since development here would significantly change the character of the eastern approach to the town. Development here would have a harmful impact on the character and setting of Haddington and these cultural heritage assets. The site is visually exposed, including from the A1 and A199, and the southern part of the site is in an area of flood risk.

The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.116-2.117 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216) (CD 068).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at South Gateside**

#### The BS&S Group (0286/1)

The representation suggests the allocation of land for around 480 homes (or 755 homes if combined with the site proposed to be allocated as HN2).

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Haddington Infant School, King's Meadow Primary School, St Mary's RC Primary School and Knox Academy. Primary Education capacity is a key constraint in Haddington. Haddington Infant School, King's Meadow Primary School and St Mary's RC Primary School have significant capacity constraints beyond that needed to accommodate the proposed sites in the LDP, which cannot be resolved by developer contributions.

For this scale of development no further capacity could be provided within the current schools. The representation suggests that primary school education capacity could be provided at the new Letham Primary School. Importantly, the Council does not support the

provision of any additional education capacity for this site and in particular does not propose to consult on any new school catchments associated with providing this. A statutory schools consultation would be required to include this land within the new Letham Mains Primary School catchment area. The Council has not chosen and will not choose to make education capacity available for this site, as explained at paragraph 3.100 of the LDP. In terms of the Council's decision to make provision for short term education capacity at existing schools on a temporary basis, this is intended to allow development to commence on the existing Letham Mains allocation (HN1) (LDP paragraph 3.98) only, and particularly the new primary school. As such, the provision of additional education capacity is a key constraint in respect of any housing development at the site subject to this representation. This means that the Council does not support the site as one that is or can be made effective for housing development.

It is not clear if there is any scope for collaboration between landowners, so premise of the submission may be ill-founded, particularly where shared infrastructure might be needed, such as education and transportation, including consideration of the timing for its provision relative to the commencement of development – e.g. provision of education capacity and the link road through the Letham Mains site. The site for the planned new Letham Primary School is sized for the current committed and proposed allocations within its catchment only, is landlocked and cannot be expanded. These constraints cannot be resolved by developer contributions, or by those who promote development at the site subject to representation. The objection suggests decoupling the delivery of HN2 from HN1. However, the delivery of HN2 is intrinsically linked to HN1 including in terms of access arrangements and importantly primary school education capacity.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

Part of the site (MIR/HN/HSG125) (CD 060f) was assessed at MIR stage but not selected for inclusion within the MIR or proposed LDP. That land is shown within the assessment to be Class 2 prime quality agricultural land. The site is within the Haddington Plain landscape character area. This area is characterised by a gently undulating extensive agricultural plain with a strong field pattern reinforced with abundant shelterbelts. The existing mix of land uses in this area – smallholdings fronting agricultural land and riparian woodland – contributes to the wider character and setting of Letham Mains and Haddington. The development would appear as isolated development within the



countryside. The land to the south of this assessed site that now features within this representation has not been subject to SEA, since it has only featured as a representation to the proposed LDP.

The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.116-2.117 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216) (CD 068).

The Council submits that the land at dovecot may be a better location to expand the town to the west, if there were a need to do so and if relevant solutions can be found, as explained within paragraph 2.114 of the LDP (see SEA assessment PM/HN/HSG106B) CD 060f). The Council further notes the submission from the Ritchie Brothers (0259) generally supporting the position of the LDP in respect of this area of land at Dovecot at Issue 7.

The new site subject to this representation has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

## DUNBAR CLUSTER

### Land at Newtonlees Farm, Dunbar

#### Gladman Planning (0213/3)

The representation suggests the allocation of land for around 115 homes, including provision of land for a potential cemetery.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Dunbar Primary School and Dunbar Grammar School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local

Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site has not been assessed since it has only been submitted in representations to the proposed LDP. The Council is aware of project level proposals for housing development on the site that is subject to this representation, within which there is also a cemetery proposal, but this site is not identified by the LDP either for housing or for a cemetery. Representation (0213/8) is dealt with at Issue 17. The outcome of any decision on that proposal will be a project level decision, assessed on its own merits against the development plan and any other relevant material considerations.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Phantassie, East Linton**

#### Stewart Milne Homes Ltd (0229/2)

The representation suggests the allocation of land for around 100 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of East Linton Primary School and Dunbar Grammar School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity at Dunbar Grammar School and East Linton Primary School. Education capacity is a key constraint at East Linton Primary School with very limited capacity and limited potential for expansion which may be taken up by site DR8 Pencraig Hill, East Linton.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal

Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (MIR/DR/HSG123) (CD060g) has been assessed but not selected for inclusion within the proposed LDP. The SEA site assessment notes that the site is Class 2 agricultural land. It is subject to flood risk, although parts of the site may be developable. This is a view shared by SEPA. It also notes that there is the potential to adversely affect the setting of listed buildings as well as the character and appearance of the conservation area, particularly if considered on a cumulative basis. This is a view shared by Historic Environment Scotland. In terms of landscape, the site assessment notes that the site forms an important part of the setting of East Linton and SNH notes that East Linton's special relationship with its landscape setting could be adversely affected.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Preston Mains, East Linton**

#### Barratt David Wilson Homes (0246/4)

The representation suggests the allocation of land for around 100-150 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of East Linton Primary School and Dunbar Grammar School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity at Dunbar



Grammar School and East Linton Primary School. Education capacity is a key constraint at East Linton Primary School with very limited capacity and limited potential for expansion which may be taken up by site DR8 Pencraig Hill, East Linton.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (MIR/DR/HSG132) (CD060g) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that the site is Class 2 prime quality agricultural land. It also notes that there is the potential to adversely affect the setting of listed buildings as well as the character and appearance of the conservation area, particularly if consider on a cumulative basis. This is a view shared by Historic Environment Scotland. In terms of landscape, the site assessment notes that the site forms an important part of the sitting of East Linton and SNH notes that East Linton's special relationship with its landscape setting could be adversely affected. There could also be adverse impacts on a local designed landscape at Smeaton.

The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.134-2.135 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216) (CD 068).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Drylawhill, East Linton**

#### Wallace Land and Investments (0283/1)

The representation suggests the allocation of land for around 215 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of East Linton Primary School and Dunbar Grammar School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity at Dunbar Grammar School and East Linton Primary School. Education capacity is a key constraint at East Linton Primary School with very limited capacity and limited potential for expansion which may be taken up by site DR8 Pencraig Hill, East Linton.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

It is a sensitive site and there are several landscape issues with the site, development in this area would contravene Scottish Planning Policy for protection of scheduled monuments in situ, and raise issues at a national level. The allocation would also have the potential to affect the setting of the A listed St Baldred's Kirk. By expanding the settlement, it would change the character of East Linton Conservation Area and its listed parish church. The southern part of site is non-effective owing to site access and third party land. Access between southern and northern parts of the site would be needed.

The site (MIR/DR/HSG124) (CD060g) assessed at MIR stage but not selected for inclusion within the proposed LDP. The site assessment notes that the site is Class 2 prime quality agricultural land. It also notes that there is the potential to adversely affect the setting of listed buildings as well as the character and appearance of the conservation area, particularly if consider on a cumulative basis. The northern part of the site has a setting of scheduled monument within the site where the view is attractive. This is a view shared by Historic Environment Scotland. In particular, it would object to any such allocation within the proposed LDP or any proposals. Development here would contravene SPP (2014) (CD

013) for the protection of scheduled monuments in situ. In terms of landscape, the northern part of the site rises above the natural landscape containment and could have a detrimental impact on local and wider views. There could also be adverse impacts on a local designed landscape at Smeaton.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land at Eweford, Dunbar**

#### Taylor Wimpey (0330/3)

The representation suggests the allocation or safeguard of land for around 1,000 homes (based on MIR).

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The Council submits that it has made its settled view clear in respect of land at Eweford Farm as one potential future development location that may be considered in to the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP. However, for this LDP period the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54), and the unique benefits that such a scale of development there would offer for East Lothian.

More generally, the SDP (CD 030) allows consideration to be given to potential housing development locations beyond 2024, but it anticipates that the majority of any longer term housing land requirements would be satisfied from planned and committed sites to the extent that they are not developed by 2024. Whilst the SDP acknowledges (paragraph 112) that in the preparation of LDPs it may be possible to identify other opportunities for housing growth, it is also clear that confirmation of these will be subject to the conclusions of a future review of the SDP itself. As such, SDP1 does not explicitly or implicitly provide a supportive position in respect of strategic growth at Eweford Farm.

The Council submits that the SDP (CD 030) specifically envisages the potential for longer term growth of Blindwells (SDP paragraph 53); however, this is not the case in respect of any other sites or locations within East Lothian, including those subject to unresolved representation. The Council also notes that SDP Policy 6 states that planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the LDP to maintain a five years effective housing land supply at all times. The Council further notes that the pre-ambles to Policy 6 states that preventing the earlier development of sites which are 'allocated' for construction to start after 2019 could result in the unnecessary release of additional less suitable sites instead.

As such, the Council submits that its proposed approach in relation to the potential for large scale development at Eweford Farm 'signposts' the potential opportunity whilst preventing piecemeal proposals that would result in undesirable or sub-optimal outcomes emerging through SDP Policy 6. The Council submits that it has made its settled view clear in respect of safeguarded land at Dunbar. The Council submits that the current approved applications should be built out before any more land is considered for development in Dunbar. This will not occur in the cycle of this LDP and can be re-assessed in the review of the LDP.

The land subject to this representation is situated in the catchments of West Barns Primary School and Dunbar Grammar School. Provision of education capacity is a key constraint. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity. For this scale of development there would be no capacity within the current primary and secondary schools, and no potential to create capacity for this development. A new primary school would have to be provided as part of any development, but there are significant constraints to the potential to provide additional capacity at Dunbar Grammar School within its current site. At this stage the Council does not support the provision of education capacity there and would not propose to consult on any new school catchments. This means that the Council does not support the provision of a new primary school here to make the site effective for housing development at this stage, as explained at paragraph 3.105 of the LDP.

The Council has undertaken a Transport Appraisal (TA) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology. There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (PM/DR/HSG015) (CD 060g) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that the site is Class 2 and 3.1 prime quality agricultural land. It also notes that there is the potential to adversely affect the setting of listed buildings as well as scheduled monuments within the site. However, Historic Environment Scotland has not objected on this basis, likely since the site is of a sufficient size such that a setting for these features could be retained. In terms of landscape, relevant considerations include the coalescence of Dunbar and West Barns, as well as the visual prominence of the site from the A1 (including consideration of any

required noise attenuation measures).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

## **NORTH BERWICK CLUSTER**

### **Employment Sites, North Berwick**

#### North Berwick Community Council (0003/2)

North Berwick Community Council has submitted separate representations as part of this submission one in terms of the principle of whether or not there is sufficient employment land proposed allocated by the LDP overall and at North Berwick (0003/1), which is dealt with at Issue 11 (Planning for Employment), and another representations in respect of specific sites suggested for inclusion as employment allocations within the LDP within the North Berwick cluster area.

In accordance with the SDP (CD 030), North Berwick, being outwith the Strategic Development Area/East Lothian Economic Cluster/Corridor, should not be a focus for new housing or employment land allocations. Whilst SDP Policy 7 allows for some new housing land allocations to be brought forward within and outwith the SDA, including to help ensure that a five years' supply of effective housing land is available, there is no policy equivalent within the SDP in respect of employment land. The proposed LDP makes provision for new employment land at North Berwick as part of mixed use housing and employment sites, in line with SDP paragraph 93. In the absence of a specific SDP enabling policy context for such proposals outwith the Strategic Development Area/East Lothian Economic Cluster/Corridor, the approach of providing mixed housing and employment sites is a pragmatic response to the provision of employment land at North Berwick.

North Berwick Community Council submits representations in respect of specific sites suggested for inclusion as employment allocations within the LDP, and the Council has the following comments to make, taking each site in turn:

- **Tantallon Road:** the site was submitted to the Council for consideration as a residential development site as part of the Main Issues Report call for sites exercise, and the following points are relevant to consideration of the site's inclusion within the LDP for employment uses. The site was promoted as a housing site by the landowner, not for employment uses, so the landowner's willingness to release the site for such development is not known. It has been assessed under the SEA process (site Ref: PM/NK/HSG071) (CD 060h) and relevant key issues in respect of accommodating built development on the site were identified (albeit in the context of a housing development) which are as follows: whilst SNH has not raised any issue in respect of biodiversity, flora or fauna on the site, notable species have been recorded within 100m of the site. Landscape issues were also noted given the sites prominence on the approach to North Berwick. This is particularly true since the development of the Tantallon Road site (site NK4) has not been completed. In these circumstances, any built development of site Ref: PM/NK/HSG071 would appear as an isolated development in the countryside, separate from other built development.



The Council also notes that this land is within the area proposed to be designated as North Berwick Law Special Landscape Area (See Proposals Map Inset Map 2 and proposed LDP policy DC9) and as a Countryside Around Town (See Proposals Map Inset Map 3/28 and proposed LDP policy DC8). This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified.

- **Lime Grove:** the site at Lime Grove, North Berwick, was formally used as the Council's Rhodes Depot, which was a base for its grounds maintenance operations in the area. These operations have relocated to a new site at the Heugh adjacent to North Berwick cemetery/civic amenity site. The Lime Grove site is now vacant brownfield land, and the Council is considering its long term options for the future use of the land. However, there are title issues in respect of parts of the site, with around 0.5ha subject to a Conservation Agreement with the National Trust, meaning that part of the site may need to be left as an open area. Parts of the site are understood to be used as a foraging resource for Great Crested Newts, and as part of any redevelopment proposals, suitable mitigation would need to be provided for this protected species. In terms of planning policy, the land is currently designated within an ENV1: Residential Character and Amenity area of the East Lothian Local Plan 2008 (CD 075). This policy position is proposed to be carried forward by the proposed LDP as the Lime Grove site would be covered by Policy RCA1: Residential Character and Amenity. This planning policy seeks to protect the predominantly residential character and amenity of an area from the adverse impacts of uses other than housing. As such, Policy ENV1/RCA1 does not support the principle of particular land uses or development or presume against particular land uses or development. Subject to acceptable impacts on residential amenity, such as any from noise, disturbance or vehicle movements etc, uses compatible with residential amenity could be acceptable in principle at the Lime Grove site. Such uses may include further residential uses, or employment or institutional uses etc. The Council has set out in a draft development brief its expectations for any redevelopment of the site. Any planning application for the redevelopment of the site would need to be assessed against the Development Plan and any other relevant material considerations. The Council submits that, given the location of the site and the circumstances described above, the continuation of the current planning policy in respect of the land is the most appropriate approach to follow. This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified.
- **Williamston:** as part of the Council's amendments to the Draft Proposed LDP moved by Councillor Berry and seconded by Councillor Day as agreed by the Council on the 17th November 2015 (CD 106 & CD 107), this site was identified for further assessment and technical analysis for potential allocation within a finalised proposed Local Development Plan. The following points are relevant to consideration of the sites inclusion within the LDP for employment uses. The site was promoted as a potential employment site by the Council, not by the landowner, so the landowner's willingness to release the site for such development is not known. Importantly, the site was included within an area promoted for residential development under the Ferrygate Farm proposal (12/00680/PPM), for which the Council refused planning permission on the 24th April 2013. On appeal (Ref: PPA-

210-2036) (CD 170f), the appellant noted that access to lay services to the land east of Gasworks Lane (the Williamston site) could not be secured over Gasworks Lane as it is in private ownership; the appellant amended the proposal to reflect this by removing the area from the proposal site (see para 4 of the Reporter's Intentions Letter and paragraph 2.55 of the Appellants Appeal Statement) (CD 170g). The outcome of that appeal was to refuse planning permission, which was subsequently overturned by the Court of Session. Another appeal against the Council's refusal of planning permission for a separate planning application for residential development on the Ferrygate Farm site (14/00632/PPM) was allowed (PPA-210-2047) (CD 170h). The approved detailed masterplan proposals at Ferrygate Farm (15/00966/AMM) (CD 170b) propose no specific connection to or over Gasworks Lane to the Williamston site, but there may be scope to provide such a connection in future over open space within the Ferrygate site that adjoins Gasworks Lane. The Williamston site has been assessed under the SEA process (site Ref: NK16). Landscape issues were noted given the sites prominence on the approach to North Berwick and the existence of TPO trees, but no significant landscape concerns were raised. A key issue in respect of accommodating any built development on the site is its relationship with nearby housing (although this may not necessarily preclude employment uses here, particularly if planning conditions could be used to protect amenity). The most significant issue was the potential inability to access and service the site. As such, it did not progress from technical analysis to inclusion within the proposed LDP as an allocation. This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified.

- Old Gasworks:** as part of the Council's amendments to the Draft Proposed LDP moved by Councillor Berry and seconded by Councillor Day as agreed by the Council on the 17th November 2015 (CD 106 & CD 107), this site was identified for further assessment and technical analysis for potential allocation within a finalised proposed Local Development Plan. The following points are relevant to consideration of the sites inclusion within the LDP for employment uses. The site was promoted as a potential employment site by the Council, not by the landowner, so the landowner's willingness to release the site for such development is not known; however, this land is subject to representation for the expansion of the Ferrygate Farm site for residential development (see representation 0340/1 below). The site was also included within a larger site that has been the subject of submissions to the Council for housing development during previous local plan preparation processes, and latterly was included within an area subject to a PAN for housing development at Ferrygate Farm (11/00010/PAN) (CD 170i). An appeal against the Council's refusal of planning permission for a planning application for residential development (14/00632/PPM) on part of the Ferrygate Farm site subject to that PAN was allowed (PPA-210-2047) (CD 170h). The approved detailed masterplan proposals at Ferrygate Farm (15/00966/AMM) propose no connection to the Old Gasworks site. The Old Gasworks site has been assessed under the SEA process (site Ref: NK17). The remoteness of the site from the existing urban area was highlighted in the site assessment as an issue as was the potential inability to access the site for employment uses via Gasworks Lane. As such, it did not progress from technical analysis to inclusion within the finalised LDP as an allocation. This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the

LDP would be inappropriate at this stage and is not justified.

- Fenton Barns:** the Fenton Barns area is one that has been, and continues to be (e.g. see representations 0297 and 0281), subject to strategic development pressure, as well as more local development proposals through the Development Management process. The Fenton Barns area was submitted to the Council for consideration as a major mixed use housing and employment location during the Main Issues Report call for sites exercise, and it has been assessed as such under the SEA process (PM/NK/HSG016) (CD 060i). In a more general sense, the Drem and Fenton Barns area has been assessed under the SEA process (PM/NK/HSG114) (CD 060i) as an 'area of search' for a mixed use settlement expansion/as an area for significant housing, employment, education facilities and other development. As these suggested sites did not feature as allocations within the proposed LDP, a specific land allocation in this area has not been subject to HRA but, as with other sites in the area, any such allocation would have been screened for HRA prior to inclusion within the LDP. At this stage the Council does not support the inclusion of such allocations in the proposed LDP, and the Council's full response to related representations is dealt with elsewhere in this Schedule 4. Notwithstanding the Council's position in respect of these other representations, the following points are relevant to consideration of North Berwick Community Council's specific representation to the proposed LDP position in respect of the Fenton Barns area. North Berwick Community Council is of the view that the land at Fenton Barns should be safeguarded to ensure the on-going opportunity for brownfield development there for employment/business uses, particularly of smaller scale, as North Berwick expands. The Council submits that this representation is addressed by the proposed LDPs policies that seek to control development within the countryside, which would apply to the Fenton Barns area, should these policies be adopted in the format proposed. The relevant policy is Policy DC1: Rural Diversification. In countryside locations, this policy would support the principle of the expansion of existing established employment uses without the need to demonstrate an operational requirement, it would support the reuse of existing buildings to accommodate new employment uses and, subject to an operational requirement, it would also support the principle of new build employment uses in the countryside of an appropriate scale and character for a countryside location (see also potential modification to Policy DC1 arising from representation 0315 at Issue 25 should the Reporter be so minded). Any planning application for employment generating uses at Fenton Barns would need to be assessed on its own merits against the Development Plan policy framework. The policies of the proposed LDP would continue to support the principle of the type of employment generating uses at Fenton Barns envisaged by North Berwick Community Council. In that context, the Council submits that a modification to include the Fenton Barns area as a specific employment land allocation within the LDP would be inappropriate at this stage. This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified.
- General Point:** If developed for employment uses none of these suggested sites are expected to have an adverse impact on the local road network.

**The Council submits that no modification of the plan is necessary.**



## Housing Sites North Berwick

### Miller Homes (0340/1)

The representation proposes an extension to the south of the site which currently has planning permission and is proposed to be allocated as site NK5. The expansion area may have capacity for around an additional 100 homes (based on MIR) (CD 068).

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Law Primary School and North Berwick School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity at North Berwick High School and Law Primary School.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (SDP/NK/HSG004) (CD 060h) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that the site is Class 2 prime quality agricultural land as well as rare Brown Calcareous soil. It also notes the existence of nearby listed buildings as well as the potential for archaeological remains within the site. However, Historic Environment Scotland has not objected on this basis. In terms of landscape, relevant considerations include the visibility of the site on the approach to North Berwick, including in views of and from North Berwick Law, particularly from the higher southern part of the site (and considering any required noise attenuation measures adjacent to the east coast main rail line). SNH has raised concerns about the impact of development here on the setting of and western approach to the town. The site

assessment is clear that a smaller development could be confined to the lower parts of the site where it could be more easily integrated with the setting of the town (site NK5).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Foreshot Terrace, Dirleton**

#### Muir Homes (0165/1)/Lawrie Main (0370/2)

The representation suggests the allocation of land for around 24 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Dirleton Primary School and North Berwick High School. The impact of this proposed site has been assessed in terms of the potential to provide additional school capacity, Education capacity is a key constraint at Dirleton Primary School with no potential capacity to provide for other than the proposed LDP site.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively. It is of a scale that could have a cumulative adverse impact on the strategic transport network. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (PM/NK/HSG018) (CD 060i) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that the site is Class 2 prime quality agricultural land. The site is within Dirleton Conservation Area and development here could affect the setting of the conservation area. There are listed buildings nearby and Cedar Grove, a category C(s) listed building is adjacent to the south east corner of the site. There is good potential for archaeological remains on the site. There is a substantial attractive tree belt on the southern boundary of the site that is subject to a tree preservation order (TPO 4). Development of the site would encroach into the rural landscape beyond the existing settlement boundary and there are no natural boundaries to the site on the northern and eastern boundaries. The Council has also previously refused planning permission for a proposed scheme of residential development here (Ref: 14/00324/PP) (CD 141 & CD 142).

The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.157-2.158 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216) (CD 068).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Drem/Fenton Barns**

A number of separate representations have been submitted in respect of sites within the Drem and Fenton Barns area. Some of these submissions have adjoining boundaries, and some have overlapping boundaries. Overall, the representations broadly make the following suggestions:

- Cala Management Ltd (0393/3) seeks the safeguarding of land to the west, east and north of Drem for the development of around 2,000 houses and other mixed use development, including a primary school;
- James Millar (Kilduff) Ltd (0204/9) seeks the safeguarding of land around Drem to the north and south of the East Coast Main Railway line for the development of around 2,000 homes and other mixed use development, including a primary school (to the north of the rail line). The boundaries of this area overlap and do not match with those of submission (0393/3);
- Wallace Land and Investments (0281/1) seeks the definition of a settlement boundary around Fenton Barns, and the allocation of land around Fenton Barns for the development of around 1,000 homes, employment land and other mixed use development, including a primary school;
- Stewart Milne Ltd (0297) seeks the allocation or safeguarding of land (circa 77 hectares) to the north west and south east of Drem (adjoin land which is the subject of representation (0281/1) for the development of housing. Although no development capacity is provided.

These representations suggest that there is land in this area which could accommodate the development of a minimum of 6,000 homes (see representation 0297) as well as the provision of land for employment. They also suggest that there is scope to provide for improvements of Drem Rail Station over and above those currently set out in the LDP, and for road realignments. Three separate primary school locations are proposed within the various submissions.

Overall, land for significantly more than 6,000 homes is the subject of representation here. However, there is no overall submission promoting a shared vision / proposal among landowners for how these separate sites might be developed as one new settlement.

### ***Drem***

#### CALA Management Limited (0393/3)

The representation suggests the safeguard of land for an expansion of Drem to the north of the East Coast Main line for around 2,000 homes and other mixed use development. The site subject to representation seems to be in single ownership.

This representation relates to a separate land holding to those included within representations (0281/1) submitted by Wallace Land Ltd, (0204/9) submitted by James Millar (Kilduff) Ltd, and (0297) submitted by Stewart Milne Ltd.

The Council notes that this landowners' intention is described in a submission to the Main Issues Report of an indicative masterplan. It involves around five phases of development, with provision of a relief road, improvements to Drem station (with potential relocation site) and a new primary school in the early phases with local centre to follow. The submission also suggests that there could be the opportunity to address issues arising from a nearby private foul drainage system at Fenton Barns in the delivery of a development led foul drainage solution associated with the development of this site. The phasing of development is generally intended to progress northward from Drem railway station with housing proposed towards the Peffer Burn.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The Council submits that it has made its settled view clear in respect of Drem as one potential future development location that may be considered in to the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP. However, for this LDP period the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54), and the unique benefits that such a scale of development there would offer for East Lothian.

The Council submits that Drem is within the SDP1 (CD 030) SDA (see SDP1 Spatial Strategy Technical Note) (CD 035), and the Council notes that development is to be steered to the most sustainable locations (SDP paragraph 17, 49 and 119 etc). The Council submits that this is also true when considering sites for development in more local areas, such as in the Drem / Fenton Barns area, where there may be opportunities to maximise the relationship between potential new development locations and public transport nodes in the longer term.

The land subject to this representation is situated in the catchments of Athelstaneford Primary School and North Berwick High School. Education capacity for this site has not been assessed as it has not been included in the LDP, both in terms of potential to provide additional school capacity or the associated costs. Only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. For this scale of development there would be no capacity within the current schools, and consideration to build a new primary school would be required. However there is no certainty over the potential to provide additional capacity at North Berwick High School. The Council does not support the provision of education capacity for this site and would not propose to consult on any new school catchments associated with doing this. The Council has not chosen and will not choose to make education capacity available for this site at this stage, as explained at paragraph 3.110 of the LDP. As such, currently the provision of additional education capacity is a key constraint in respect of housing development at this site. This position may be considered in association with a review of the LDP.

More generally, the SDP (CD 030) allows consideration to be given to potential housing development locations beyond 2024, but it anticipates that the majority of any longer term

housing land requirements would be satisfied from planned and committed sites to the extent that they are not developed by 2024. Whilst the SDP acknowledges (paragraph 112) that in the preparation of LDPs it may be possible to identify other opportunities for housing growth, it is also clear that confirmation of these will be subject to the conclusions of a future review of the SDP itself. As such, SDP1 does not explicitly or implicitly provide a supportive position in respect of strategic growth at Drem, or on land to the south of the East Coast Main Line at Drem, or at Fenton Barns. The Council submits that the SDP specifically envisages the potential for longer term growth of Blindwells (SDP paragraph 53); however, this is not the case in respect of any other sites or locations within East Lothian, including those subject to unresolved representation.

The Council notes that SDP Policy 6 (CD 030) states that planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan to maintain a five years effective housing land supply. The Council further notes that the pre-ambles to Policy 6 states that preventing the earlier development of sites which are 'allocated' for construction to start after 2019 could result in the unnecessary release of additional less suitable sites instead. The Council submits that its proposed approach in relation to the potential for large scale development at Drem 'signposts' the potential opportunity whilst preventing piecemeal proposals that would result in undesirable or sub-optimal outcomes emerging through SDP Policy 6.

The Council submits that representations made in respect of the LDP (Drem: Cala (0393) and James Millar (Kilduff) Ltd (0204); and Fenton Barns: Wallace Land (0281) and Stewart Milne Ltd (0297)) suggest that the LDP should make either land allocations or land safeguards with an overall capacity for 6,000+ homes. The Council further submits that it is premature to consider the planning merits of whether any, all or part of such land should be allocated or safeguarded for development – i.e. to define a site boundary for land. This is especially the case since any overall boundary has not been specified or consulted on at any stage of the LDP preparation process.

The Council submits that a better approach is the one currently set out within the LDP, namely that a statement is used to describe high level potential opportunities and constraints, to encourage landowners and developers to work together to find deliverable solutions that would allow these locations to be considered as a potential development location(s) into the longer term, subject to a review of SDP1 and LDP1.

Accordingly, the Council submits that it is unnecessary and would be inappropriate at this stage to safeguard (or allocate) land at Drem or Fenton Barns or land south of the East Coast Main Line at Drem for a potential future strategic development. The Council further submits that no additional development land is required during this LDP period for the reasons given in the Council's response to Issue 11 and 12.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan.



However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (MIR/NK/HSG122) (CD060h) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that a private sewerage treatment works and that a re-routing of the B1345 is likely to be required, and there may be the opportunity to move Drem station off the main line onto the branch line. The site is Class 1 and 2 prime quality agricultural land. Parts of the site to the north are at high risk from flooding, and there are concerns for the water environment at the Peffer Burn. The site is within Drem Conservation Area and development here could affect the setting of the conservation area. There are listed buildings nearby and scheduled monuments to the north of the site, and there may also be impacts on the setting of scheduled monuments in the wider area. There is good potential for archaeological remains on the site, including associated with the WW1 and 11 airfield at to the north Fenton Barns. It may be possible to mitigate impacts on these assets through appropriate design and master planning. The land in the area is generally flat with a high degree of inter visibility providing long and short distance views. Development here could significantly change the landscape character of the area. This is a view shared by SNH, which recommends that further study is required concerning the suitability of this site and others in the area in relation to landscape capacity and issues of landscape and visual impact.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

James Millar (Kilduff) Ltd (0204/9)

The representation suggests the safeguard of land for an expansion of Drem to the north and south of the East Coast Main Railway line for the development of around 2,000 homes and other mixed use development, including a primary school (to the north of the rail line). This representation proposes this across two separate landowners holdings.

This representation relates to separate land holdings to those included within representations (0281/1) submitted by Wallace Land Ltd, (0393/3) submitted by Cala Management Ltd, and (0297) submitted by Stewart Milne Ltd. However, the boundaries of the area subject to this representation overlaps with but does not match that of submission (0393/3); yet the associated documentation seems to suggest that it can be planned, designed and delivered as one with the land subject to representation (0393/3), but the prospect of a shared willingness to deliver this outcome is not clear.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and

sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The Council submits that it has made its settled view clear in respect of Drem as one potential future development location that may be considered in to the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP. However, for this LDP period the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54), and the unique benefits that such a scale of development there would offer for East Lothian.

The Council submits that Drem is within the SDP1 (CD 030) SDA (see SDP1 Spatial Strategy Technical Note) (CD 035), and the Council notes that development is to be steered to the most sustainable locations (SDP paragraph 17, 49 and 119 etc). The Council submits that this is also true when considering sites for development in more local areas, such as in the Drem/Fenton Barns area, where there may be opportunities to maximise the relationship between potential new development locations and public transport nodes in the longer term.

The land subject to this representation is situated in the catchments of Athelstaneford Primary School and North Berwick High School. Education capacity for this site has not been assessed as it has not been included in the LDP, both in terms of potential to provide additional school capacity or the associated costs. Only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. For this scale of development there would be no capacity within the current schools, and consideration to build a new primary school would be required. However there is no certainty over the potential to provide additional capacity at North Berwick High School. The Council does not support the provision of education capacity for this site and would not propose to consult on any new school catchments associated with doing this. The Council has not chosen and will not choose to make education capacity available for this site at this stage, as explained at paragraph 3.110 of the LDP. As such, currently the provision of additional education capacity is a key constraint in respect of housing development at this site. This position may be considered in association with a review of the LDP.

More generally, the SDP (CD 030) allows consideration to be given to potential housing development locations beyond 2024, but it anticipates that the majority of any longer term housing land requirements would be satisfied from planned and committed sites to the extent that they are not developed by 2024. Whilst the SDP acknowledges (paragraph 112) that in the preparation of LDPs it may be possible to identify other opportunities for housing growth, it is also clear that confirmation of these will be subject to the conclusions of a future review of the SDP itself. As such, SDP1 does not explicitly or implicitly provide a supportive position in respect of strategic growth at Drem, or on land to the south of the East Coast Main Line at Drem, or at Fenton Barns. The Council submits that the SDP specifically envisages the potential for longer term growth of Blindwells (SDP paragraph 53); however, this is not the case in respect of any other sites or locations within East Lothian, including those subject to unresolved representation.

The Council notes that SDP Policy 6 (CD 030) states that planning authorities may grant planning permission for the earlier development of sites which are allocated or phased for a later period in the Local Development Plan to maintain a five years effective housing land

supply. The Council further notes that the pre-ambles to Policy 6 states that preventing the earlier development of sites which are 'allocated' for construction to start after 2019 could result in the unnecessary release of additional less suitable sites instead. The Council submits that its proposed approach in relation to the potential for large scale development at Drem 'signposts' the potential opportunity whilst preventing piecemeal proposals that would result in undesirable or sub-optimal outcomes emerging through SDP Policy 6.

The Council submits that representations made in respect of the LDP (Drem: Cala (0393) and James Millar (Kilduff) Ltd (0204); and Fenton Barns: Wallace Land (0281) and Stewart Milne Ltd (0297)) suggest that the LDP should make either land allocations or land safeguards with an overall capacity for 6,000+ homes. The Council further submits that it is premature to consider the planning merits of whether any, all or part of such land should be allocated or safeguarded for development – i.e. to define a site boundary for land. This is especially the case since any overall boundary has not been specified or consulted on at any stage of the LDP preparation process.

The Council submits that a better approach is the one currently set out within the LDP, namely that a statement is used to describe high level potential opportunities and constraints, to encourage landowners and developers to work together to find deliverable solutions that would allow these locations to be considered as a potential development location(s) into the longer term, subject to a review of SDP1 and LDP1.

Accordingly, the Council submits that it is unnecessary and would be inappropriate at this stage to safeguard (or allocate) land at Drem or Fenton Barns or land south of the East Coast Main Line at Drem for a potential future strategic development. The Council further submits that no additional development land is required during this LDP period for the reasons given in the Council's response to Issue 11 and 12.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (MIR/NK/HSG136 and part of MIR/NK/HSG122) (CD060h) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that a private sewerage treatment works and that a wider materplan to accommodate changes to the wider road network would be required, and there may be the opportunity to move Drem station off the main line onto the branch line. The site is Class 2



prime quality agricultural land. Parts of the site to the north are at high risk from flooding. The site is within Drem Conservation Area and development here could affect the setting of the conservation area, particularly in combination with MIR/NK/HSG122 – i.e. land subject to representation (0393/3). There are also listed buildings nearby and there may also be impacts on the setting of scheduled monuments in the wider area. This is particularly true of land to the south of the rail line. Historic Environment Scotland has noted that it would object to the allocation of the site, although it may be possible to mitigate impacts on its interests through appropriate design and master planning of development to the north of the site (it is not clear if it means to the north of the rail line or to the north of land south of the rail line). There is good potential for archaeological remains on the site, including associated with the WW1 and 11 airfield to the north Fenton Barns. The land in the area is generally flat with a high degree of inter visibility providing long and short distance views. Development here could significantly change the landscape character of the area, and would be remote from the existing settlement of Drem.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Fenton Barns**

#### Wallace Land and Investments (0281/1)

The representation suggests a) the definition of a settlement boundary around Fenton Barns and b) the allocation of land for an expansion of Fenton Barns for around 1,000 homes as well as the allocation of employment land, land for other mixed land uses including a primary school. The land subject to this representation seems to be in single ownership.

This representation relates to separate land holdings to those included within representations (0393/3) submitted by Cala Management Ltd, (0204/9) submitted by James Millar (Kilduff) Ltd, and (0297) submitted by Stewart Milne Ltd.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

One of the objector's reasons for this approach would seem to be to support the location as one for economic development, and also for housing development to support this aspiration. Underlying this it may also be the intention that the approach would help to resolve existing drainage issues for existing employment uses in association with this wider development of the area. The relevant planning history is set out below:

- Outline planning permission for drainage works and enabling residential development 09/00053/OUT (refused 27/04/2010);
- Appeal (Ref: PPA-210-2014) against refusal of outline planning permission for drainage works and enabling residential development 09/00053/OUT (Appeal

dismissed 05/10/2010);

- New drainage works, viz; foul and surface water, pumping station and sustainable urban drainage system 09/00054/FUL (granted 03/02/2010);
- Planning permission in principle for new employment land, new drainage works viz; foul and surface water, pumping station, sustainable urban drainage system and enabling development 11/00006/PAN;
- Planning permission in principle for employment land, drainage works and enabling residential development 11/01109/PPM (refused 24/10/2013).

It is noted that the landowner does not have the necessary funding to deliver an upgrade the existing war time drainage infrastructure which is causing unlawful discharges in to water courses in the area (representation supporting document 'Realising Fenton Barns Economic Potential paragraph 1.6).

The current war time private foul drainage treatment system is inadequate to treat effluent from existing businesses and residential development in the area. Discharges from the system are not meeting water quality standards. This matter has been on-going for some time and has been the subject of previous planning applications proposing residential development to enable the enhancement of 'infrastructure', planning permission for which was refused with appeals dismissed. The water quality issue continues to be dealt with by SEPA, under separate processes.

The Council submits that pre-existing issues should be addressed by means other than the planning system, such as reducing the load / flow on the existing drainage assets, enhancing the system such that it is suitable to manage the demands being placed on it, or by finding other means for treating the waste such as the installation of septic tanks. It may be that the number of businesses already using the infrastructure could pay a factoring charge or levy to allow for maintenance or upgrade of the system, yet if such additional surcharges cannot be sustained by these businesses then this may indicate that this location is not one that it could command the rental levels or returns necessary to achieve this. This in turn brings into question the potential of the location as one that may be successful in future as an employment / economic development location. Importantly, SDP1 (CD 030) does not identify Fenton Barns area as one for strategic employment development.

In respect of the economic development aspect and the definition of a settlement boundary, the Council submits that policies that seek to control development in the countryside would allow for the continued diversification of employment uses within existing buildings, as well as the expansion of existing businesses beyond their current site boundaries in to adjacent land within the countryside. This would be without the need to demonstrate an operational requirement for a countryside location (see LDP paragraph 5.5). Housing may be used as enabling development, subject to policy provisions, if this is necessary to deliver a principal use supported by Policy DC1; importantly, however, enabling development could not be used to cross subsidise the enhancement of existing infrastructure works, especially if this were to bring them to a suitable standard where they could cater for existing demand as well as the new demands that would be generated by a proposed development. Put another way Policy DC5 would not allow residential development within the countryside where this is proposed to enable the delivery of enhanced infrastructure, even if this would allow existing business to be sustained. The Council submits that paragraph 5.12 of the LDP is clear that the use of residential development to enable infrastructure provision will not be supported. Until now, employment uses have made use of the existing war time buildings in the area – i.e. the

buildings were there to be used and this is the reason that businesses located there, not because the location is of any wider strategic significance as an employment location. In terms of housing development, the Council also submits that the policies of the LDP would allow for some limited new build affordable housing here, as well as the conversion of existing buildings to residential uses, subject to policy provisions. As such the Council submits that policies of the plan on rural diversification and housing development in the countryside, taken together allow for an appropriate scale and nature of development in this area and that no change to the LDP is necessary to define this area as a settlement (the Council has the same response to representation 0251 at Issue 32: Proposals Map). In terms of the potential for a larger new settlement here, this will be a matter for a review of this plan. The Council submits that it has made its settled view clear in respect of Drem as one potential future development location that may be considered in the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP. However, for this LDP period the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP (CD 030) in respect of Blindwells (paragraph 53 - 54), and the unique benefits that such a scale of development there would offer for East Lothian.

The Council submits that Drem is within the SDP1 (CD 030) SDA (see SDP1 Spatial Strategy Technical Note) (CD 035), and the Council notes that development is to be steered to the most sustainable locations (SDP paragraph 17, 49 and 119 etc). The Council submits that this is also true when considering sites for development in more local areas, such as in the Drem/Fenton Barns area, where there may be opportunities to maximise the relationship between potential new development locations and public transport nodes in the longer term.

The land subject to this representation is situated in the catchments of Athelstaneford Primary School, Dirlerton Primary School and North Berwick High School. Education capacity for this site has not been assessed as it has not been included in the LDP, both in terms of potential to provide additional school capacity or the associated costs. Only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. For this scale of development there would be no capacity within the current schools, and consideration to build a new primary school would be required. However there is no certainty over the potential to provide additional capacity at North Berwick High School. The Council does not support the provision of education capacity for this site and would not propose to consult on any new school catchments associated with doing this. The Council has not chosen and will not choose to make education capacity available for this site at this stage, as explained at paragraph 3.110 of the LDP. As such, currently the provision of additional education capacity is a key constraint in respect of housing development at this site. This position may be considered in association with a review of the LDP.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner.

The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (PM/NK/HSG016 and MIR/NK/HSG137) (CD 060i & CD 060i) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that a private sewerage treatment works and that a re-routing of the B1345 is likely to be required, and there may be the opportunity to move Drem station off the main line onto the branch line. The site is Class 1 and 2 prime quality agricultural land. Parts of the site to the north are at risk from flooding, and there are concerns for the water environment at the Peffer Burn. There are listed buildings nearby and scheduled monuments to the west of the site, and there may also be impacts on the setting of scheduled monuments in the wider area. There is good potential for archaeological remains on the site, including associated with the WW1 and 11 airfield at to the north Fenton Barns. The land in the area is generally flat with a high degree of inter visibility providing long and short distance views. Development here could harm the landscape character of the area. This is a view shared by SNH, which recommends that further study is required concerning the suitability of this site and others in the area in relation to landscape capacity and issues of landscape and visual impact to refine site selection.

The Council submits that representations made in respect of the LDP (Drem: Cala (0393) and James Millar (Kilduff) Ltd (0204); and Fenton Barns: Wallace Land (0281) and Stewart Milne Ltd (0297)) suggest that the LDP should make either land allocations or land safeguards with an overall capacity for 6,000+ homes. The Council further submits that it is premature to consider the planning merits of whether any, all or part of such land should be allocated or safeguarded for development – i.e. to define a site boundary for land. This is especially the case since any overall boundary has not been specified or consulted on at any stage of the LDP preparation process.

The Council submits that a better approach is the one currently set out within the LDP, namely that a statement is used to describe high level potential opportunities and constraints, to encourage landowners and developers to work together to find deliverable solutions that would allow these locations to be considered as a potential development location(s) into the longer term, subject to a review of SDP1 and LDP1.

Accordingly, the Council submits that it is unnecessary and would be inappropriate at this stage to safeguard (or allocate) land at Drem or Fenton Barns or land south of the East Coast Main Line at Drem for a potential future strategic development. The Council further submits that no additional development land is required during this LDP period for the reasons given in the Council's response to Issue 11 and 12.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is**

**necessary.**Stewart Milne Ltd (0297)

The representation suggests the allocation of a new settlement at Fenton Barns, including two separate sites under the control of the objector (totalling circa 77 hectares). No figure for housing capacity is provided, but at around 30 dwellings per hectare (net) this land may have capacity for around 1,500 homes.

This representation relates to separate land holdings to those included within representations (0393/3) submitted by Cala Management Ltd, (0204/9) submitted by James Millar (Kilduff) Ltd, and (0281/1) submitted by Wallace Land and Investments.

This representation states that a new settlement designation should be brought forward as part of a wider masterplan incorporating adjacent land controlled by Wallace Land and Investments (0281/1). However, this is not shown in the indicative layout plan submitted as part of that representation 0281/1 that proposes 1,000 homes and mixed land uses.

Nonetheless, this representation suggests that the Fenton Barns area could deliver a first phase of development incorporating around 1,000 homes and other mixed land uses. The indicative masterplan with this representation seems to include the land subject to representation (0281/1) as well as a much wider area that presumably has significantly more development capacity than for 1,000 homes (or 2,500 homes if the land subject to this representation and representation 0281/1 is combined) and other mixed land uses. The indicative masterplan submitted with this representation includes a very wide area of land that does not seem to be in the control of the party making this representation to the LDP - land that is not included within any other representation to the LDP. Overall, it is suggested that a new settlement of some 6,000 homes could be brought forward in this wider area.

This representation suggests that the Fenton Barns area should be considered ahead of Drem as a location for strategic growth. The main reason given for this is the sensitivity of the landscape at Drem and impacts on its Conservation Area. It is suggested Fenton Barns is a preferable location in these terms. It is suggested that there is scope to relocate Drem rail station to the east of Fenton Barns, although this is shown on land that does not seem to be in the control of the party making this representation or representation 0281/1; indeed this is shown on land within the wider area that does not feature as part of any other representation made to the LDP.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The Council submits that it has made its settled view clear in respect of Drem as one potential future development location that may be considered in to the longer term. The context for this is set out at paragraph 2.11, 2.70 – 2.77, 2.84 – 2.85, 2.114, 2.132 and 2.154 of the LDP. However, for this LDP period the only site that the Council chose to safeguard for future development is the Blindwells Expansion Area. This is in recognition of the position set out within the SDP in respect of Blindwells (paragraph 53 - 54), and the



unique benefits that such a scale of development there would offer for East Lothian.

The Council submits that Drem is within the SDP1(CD 030) SDA (see SDP1 Spatial Strategy Technical Note) (CD 035), and the Council notes that development is to be steered to the most sustainable locations (SDP paragraph 17, 49 and 119 etc). The Council submits that this is also true when considering sites for development in more local areas, such as in the Drem/Fenton Barns area, where there may be opportunities to maximise the relationship between potential new development locations and public transport nodes in the longer term.

The land subject to this representation is situated in the catchments of Athelstaneford Primary School, Dirleton Primary School and North Berwick High School. Education capacity for this site has not been assessed as it has not been included in the LDP, both in terms of potential to provide additional school capacity or the associated costs. Only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. For this scale of development there would be no capacity within the current schools, and consideration to build a new primary school would be required. However there is no certainty over the potential to provide additional capacity at North Berwick High School. The Council does not support the provision of education capacity for this site and would not propose to consult on any new school catchments associated with doing this. The Council has not chosen and will not choose to make education capacity available for this site at this stage, as explained at paragraph 3.110 of the LDP. As such, currently the provision of additional education capacity is a key constraint in respect of housing development at this site. This position may be considered in association with a review of the LDP.

The Council has undertaken a Transport Appraisal (TA) (CD 030) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site has been assessed (MIR/NK/HSG121a) (CD060i) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that a private sewerage treatment works is likely to be required. The site is Class 1 and 2 prime quality agricultural land. Parts of the site are contaminated whilst parts of it are at risk from flooding, and there are concerns for the water environment at the Peffer Burn. There are listed buildings nearby and scheduled monuments to the west of the site, and

there may also be impacts on the setting of scheduled monuments in the wider area. There is good potential for archaeological remains on the site, including associated with the WW1 and 11 airfield at Fenton Barns. The land in the area is generally flat with a high degree of inter visibility providing long and short distance views. Development here could harm the landscape character of the area. This is a view shared by SNH, which recommends that further study is required concerning the suitability of this site and others in the area in relation to landscape capacity and issues of landscape and visual impact to refine site selection. The Council notes that the wider area proposed for development as part of this submission, and that includes wide areas of land that do not feature within any other representation to the LDP, has not been subject to SEA site assessment since it has been submitted in representation to the LDP.

The Council submits that representations made in respect of the LDP (Drem: Cala (0393) and James Millar (Kilduff) Ltd (0204); and Fenton Barns: Wallace Land (0281) and Stewart Milne Ltd (0297)) suggest that the LDP should make either land allocations or land safeguards with an overall capacity for 6,000+ homes. The Council further submits that it is premature to consider the planning merits of whether any, all or part of such land should be allocated or safeguarded for development – i.e. to define a site boundary for land. This is especially the case since any overall boundary has not been specified or consulted on at any stage of the LDP preparation process.

The Council submits that a better approach is the one currently set out within the LDP, namely that a statement is used to describe high level potential opportunities and constraints, to encourage landowners and developers to work together to find deliverable solutions that would allow these locations to be considered as a potential development location(s) into the longer term, subject to a review of SDP1 and LDP1.

Accordingly, the Council submits that it is unnecessary and would be inappropriate at this stage to safeguard (or allocate) land at Drem or Fenton Barns or land south of the East Coast Main Line at Drem for a potential future strategic development. The Council further submits that no additional development land is required during this LDP period for the reasons given in the Council's response to Issue 11 and 12.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Land East of Athelstaneford**

#### Haig Hamilton (0219/1)

The representation suggests the allocation of land for around 40 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.

The land subject to this representation is situated in the catchments of Athelstaneford Primary School and North Berwick High School. Technical Note 14 states that from the current proposed allocations at Athelstaneford there will be no LDP impact. However, the impact of this proposed site has not been assessed in terms of potential to provide sufficient school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of school capacity. Education capacity is constrained at Athelstaneford with limited capacity and no potential to expand the school within the campus site.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively. It is of a scale that could have a cumulative adverse impact on the strategic transport network. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (PM/NK/HSG033) (CD 060i) has been assessed but not selected for inclusion within the proposed LDP. The site assessment notes that the site is Class 3.1 prime quality agricultural land. The site is within Athelstaneford Conservation Area and development here could affect the setting of the conservation area. Development of the site would encroach into the rural landscape beyond the existing settlement boundary.

The committed site in the LDP (Table NK1 p56) is located within the settlement boundary of Athelstaneford and its location would round off the boundary of the settlement while avoiding intrusion into the rural landscape. The Council submits that road access from the southern part of the site could continue into the northern part to complete the development. This committed site is not in such a visually sensitive location as the one subject to this representation. Whilst the current application remains undetermined, correspondence from the applicant suggests a commitment to the scheme. This is further confirmed by the submission of the site to the Council for continued consideration as a housing development opportunity at the call for sites stage (see SEA site assessment PM/NK/HSG045) (CD 060i). The Council submits that this more logical expansion site should be completed before further development is considered at this settlement.

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is necessary.**

### **Bickerton Fields, Aberlady**

#### CALA Management Ltd (0233)

The representation suggests the allocation of land for around 80 homes.

The Council submits that the LDP allocates an appropriate and sufficient amount of housing land to meet the SDP Housing Land Requirements (CD 030) (see Council's response to Issue 12). The LDP allocates a range of sites of different sizes and types in marketable locations. These sites will provide a range of and mix of housing types and sizes to meet all sectors of the market. As such, the Council submits that no further housing land allocations are required here or elsewhere for this LDP period.



The land subject to this representation is situated in the catchments of Aberlady Primary School and North Berwick High School. The impact of this proposed site has not been assessed in terms of potential to provide additional school capacity nor the associated costs. At this point only the impact of the LDP sites have been assessed. Further technical work would be required to assess whether the addition of this site would compromise the ability to deliver the wider elements of the LDP in terms of education capacity. However, education capacity is constrained at Aberlady with no potential capacity to provide for other than the proposed LDP site.

The Council has undertaken a Transport Appraisal (TA) (CD 041) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD 029). There has also been liaison with Transport Scotland throughout the Appraisal to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan with a view to identifying appropriate interventions that would enable the Council to manage road capacity and traffic generation issues in an acceptable manner. The TA indicates that additional traffic associated with the cumulative LDP proposals can be accommodated on the local road network within this emerging Local Development Plan. However the TA acknowledges that traffic mitigation will be required in several locations around East Lothian with the cumulative LDP proposals.

This proposal site has not been included in the Transport Appraisal modelling to assess its impacts either as an individual site, or cumulatively, and/or is of a scale that could cause a significant additional adverse impact to both the local and strategic transport network for which no mitigation has been identified. In the absence of the modelling information this site cannot therefore be supported.

In terms of SEA, the site (PM/NK/HSG006 and MIR/NK/HSG006b) (CD 060h & CD 060i) has been assessed in two parts, reflecting that overtime the proposal has changed from pre-MIR stage to MIR response (CD 068). Notwithstanding this, the site has not been selected for inclusion within the proposed LDP. The site assessment notes that the site is Class 1 and prime quality agricultural land. The northern portion of the site is at medium risk of flooding. The site is within Athelstaneford Conservation Area and development here could affect the setting of the conservation area. There are other cultural heritage assets in the local area, including scheduled monuments, category A listed buildings and Luffness Garden/Designed Landscape, but Historic Environment Scotland has not raised concerns in respect of them. The area is nonetheless a sensitive one. Development of the site would encroach into the undeveloped coast and rural landscape beyond the existing settlement boundary.

The Council submits the land subject to this representation is proposed to be included within an area that would be subject to LDP Policy DC1: Rural Diversification and Policy DC8: Countryside Around Town designations. The Council submits that this is for the reasons given at paragraphs 2.7 and 2.157-2.158 of the proposed LDP. The Council further submits that the approach now proposed by the LDP was extensively consulted on through the MIR process (see MIR pages 63-65 and 216).

This new site has not been subject to HRA through the LDP process, either individually or in combination with other proposed allocations. The Council submits that a modification to the LDP to include this site as an allocation within the LDP would be inappropriate at this stage and is not justified. **The Council submits that no modification of the plan is**

**necessary.**

**Reporter's conclusions:**

**Preliminary**

1. The housing requirement has been considered under Issue 12: Planning for Housing. This concludes that the plan identifies around 11,800 housing units over the period to 2024 against a requirement of 10,050 units.

Overall, we consider that the housing land supply (as recommended to be modified) is sufficient to meet and exceed SESplan's housing requirement over the period to 2024 without the need to find additional land at this time.

2. Employment land allocations have been considered under Issue 11: Planning for Employment and Tourism. This identifies that the plan makes provision for considerably more than the 76 hectares of employment land required by SESplan. The local development plan indicates a total of 232 hectares of employment land overall, 64.6 hectares of which are new allocations.

3. We have considered the relative merits of the allocated sites within the plan where these have been raised in the representations. We generally support the site allocations for housing and employment; the only exceptions concern one housing site within the Musselburgh Cluster (MH13: Howe Mire) and two housing sites in the Tranent Cluster (TT15 Humbie North and TT16 East Saltoun), which we recommend should be deleted from the plan.

4. Overall, we maintain that there is sufficient land allocated within the plan (as recommended to be modified) to meet SESplan's requirements. Consequently, there is no need for the plan to identify additional or alternative allocations for housing or employment development and we do not recommend that any of the sites suggested in this Issue are included, with the exception of Land at Newtonlees, Dunbar as indicated below. For completeness, however, we have responded individually to each of the sites suggested in the representations.

5. For this Issue, sites within the relative cluster areas have been dealt with by three individual reporters as follows: Claire Milne (Musselburgh); Jo-Anne Garrick (Prestonpans, Tranent, Haddington and North Berwick); and Malcolm Mahony (Dunbar).

**Musselburgh Cluster**

Land at Pinkiehill, Inveresk

6. Cala Management Ltd seek the allocation of this site which comprises 4.4 hectares with an indicative capacity of 45 homes. The site is prime (Class 1) agricultural land and lies within the green belt at the southern edge of Inveresk. It is also included within the Inveresk Conservation Area, forms part of a scheduled monument (designation confirmed at appeal) and falls within the designated area of the Pinkie battlefield.

7. The council argues that the site has not been assessed in relation to school capacity at Musselburgh Grammar, Loretto RC Primary School or Pinkie St Peter's Primary School. The latter has limited potential for expansion. The site has also not been assessed in the

council's Transport Appraisal for individual or cumulative effects and need for mitigation. In addition, the site has not been subject to Habitats Regulations Assessment.

8. The council's draft Environmental Report site assessment, which considers a larger area comprising 14.4 hectares originally promoted at the Main Issues Report stage, concludes that development of this site could adversely affect the landscape setting of the conservation area and lead to coalescence with Wallyford to the east. The council acknowledges that further assessment is also required given the outcome of the scheduled monument designation appeal.

9. While this site is smaller than that assessed as part of the Strategic Environmental Assessment and therefore would be less likely to result in coalescence, it remains highly visible. With open countryside to the south (the East Coast Main Line lies within a cutting at this point) and an undeveloped field to the north, development at this site would not represent a logical extension to the settlement. It would appear particularly obtrusive in views from the A1 road and from the edge of Wallyford, and would intrude into views of Inveresk.

10. Historic Environment Scotland considers that development in this area would have an adverse impact on the scheduled monument and has the potential for significant impacts on the Pinkie battlefield. They object to the proposal as it raises issues of national importance in respect of archaeology.

11. I agree with the council that the site is important to the setting of Inveresk and development in this location would have an adverse impact on the landscape and on historic assets. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land at Goshen, Musselburgh

12. Ashfield Commercial Properties Ltd request that this site is allocated for 900 homes, a local centre and, if necessary, a primary school. The site is located to the east of Musselburgh within the green belt. The site is prime (Class 1) agricultural land and lies within the designated area of the Pinkie battlefield.

13. The site was included within the Main Issues Report as a preferred site for 1000 units including a new primary school and a new high school. While I note that the site was then suggested by officers for inclusion within a draft proposed plan (a non-statutory stage in plan preparation), the minutes of the council meeting (CD107) confirm that the council decided not to allocate it within the draft plan. This position was carried through to the Proposed Plan.

14. The representation argues for the allocation of this site in preference to Proposal MH10: Land at Dolpinghstone and Proposal MH11: New Secondary School in Musselburgh, and also requests the deletion of Proposal MH13 Howe Mire. Within Issue 3, I confirm my support for the allocation of Proposals MH10 and MH11 and I recommend the deletion of Proposal MH13. The retention of MH10 and MH11 within the plan would not lend support to the development of alternative sites for housing and new school provision at Goshen. Furthermore, the recommended deletion of MH13 for 170 houses does not mean that compensatory provision needs to be identified elsewhere.

15. The council argues that the site has not been assessed in relation to school capacity

at Musselburgh Grammar, Loretto RC Primary School or Wallyford. For this scale of development, it considers that there would be no capacity within the current schools. The council regards education capacity as a key constraint which impacts on the effectiveness of the site. The site has also not been assessed in the council's Transport Appraisal for individual or cumulative effects and need for mitigation. In addition, the site has not been subject to Habitats Regulations Assessment.

16. The council's draft Environmental Report site assessment highlights the merits of the location of the site in terms of its accessibility by public transport to Musselburgh and other major settlements. The assessment also highlights the role of the site in providing a visual separation between Musselburgh and Prestonpans. It concludes that the proposal would lead to the reduction of this separation and increased inter-visibility between settlements. Drummohr House, category B listed, is also referred to and the potential for impacts on its setting and also impacts on the Pinkie battlefield.

17. Historic Environment Scotland has raised particular concerns about the cumulative impacts on the battlefield landscape if the sites MH13 Howe Mire, this site (Goshen Farm), and the Loan (Land at Galt Terrace referred to below) were all to be included within the plan. They maintain that their previous advice on allocations not currently in the plan (made at the Main Issues Report stage) is given appropriate weight if any changes are made to the spatial strategy in this area. Their comments on the preferred allocation of Goshen within the Main Issues Report refer to the scale of development proposed for this area having the potential to raise issues of national significance with regard to the battlefield and to have an impact on Drummohr House. However, they accept that this doesn't rule out the entire proposed development area providing there is appropriate mitigation. While I note that a request to alter the battlefield Inventory has been made, the Inventory remains as designated. Consequently, I do not consider that my recommendation to delete MH13 and not to allocate Land at Galt Terrace (see below), entirely removes the concerns raised by Historic Environment Scotland with regard to the scale of development proposed for Goshen.

18. I note the grant of planning permission for Proposal PS2: Land at Dolphingstone North, Prestonpans and the proximity of this site to Goshen but also to the allocated Proposal MH10 in Wallyford. I accept that MH10 will reduce the degree of visual separation between Wallyford and Prestonpans. However the introduction of the scale of development proposed at Goshen would also intrude into the undeveloped countryside between Musselburgh and Prestonpans. Such an allocation would therefore have the potential to lead to coalescence and loss of settlement identity and setting.

19. Given the drawbacks of the proposal highlighted above, and the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land at Galt Terrace, Musselburgh

20. Stewart Milne Homes seek the allocation of this site which comprises around five hectares for an indicative capacity of 190 homes. The site lies within the green belt between Musselburgh and Wallyford. It also falls within the designated area of the Pinkie battlefield. The site is subject to an application for planning permission in principle for residential development which is pending.

21. The council argues that the site has not been assessed in relation to school capacity

at Musselburgh Grammar, Loretto RC Primary School or Wallyford Primary School. The latter has no available capacity and the council regards this as a key constraint which impacts on the effectiveness of the site. The site has also not been assessed in the council's Transport Appraisal for individual or cumulative effects and need for mitigation. In addition, the site has not been subject to Habitats Regulations Assessment.

22. Historic Environment Scotland has raised particular concerns about the cumulative impacts on the battlefield landscape if the sites at MH13 Howe Mire, Goshen Farm, and the Loan (this site) were all to be included within the plan. They maintain that their previous advice on allocations not currently in the plan (made at the Main Issues Report stage) is given appropriate weight if any changes are made to the spatial strategy in this area.

23. The council's draft Environmental Report site assessment states that the site is rural and undeveloped in character. I note these general characteristics and also that the site is immediately adjacent to existing housing and the East Coast Main Line and close to Wallyford rail station. The site assessment concludes that development of the site would create visual and physical coalescence of Wallyford and Musselburgh, harming the setting and identity of these settlements. I acknowledge that some degree of coalescence between Musselburgh and Wallyford is already established elsewhere, and that development in Wallyford extends right up to the East Coast Main Line. However, this elongated site has the potential to entirely infill one of the remaining open areas between the two settlements. The allocation of this site would therefore lead result in a greater degree of coalescence with consequent impacts on settlement identity and setting.

24. Given the above, and the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

### **Prestonpans Cluster**

#### Land at Port Seton Links

25. The site proposed by Mr AP Dale and Mr R F Dale is identified within the plan as forming part of the Countryside Around Towns designation. The representation states that the proposed site lies within a sustainable location, within the East Coast Strategic Development Area, there are no constraints to its development and it has the capacity to deliver up to 90 homes. The site lies adjacent to the existing built up area of Port Seton, with Seton Sands Holiday Park located to the east of the site.

26. The council submits that additional assessment work would be required to consider the impact of the proposed site on education capacity and the local and strategic transport network. In addition, the council highlights that the site: includes prime agricultural land; is at risk from flooding; is potentially contaminated; provides an important view corridor for the category A listed Seton Castle and forms part of the Battle of Prestonpans site; provides separation between Port Seton and the adjacent caravan park and is more widely important to the overall Countryside Around Towns designation; and has not been assessed as part of the Habitat Regulations Assessment process.

27. Within Issue 26: Special Rural Landscapes, I conclude that given the historical importance of the site, particularly with regard to its relationship with Seton Castle and the Seton House Inventory Garden and Designated Landscape, it is appropriate for it to be included within the Countryside Around Towns designation. I also note that the draft

Environmental Report site assessment identifies concerns with regard to highways and flood risk; with which I agree. Whilst I also agree that the site is located within an accessible and sustainable location, these locational benefits do not outweigh the environmental concerns highlighted above. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land at Meadowmill, Prestonpans

28. The representation by John Gray proposes the allocation of land at Meadowmill for approximately 9 homes. In addition, it raises concerns regarding the process for preparing the proposed plan, namely that the site was submitted to the council for consideration as part of the preparation of the plan and no consideration was given to it. The site was however considered by the council in its draft Environmental Report site assessment, it has therefore been considered as part of the Strategic Environmental Assessment process and in the preparation of the plan.

29. The council submit that the site is not suitable as there are more appropriate sites which are proposed to be allocated. In addition, the site is proposed to be included as part of the Countryside Around Towns designation. I note the information contained within the representation and I agree that the site is well located to the small settlement of Meadowmill and is in close proximity to a number of services within both Prestonpans and Tranent. However, development of the scale proposed would significantly increase the size of Meadowmill.

30. I agree with the council's conclusions within Technical Note 8: Planning for Countryside Around Towns, that whilst the land between Prestonpans and Tranent contains transport routes, infrastructure and community facilities as well as historic and other buildings, the area is generally open. I also agree that this area helps to define the individual character and landscape setting of the two towns. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land and Fishergate Road, Port Seton

31. In the context of a perceived requirement for additional housing land, the representation by Wallace Land Investments seeks the allocation of Land at Fishergate Road for 150 dwellings. The site is greenfield and located to the south east of Port Seton. The representation highlights the sustainability of the site's location and the lack of constraints to development.

32. I note the council's conclusions set out within the draft Environmental Report site assessment, particularly the potential impact of development of the site on the setting of the category A listed Seton Castle, Seton House (Palace) Inventory Garden and Designed Landscape, the Prestonpans battlefield and the relationship with Blindwells new settlement. I also note that the impact of the development of the site on education and transport capacity has not been fully considered and that the site is proposed to be included within the Countryside Around Towns designation.

33. At my site inspection I observed the landscape setting of the site in relation to the nearby historic assets and also the proximity of the site to Blindwells. I agree with the conclusions of the council that there is potential for the development of the site to

negatively impact on important historic assets. In Issue 26, I conclude that the site is part of an important area of land between Blindwells and Cockenzie/Port Seton and that community identity and coalescence are key issues for this site given its location. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

## **Tranent Cluster**

### Land at Humbie

34. The representation by Hew Balfour proposes the allocation of a housing site to the west of Humbie, to include the residential properties at Upper Keith Farm and the area of land between Upper Keith and the current settlement boundary. It is submitted that the proposed site is well related to the existing settlement and would therefore be a logical extension.

35. At my site visit I observed that Humbie is a small rural village with very limited services. I note within the draft Environmental Report site assessment, which considers a smaller site to that proposed within the representation, the conclusion that:

- the development of the site would not align well with strategic and local policy objectives including meeting housing need and demand in the most sustainable locations that minimise the need to travel;
- whilst the site is within 400m of a bus stop, there is currently no service and there is no rail station within 800m;
- there are a limited range of services and facilities within 1600m, including a small shop, primary school and church;
- development would result in the loss of some prime agricultural land.

36. I agree with these conclusions. In addition, whilst the representation does not advise the level of development proposed on the site, the scale of the site is large in relation to the village. I note that some residential development may help to sustain rural services however current facilities within the village are very limited.

37. Given the drawbacks of the proposal highlighted above, and the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

### Land east of Tranent

38. The representations from Messrs R and A Kennedy & Omnivale promote land to the east of Tranent and relate to land holdings submitted through separate representations. In total, the representations suggest the allocation of land for around 850 homes.

39. The site promoted by Messer R and Kennedy identifies additional housing on land to the east of Tranent could provide: circa 550 homes (option 1) or circa 200 homes (option 2) to help the housing land supply position; a site for a primary school; a sports facility comprising two full size football pitches; a multi-purpose games area; children's play facilities; structural landscaping; and related infrastructure. In addition, the representation states that a fundamental benefit would be the delivery of a road through the development linking from the A199 Haddington Road to the B6371 Ormiston Road to the south, which would assist with traffic management. The site promoted by Omnivale Ltd proposes land at Tranent Mains, to the east of Tranent. The draft Environmental

Report site assessment identifies a capacity of around 300 homes.

40. The council submit that the impact of the proposed sites on education and highway capacity, have not been assessed. I note that the draft Environmental Report site assessment concludes that the sites are well related to Tranent, which is ranked as the fourth most assessable settlement in East Lothian, also that they form a logical area of expansion. Whilst I agree that both sites may comprise a logical area of potential future expansion, the required assessment work including that regarding education and highway capacity has not been undertaken. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at these sites.

#### Land at Tranent Cemetery

41. Representations from Omnivale Ltd promote two sites at Tranent Cemetery, land to the west and land to the east. The site to the west is proposed to accommodate 25-30 homes and the site to the east around 30 homes. The representations identify the suitability of the sites for residential development and the lack of constraints. The representation also objects to the identification of the land to the west within the plan as an area safeguarded for cemetery expansion. This matter is considered within Issue 17: Open Space and Play Provision.

42. The council submit that the impact of the proposed sites on education and highway capacity, have not been assessed. At my site inspection I noted the relationship between the site to the west of the cemetery and the nearby Tranent Conservation Area as well as listed buildings on Church Street and I agree with the council that development of the site may therefore impact on heritage assets. I also agree with the council that development in this location would be prominent in views from the A1 road - this is also relevant to the site to the east of the cemetery. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at these sites.

#### Land at Hillview, Ormiston

43. The Esperance Trust Group seek the allocation of the site, which lies to the south east of Ormiston, for specialist residential development, to provide retirement housing. The representation highlights that there is a need for the provision of housing for the over 65 age group and provides information to seek to demonstrate that the site complies with the overall strategy of the plan and that it is not constrained. In addition, the representation objects to the proposed inclusion of the site within the Countryside Around Towns designation.

44. The council submit that it is not clear within the representation the type of housing proposed at the site and that retirement housing could be secured from sites proposed to be allocated for housing and that the site to the west of Ormiston provides an opportunity to help satisfy need in the area.

45. The draft Environmental Report site assessment identifies that the site is well related to the settlement and close to local services and facilities and that its location would align well with the strategic policy objectives of locating development within the most sustainable areas, to which I agree. However, I note that concerns are identified with regard to a number of matters including education capacity (not relevant to retirement housing), highways, flood risk and landscape impact.



46. The site is proposed to be included as part of the Countryside Around Towns designation. I conclude in Issue 26, that the land to the south of Ormiston, including the submitted site, is an important part of the landscape setting and identity of the settlement. It is therefore appropriate to include it within the Countryside Around Towns designation. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land to the north of the A1 Gladsmuir junction

47. Karting Indoors Ltd request the inclusion of their site, which is adjacent to the Gladsmuir junction, as a site for roadside services. The site is currently operating as an indoor go-karting business. The council state that any future proposals to change the use of the site could be considered through the planning application process and that Policy DC1: Rural Diversification would in principle, support a roadside services use. Reference is also made to Proposal BW2 (safeguarded Blindwells expansion area).

48. I agree with the council, that given the location of the site within the open countryside, it is necessary to safeguard the area from inappropriate employment uses and that any future proposal could be considered as part of the determination of a planning application where the full impacts of any subsequent proposal could be fully considered. I reach a similar conclusion in Issue 6: Tranent Cluster.

### **Haddington Cluster**

#### Monkrigg Road, Haddington

49. Messrs R and A Kennedy submit that an additional site, at Monkrigg Road should be allocated within the plan for retirement development, which would include housing exclusively for the over 55 age group and related facilities. The representation states that there is a need for this development, that the site is in an appropriate location and there are no known constraints to its delivery.

50. The council submit that the type of housing proposed could be provided on other sites proposed to be allocated within the plan and that no further allocations are required.

51. The draft Environmental Report site assessment identifies that the site is well related to the settlement and close to local services and facilities and that its location would align well with the strategic policy objectives of locating development within the most sustainable areas, to which I agree. However, I note that concerns are identified with regard to a number of matters including education capacity (not relevant to retirement housing), highways, potential flood risk and landscape impact.

52. The site is proposed to be included as part of the Countryside Around Towns designation. Technical Note 8: Planning For Countryside Around Towns identifies that to the south east of Haddington, the landscape rises to a natural ridge line to the southeast of the town at Briery Bank. It also highlights that development further southeast would extend built development beyond its natural landform containment of the bowl enclosure of the current settlement. This would greatly increase visibility of the town in views from the south and detrimentally impact on the landscape character and wider countryside setting of the settlement. I agree with this assessment and consider the development of the site could impact on the setting and character of Haddington. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to

allocate land at this site.

#### Land at OTH-H8, West Letham

53. The site submitted by Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd lies on the west of Haddington, between the Oaktree junction and the Letham smallholdings. The representation provides an analysis of the site, which includes its relationship with the surrounding area, concluding that the location is sustainable. It also identifies that there are no known constraints to delivery.

54. The draft Environmental Report site assessment highlights the accessibility of the site, the need for infrastructure improvements, concerns over education capacity, loss of prime agricultural land, flooding and landscape impacts. I also note the council's concerns regarding potential highway impacts. The site is proposed to be included as part of the Countryside Around Towns designation. Technical Note 8: Planning For Countryside Around Towns identifies the distinctive character of the long-established smallholdings in the countryside west of Letham Mains.

55. I note that the character of the immediate surrounding area would change as a result of the development of sites Proposal HN1 (Letham Mains, Haddington) and Proposal HN2 (Letham Mains Expansion, Haddington). However, I agree with the council that infill development to the west of Haddington would result in the loss of the distinctive landscape character, which provides an important setting to the town. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land at OTH-H6, Amisfield

56. Lord Wemyss Trust seek a modification to the plan that removes the site from the proposed Countryside Around Town designation and in turn, promotes its allocation for housing. The opposition to the inclusion of the site within the Countryside Around Towns designation is dealt with in Issue 26, where I conclude that the designation should remain as the site forms an important element of the character of the town and its conservation area.

57. The representation promotes the site for housing development in the context of a perceived shortfall in the housing land requirement.

58. The draft Environmental Report site assessment highlights the accessibility of the site, the need for infrastructure improvements, concerns over education capacity, loss of prime agricultural land, flooding, as well as heritage and landscape impacts. I also note the council's concerns regarding potential highway impacts.

59. I agree with the council that the site is important to the setting of Haddington and development in this location would have an adverse effect on the landscape and historic assets due to its prominence. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land at South Gateside

60. The BS&S Group seek a modification to the plan that removes the site from the proposed Countryside Around Towns designation and in turn, promotes its allocation for

housing. The representation promotes the site for housing development in the context of a perceived shortfall in the housing land requirement. The opposition to the inclusion of the site within the Countryside Around Towns designation is dealt with in Issue 26, where I conclude that the designation should remain as its development would result in the loss of distinctive landscape character, which provides an important setting to the town.

61. Part of the site was considered within the draft Environmental Report site assessment, which highlights that although the site is located within the East Lothian Strategic Development Area, concerns remain over its location, access to services and facilities, impact on the smallholdings, access to infrastructure including education, loss of prime agricultural land, flood risk and landscape impacts. I also note the council's concerns regarding potential highway impacts.

62. As highlighted in paragraph 55 above, I note that the character of the immediate surrounding area would change as a result of the development of sites Proposal HN1 (Letham Mains, Haddington) and Proposal HN2 (Letham Mains Expansion, Haddington). However, I agree with the council that the development of this site would result in the loss of the distinctive landscape character, which provides an important setting to the town. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

### **Dunbar Cluster**

#### Land at Newtonlees Farm, Dunbar

63. This site in the south-east of Dunbar is adjacent to the almost completed development for 240 residential units on Proposal DR5. It is being promoted by Gladman Developments as additional to the sites allocated in the plan.

64. The representation proposes to include a cemetery within the site to provide an extension to Deer Park Cemetery, which lies on the opposite side of the A1087 road. The precise location of the cemetery would be determined as part of a masterplanning exercise, following technical assessments.

65. In the course of our examination, the council resolved that it was minded to grant planning permission in principle for residential development (up to 115 units) and cemetery, with associated access, infrastructure, landscape and open space on the site. This proposal is in line with the development as promoted by Gladman Developments in its representation.

66. I accept that it is a reasonably accessible, sustainable site which would allow for a fairly compact form of extension to the town without unacceptable landscape impact. It offers scope for early development.

67. Overall, I am satisfied that this site is suitable for inclusion as an allocation for residential development and, whilst not essential to meet the housing land requirement identified within the plan, it would contribute to the generosity of the supply.

#### Land at Phantassie, East Linton

68. Stewart Milne Homes propose an additional site on greenfield land to the east of East Linton for approximately 100 homes with a public park on the low-lying land to the north.

They argue that it would form a small, logical extension to the village; would fit within the landscape structure; would be effective; would be easily accessible from the road network, including the trunk road; would be served by the prospective new rail station; and would occupy Class 2 agricultural land.

69. The adjacent Phantassie Steading has planning permission in principle for redevelopment for retail and a tourist facility with up to 259 car parking spaces and a service area.

70. The council argue that the site has not been assessed in relation to school capacity at Dunbar Grammar School and East Linton Primary School. The latter has limited capacity and limited potential for expansion, which may be taken up by Proposal DR8 Pencraig Hill. It has not been assessed in the council's Transport Appraisal for individual or cumulative effects and need for mitigation. The council's draft Environmental Report site assessment concludes that development of this site could adversely affect the setting of listed buildings, the conservation area and the landscape setting of the village. The site has not been subject to Habitats Regulations Assessment.

71. I consider that the site is a sensitive one, which has the potential drawbacks referred to by the council, and would represent an extension of the village in a new direction. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land at Preston Mains, East Linton

72. Barratt David Wilson Homes wish to see an additional allocation of 9 hectares of greenfield land at Preston Mains for 100-150 homes. They maintain that constraints around the village (the Countryside Around Towns designation and archaeology sites) limit the options for growth in other directions. They argue that it is an effective site in an accessible location which would not adversely impact on the character of the village or its landscape qualities. An indicative development framework and supporting statements on planning, landscape, transport and heritage issues have been submitted.

73. The council argue that the site has not been assessed in relation to school capacity at Dunbar Grammar School and East Linton Primary School. The latter has limited capacity and limited potential for expansion, which may be taken up by Proposal DR8 Pencraig Hill. It has not been assessed in the council's Transport Appraisal for individual or cumulative effects and need for mitigation. The draft Environmental Report site assessment indicates that: the site comprises Class 2 agricultural land; and development on the site could adversely affect the setting of listed buildings, the conservation area and the landscape setting of the village, including the local designed landscape at Smeaton. Historic Environment Scotland and Scottish Natural Heritage have expressed concerns regarding heritage and landscape matters, respectively. The site has not been subject to Habitats Regulations Assessment.

74. I consider that the proposal would not represent a compact development form for the village as it stands. It does not have strong natural boundaries to the north or east to contain the development, and could lead to pressure for development at Drylawhill as infill. It is located on rising ground at the edge of the village and has the drawbacks identified in the council's site assessment. The issue of constraints on directions of growth in East Linton would only apply if there were a pressing need for extra development in the village, which there is not. Given this, and also the lack of an overall requirement for additional

housing sites, there is no justification for the plan to allocate land at this site.

#### Land at Drylawhill, East Linton

75. Wallace Land and Investments are promoting some 23 hectares of land at Drylawhill for around 215 homes and open space. A development framework report indicates housing on either side of a 12.3 hectare swathe of public open space running east-west across the site. This is to take into account the setting of the Drylawhill Cursus and Settlements Scheduled Monument. Most of the housing would lie to the north of that space. It is contended that the site could be developed over a six year period starting in 2018.

76. The council argue that the site has not been assessed in relation to school capacity at Dunbar Grammar School and East Linton Primary School. The latter has limited capacity and limited potential for expansion, which may be taken up by Proposal DR8 Pencraig Hill. It has not been assessed in the council's Transport Appraisal for individual or cumulative effects and need for mitigation. The draft Environmental Report site assessment indicates that the site comprises Class 2 agricultural land. No Habitats Regulations Assessment has been carried out.

77. The council consider that development in this area would contravene Scottish Planning Policy for the protection of scheduled monuments in situ, and that it raises issues at national level. The category A listed St Baldrick's Kirk abuts the southern boundary of the site and its setting could be harmed. Historic Environment Scotland have stated that they object to the proposal. The council regard the southern part of the site as non-effective due to problems with site access and third party land. Access between the northern and southern parts of the site would be needed. The northern part of the site rises above the level of natural landscape containment and could harm local and wider views. The local designed landscape at Smeaton could be adversely affected.

78. I consider that the proposal has the drawbacks identified in the above paragraph. Given this, and the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

#### Land at Eweford, Dunbar

79. Taylor Wimpey promote the allocation or safeguarding of a large site at Eweford to the south-west of Dunbar for residential-led mixed use development. This land was considered in the Main Issues Report where its capacity was given as around 1,000 homes.

80. The council accepts this site as being one future potential development location in the longer term. Matters which would need to be resolved to allow such development are described at paragraph 2.132 of the plan. However, in this local development plan period the only proposed housing safeguard is for Blindwells Expansion Area, on the basis that it is recognised as a commitment in SESplan and because of the unique benefits such a scale of development would offer East Lothian. There is no equivalent support in the strategic development plan for land at Eweford. Current approved sites should be built out before any other land is considered for development in Dunbar. This will not occur within the timescale of the plan.

81. The council considers that, for the proposed scale of development, a new primary

school would be required and there are significant constraints in providing the additional capacity which would be required at Dunbar Grammar School within its current site. The proposal is likely to have significant adverse effects on the local and strategic transport network, requiring mitigation. No assessment of this has been carried out either in the council's Transport Appraisal or by Taylor Wimpey.

82. The council's draft Environmental Report site assessment identifies that: the site occupies Class 2 and 3.1 agricultural land; it has the potential to harm the setting of listed buildings and scheduled monuments; development could result in the coalescence of West Barns and Dunbar; it would be visually prominent from the A1 road; and noise attenuation measures would be required. No Habitats Regulations Assessment has been carried out.

83. I accept the council's account of the drawbacks to allocation or safeguarding of this site described above. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to either allocate or safeguard land at this site.

### **North Berwick Cluster**

#### Employment sites, North Berwick

84. North Berwick Community Council seek modifications to the plan to include five additional employment sites in North Berwick: Tantallon Road, Lime Grove, Williamston, Old Gasworks and Fenton Barns. The representation states that given the level of housing growth proposed within the plan, additional employment land is required. I agree with the conclusion reached in Issue 11: Planning for Employment and Tourism, that there is no basis on which to allocate the suggested sites, or otherwise amend the plan.

#### Foreshot Terrace, Dirleton

85. The site is located to the north of Dirleton. Muir Homes and Lawrie Main seek a modification to the plan that removes the site from the proposed Countryside Around Towns designation allocation and in turn, promotes its allocation for housing. The opposition to the inclusion of the site within the Countryside Around Towns designation is dealt with in Issue 26, where I conclude that the designation should remain as the development would detrimentally impact on the countryside setting and character of the village.

86. Both representations submit that the Foreshot Terrace site is a more appropriate location for new development in Dirleton than the allocated Proposal NK11 (Castlemains, Dirleton). It is submitted that the site could be sympathetically designed and therefore integrated into the conservation area and with no adverse impact on Dirleton Castle. Also, that it represents a logical infill location that is well contained.

87. The draft Environmental Report site assessment highlights that the site is well related to the village and facilities are within walking distance. However, it also identifies limited education capacity, potential biodiversity concerns, loss of some prime agricultural land, potential impacts on Dirleton Conservation Area and landscape impacts. The council also identifies concerns with regard to a lack of assessment of highways impacts.

88. Whilst I agree that the site is well related to the village and has good access to local

village facilities, I find that development in this location could have an adverse effect on the conservation area and the wider landscape setting of the village. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

### Drem

89. Representations have been submitted in respect of sites at Drem, some of which have overlapping boundaries, stating that land should be safeguarded as a site for future large-scale development including new homes, primary school, employment and improvements to Drem Station. I note the council's concern that the submissions overlap and there is not one submission promoting a shared vision or proposal amongst landowners; a concern I share. It is clear from the submissions that the promoters have a variety of proposals, some at a more advanced stage than others. However, given the potential scale of the development, this is not suitably advanced to be considered through this local development plan.

90. In Issue 9: North Berwick Cluster, I conclude that land is already safeguarded at Blindwells and therefore the potential of Drem as a location for large scale development should be considered through the preparation of a future local development plan. Given the specific representation raised, I have recommended a modification which seeks to clarify the status of Drem within the plan.

91. Given the above, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to safeguard land at this site.

### Land East of Athelstaneford

92. Haig Hamilton seek modifications to the plan to allocate land east of Athelstaneford for the development of 30 homes. The site is located on the eastern edge of Athelstaneford. It is submitted that the proposed development will support existing village facilities, including the primary school.

93. At my site inspection I observed that Athelstaneford is a small village with limited facilities. Whilst there is a primary school, village hall and recreation ground, there are no local shopping facilities. I note the conclusions of the draft Environmental Report site assessment and the submission of the council with regard to the lack of assessment of the proposal in education and highway capacity. I agree with the council that development of the site could impact on the conservation area. Given these concerns, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

### Bickerton Fields, Aberlady

94. CALA Management Ltd submit the site for inclusion within the plan in order to provide flexibility to ensure the ongoing maintenance of a five-year effective housing land supply. The representation provides an analysis of the site, which includes its relationship with the surrounding area, concluding that its location is sustainable. It also identifies that there are no known constraints to delivery, seeking to address previous issues raised by the council.

95. The council submit that the impact of the site on education and highway capacity has

not been assessed and there would be a need for further technical work. I note the conclusions of the draft Environmental Report site assessment and the response to these issues included within the representation.

96. I agree that the site is well related to Aberlady and within walking distance of a range of facilities and services. However I also note the potential impacts on biodiversity given the proximity of the site to the Firth of Forth Special Protection Area, Ramsar and Site of Special Scientific Interest, loss of agricultural land and flooding issues. Development of the site could impact on a number of historic assets including: the Aberlady Conservation Area; listed buildings; scheduled monuments; and the Luffness and Gosford House Garden and Designed Landscape.

97. The site is proposed for inclusion as part of the Countryside Around Towns designation. Technical Note 8 highlights that to the east of Aberlady are the extensive tree belts of the Bickerton Strip. These form the western edge of the highly scenic Luffness Inventory Garden and Designed Landscape and together with the open farmland to their west up to the village edge they provide an established countryside edge and context to the village and a rural setting for the listed farm buildings at Aberlady Mains. From observations at my site visit, I agree with the council that an unsympathetic development could detrimentally impact on the landscape character and setting of the east side of this historic settlement and on views of the village from the A198 coast road. I note within the representations that the proposed scheme has been designed to seek to minimise impact on historic assets.

98. Given the above, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

### Fenton Barns

99. A number of representations have been submitted in respect of sites at Fenton Barns, stating that land should be allocated for a new settlement. The representations express concern that development at Blindwells has not been forthcoming and it is essential that the plan contains options to enable significant housing growth.

100. The council identifies concerns with regard to foul drainage, education and highway capacity. In addition, the draft Environmental Report site assessment identifies a number of issues including: the site comprises prime agricultural land; part of the site is at risk from flooding and there are concerns for the water environment; potential impact on heritage assets; and landscape impact.

101. Within Issue 5, we endorse the allocation of Blindwells (Proposal BW1) and recommend that Blindwells expansion area (Proposal BW2) remains safeguarded within the plan. Whilst I note from the submissions that work has been undertaken to seek to justify the allocation of the Fenton Barns area as a new settlement, the issues raised by the council highlight that a significant amount of feasibility and impact studies are needed. Given this, and also the lack of an overall requirement for additional housing sites, there is no justification for the plan to allocate land at this site.

102. In addition to promoting the allocation of land for a new settlement, the representation by Wallace Land and Investments submits that the plan should identify a settlement boundary around the existing built development at Fenton Barns. This would allow appropriate infill development associated with a village use, complementing and



supporting existing business. Without this designation, all existing economic development would continue to be considered development in the countryside, which is contrary to the policies within the plan.

103. I agree with the council that there are a number of policies within the plan, particularly Policy DC1: Rural Diversification that support economic development within the countryside where identified criteria are met. Therefore I find no modification is required in response to this element of the representation.

**Reporter's recommendations:**

Modify the local development plan by:

1. Adding a housing proposal for Land at Newtonlees Farm, Dunbar, as promoted in representation 0213/3 by Gladman Developments. A new paragraph should be added within the Dunbar Cluster: Main Development Proposals section of the plan stating:

“Land at Newtonlees Farm, Dunbar is allocated for residential development incorporating circa 115 homes and cemetery, with associated access, infrastructure, landscape and open space.”

2. Amending the Spatial Strategy for the Dunbar Cluster map to show the site - Land at Newtonlees Farm, Dunbar.

<b>Issue 14</b>	<b>Affordable Housing &amp; Specialist Housing</b>	
<b>Development plan reference:</b>	Growing Our Economy & Communities (pages 70 – 73)	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Andrew Plenderleith (0012)                  Sir Peter Burt Viking (0035)                  Longniddry Community Council (0161)                  Messrs R and A Kennedy (0188)                  McCarthy &amp; Stone (0273)                  Musselburgh Area Partnership (0291)                  East Lothian Liberal Democrat Party (0300)                  North Berwick Community Council (0326)                  Hargreaves Service Ltd (0349)                  Homes for Scotland (0353)                  East Lammermuir Community Council (0414)                  Loreen Pardoe (0422)                  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)                  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy HOU3: Affordable Housing Policy HOU4: Affordable Housing Tenure Mix	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy HOU3: Affordable Housing Quota</b></p> <p><u>Andrew Plenderleith (0012/2)</u></p> <p>Would like a breakdown of affordable housing for PROP TT1 as he is of the opinion that developers CALA and Walker Group can build out sites at Gullane and North Berwick without providing affordable housing.</p> <p><u>Messrs R and A Kennedy (0188/2)</u></p> <p>Policy HOU3 "Affordable Housing Quota" should be altered to remove the obligation for specialist or special needs housing development, including specifically designed to meet the needs of the over 55 age group, to provide for 25% affordable housing.</p> <p><u>McCarthy &amp; Stone (0273/2)</u></p> <p>Given the existing difficulties with the viability of development the Council is encouraged to explore the possibility of removing the requirement for affordable housing contributions from specialist accommodation to encourage development of this nature to come forward.</p> <p><u>East Lothian Liberal Democrat Party (0300/9)</u></p> <p>Concerned that government funding is inadequate to deliver the 25% affordable housing quota sought by the LDP. Commuted sums for affordable housing should be used to cross-</p>		

subsidise the provision of infrastructure. Concerned that social housing is not fully integrated within a wider development. Provision should be made for self-build homes within areas identified for affordable housing.

Hargreaves Service Ltd (0349)

Hargreaves supports the approach to affordable housing, 25% is a fair and consistent approach across the whole of East Lothian. In circumstances where there is no required demand, there should be cognisance of this within the policy. It is requested that the figure of 25% is applied to the Greater Blindwells Area.

Homes for Scotland (0353/4)

Homes for Scotland would support a greater degree of flexibility within the Affordable Housing policy (Policy HOU3). While we do not argue the 25% affordable housing percentage, we are aware of other planning authorities who operate an affordable housing 'credit system' whereby over provision on one site within the local authority area may provide 'credit' to allow for under provision on a another site in the area under specific circumstances. Perth & Kinross Council currently operates this practice with homebuilders, adding flexibility and supporting delivery of homes faster or in locations where there is more need. Homes for Scotland would be happy to discuss this further with East Lothian Council to provide case studies of this in other areas across Scotland. The policy should also clearly state that the obligation on the developer is to provide land for affordable housing units only, not the units themselves – clarity is needed here as this has not been explicitly stated.

Loreen Pardoe (0422/2)

Affordable housing should be more aligned with first time buyer's needs and those on lower salary income, and be focused in larger settlements.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/5)

Paragraph 3.52 refers to affordable housing and in particular states that for Letham Mains the quota of affordable housing is to be 17%. This should be applied to the Letham Mains Expansion as well and acknowledged within para 3.52. Support HOU3 subject to the modification specified.

**Policy HOU4: Affordable Housing Tenure Mix**

Sir Peter Burt Viking (0035/4)

Commutation payments for affordable housing need to be substantially increased to recognise the cost to the community.

Longniddry Community Council (0161/4)

The Community Council is concerned about the high need for affordable housing in the area, and that lower than market value can be treated as affordable housing. There is a need for social rented accommodate given that there are few council houses left as most have been bought at discount; there is also a need for a wider mix of homes including bungalows. Opposed to commuted sum payments for providing affordable housing.

Affordable housing should be integrated with the development, not in one area.

McCarthy & Stone (0273/3)

It is noted that HOU4 stipulates that amenity/sheltered/retirement housing which falls under Use Class 9 will fall under Council's affordable housing policy and the 25% affordable housing quota. This is based on Scottish Ministers 'Empowering Planning to Deliver Great Places' report. McCarthy and Stone have provided Affordable Housing contributions for some of their sites, notably at Tantallon Road, North Berwick. It is unlikely that a similar development in different settlements within the Authority would be able to support a level of contribution of this scale (£430,000).

East Lammermuir Community Council (0414/4)

Are any other places within settlements (villages or smaller hamlets) where housing could be made available for self-build including cooperatives? Is there any way land could be made available for co-housing groups?

East Lammermuir Community Council (0414/7)

How can we ensure that new housing meets local people's needs and preserves and encourages the diversity of the villages? What does the Council understand about housing need in East Lammermuir?

Loreen Pardoe (0422/3)

Affordable housing should be more aligned with first time buyers needs and those on lower salary income, and be focused in larger settlements.

**Specialist Housing Provision**

McCarthy & Stone (0273/1)

The provision of adequate support and accommodation for the increasingly ageing demographic profile of East Lothian is a significant challenge and, unless properly planned for over the next 20 years, there is likely to be a serious shortfall in specialist accommodation for the older population, which will have a knock on effect in meeting the housing needs of the whole area and wider policy objectives.

**Affordable and Specialist Housing Miscellaneous**

Musselburgh Area Partnership (0291/4)

The Area Partnership understands the housing requirement for East Lothian but too many houses are proposed for the Musselburgh area, which is unfair and does not equate to the impact on other communities in East Lothian, and is without an equivalent increase in infrastructure to cope in an already congested community. No specific consideration to providing homes (e.g. 1-2 bed bungalows with gardens) for downsizing households especially older people which would free up larger houses. New flats should have lifts installed to encourage more movement among elderly persons. The 5,700 houses proposed will increase the population by approximately 50% which is a massive increase and will negatively impact on our community. New communities should be considered

instead as indicated in para 3.13 of Proposed SESplan 2 (Core Doc). There is no provision for self build sites which would help maintain local ownership, identity and opportunity.

East Lothian Liberal Democrat Party (0300/10)

Objector suggests there is a need for a variety of housing styles, including bungalows for those seeking to downsize and for those with special needs such as mobility impairment. There is a need for single occupancy housing for all age groups and sometimes that need is overlooked; this does not seem to be given any prominence within the plan.

North Berwick Community Council (0326/4)

LDP needs to make provision for the aging population in North Berwick, for example to allow downsizing or to adapt housing.

North Berwick Community Council (0326/5)

There is a pressing need for affordable housing in North Berwick and the plan does not address this. Second homes and holiday homes should be taxed to a greater extent to prevent this accommodation being taken from available housing stock at North Berwick for local residents.

East Lammermuir Community Council (0414/8)

Is there any housing/or a means of offering support with renovations - for people who become elderly and infirm?

**Affordable and Specialist Housing Support**

Taylor Wimpey UK Ltd and MacTaggart & Mickel (0426/6); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/4)

Support Policy HOU4 as it recognises that a wide range of affordable housing tenure models are supported.

**Modifications sought by those submitting representations:**

**Policy HOU3: Affordable Housing Quota**

Andrew Plenderleith (0012/2); Loreen Pardoe (0422/2)

No Modification sought

Messrs R and A Kennedy (0188/2)

Policy HOU3 should be altered to state (Text to be added to the First Paragraph): "Housing development specifically designed to meet specialist or special needs, including housing specifically designed to meet the needs of the over 55 age group, will be excluded from this requirement where the continued age related occupation of such development is controlled".

McCathy & Stone (0273/2)

Removal of the 25% affordable housing requirement for specialist housing.

East Lothian Liberal Democrat Party (0300/9)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

Hargreaves Service Ltd (0349)

Modify the requirement for 30% affordable housing at Blindwells to reduce this to 25%.

Homes for Scotland (0353/4)

Amend Policy HOU3 to be clear that the obligation on the homebuilder is to provide the land for affordable units, not necessarily the units themselves. Also consider a more flexible approach to delivery of affordable housing on sites, with the potential to deliver more than the 25% required on one site and perhaps less on another site, on a case by case basis to support the delivery of new homes.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/5)

Paragraph 3.52 should be updated to state that the affordable housing quota at Letham Mains Expansion be 17%.

**Policy HOU4: Affordable Housing Tenure Mix**

Sir Peter Burt Viking (0035/4); Longniddry Community Council (0161/4); East Lammermuir Community Council (0414/4)(0414/7); Loreen Pardoe (0422/3);

No Modification sought

McCathy & Stone (0273/3)

Reconsider the inclusion of 25% affordable housing quota for amenity/sheltered/retirement housing falling under Use Class 9.

**Affordable and Specialist Housing Support**

Taylor Wimpey UK Ltd and MacTaggart & Mickel (0426/6); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/4)

No Modification sought

**Specialist Housing Provision**

McCathy & Stone (0273/1)

A more generic 'catch all' policy should state: ' The Council will encourage the provision of specialist housing for older people across all tenures in sustainable locations. The council aims to ensure that older people are able to secure and sustain independence in a home

appropriate to their circumstances and to actively encourage developers to build new homes to the 'lifetime homes' standard so that they can be readily adapted to meet the needs of those with disabilities and the elderly as well as assisting independent living at home. The Council will, through the identification of sites, allowing for windfall developments and/or granting of planning consents in sustainable locations provide for the development of retirement accommodation, residential care homes, close care, extra care and assisted care housing and Continuing Care Retirement Communities'

**Affordable and Specialist Housing Miscellaneous**

Musselburgh Area Partnership (0291/4) East Lammermuir Community Council (0414/8)

No Modification sought

East Lothian Liberal Democrat Party (0300/10)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

North Berwick Community Council (0326/4)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

North Berwick Community Council (0326/5)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

**Summary of responses (including reasons) by planning authority:**

**Policy HOU3: Affordable Housing Quota**

Andrew Plenderleith (0012/2)

Affordable housing is broadly defined as housing of reasonable quality that is affordable to people on modest incomes (SPP (2014) paragraph 126) (CD013). The need for affordable housing should be as close as possible to where it arises. The LDP (CD039) seeks to address this in its spatial strategy, policies and proposals taking into account local characteristics and the need for affordable housing. The LDP sets out the planning policy approach for increasing the supply of affordable housing in the area. Policy HOU3 - "Affordable Housing Quota" of the LDP requires that development proposals that bring forward 5 or more dwellings must make provision for affordable housing as part of the proposal. Other than for Blindwells and for Letham Mains in Haddington, which had their quotas set by the East Lothian Local Plan 2008 (30% and 17% respectively) the required proportion of affordable housing to be provided will be 25% of the total number of dwellings proposed for the site. Planning permission will not be approved unless an agreed mechanism is in place to secure the delivery of affordable housing. Therefore regardless of whether a site is in Tranent, Gullane or North Berwick there is a requirement on developers to provide 25% affordable housing provision. A wide range of housing tenures can be affordable. These include homes for social and mid-market rent including National Housing Trust and unsubsidised, subsidised shared ownership models and Scottish Government



Shared equity models, and discounted sale unsubsidised low cost home ownership. The Council will approve more detailed supplementary planning guidance that will allow developers and landowners to assess at an early stage the options and implications of providing for the expected affordable housing tenures. Policy HOU4 of the LDP supports this provision of Affordable Housing Tenure Mix. **The Council submits that no modification is required.**

Messrs R and A Kennedy (0188/2)

Policy HOU3 'Affordable Housing Quota' (CD039) includes all housing that is defined under use class 9, as defined by **The Town And Country Planning (Use Classes) (Scotland) Order 1997**, whether it be amenity, elderly or sheltered housing (CD003). There is a need to provide specialist affordable housing for a variety of client groups, especially the over 55 age group. This is consistent with paragraph 132 of SPP (2014) (CD013) and SDP paragraph 117 (CD030). The Council will assess every site on its own merits and where it is not possible to deliver affordable housing on site, it will consider an off-site contribution or in some cases a commuted sum to help deliver affordable housing elsewhere. The Council recently in lieu of an on-site contribution on a retirement development in North Berwick secured a commuted sum to help deliver affordable housing elsewhere. As outlined in response to McCathy & Stone (0273/2). **The Council submits that no modification is required.**

McCathy & Stone (0273/2)

Policy HOU3 'Affordable Housing Quota' (CD039) includes all housing that is defined under use Class 9, as defined by **The Town And Country Planning (Use Classes) (Scotland) Order 1997** (CD003), whether it be amenity, elderly or sheltered housing. There is a need to provide specialist affordable housing for a variety of client groups, especially the over 55 age group. This is consistent with paragraph 132 of SPP (2014) (CD013) and SDP paragraph 117 (CD030). This contribution is included within the overall 25% Affordable Housing contribution and is not an additional contribution. For clarity, this is a different classification from use Class 8, as defined by **The Town And Country Planning (Use Classes) (Scotland) Order 1997**, which covers policies HOU5 and HOU6. Use Class 8 would not require a 25% affordable housing contribution. It is likely that a range of housing options will be required to meet the needs of older and disabled people i.e. sheltered, amenity and wheelchair designed housing. A variety of house types and sizes will be required, to promote mobility in the housing system and enable downsizing where appropriate. Accessible and adaptable smaller homes and developing specialist housing will be critical.

The Council will assess every site on its own merits and where it is not possible to deliver affordable housing on site, it will consider an off-site contribution or in some cases a commuted sum to help deliver affordable housing elsewhere. The Council recently in lieu of an on-site affordable housing contribution on a retirement development in North Berwick secured a commuted sum to help deliver affordable housing elsewhere.

The Council submits that its approach is in line with the National Strategy for Housing Older People (CD023) launched in December 2011. It supports the Scottish Government policy of 'shifting the balance of care'. The Strategy identifies the main ways in which the housing sector supports a reshaping of health and social care services, 'shifting the balance of care' and independent living.

<http://www.gov.scot/Publications/2011/12/16091323/0>. [Age, Home And Community: A](#)



[Strategy For Housing For Scotland's Older People: 2012 - 2021](#) (CD023).

Comparisons with neighbouring SESplan authorities (Table 2.1) show East Lothian has a much higher proportion of older people than in City of Edinburgh and West Lothian. East Lothian has a slightly higher proportion of older people compared with Midlothian and a slightly lower proportion than Fife. Scottish Borders has a significantly higher proportion of older people than in East Lothian.

<b>% of Older People by SESplan authority area, mid 2015</b>				
	<b>Aged 65+</b>	<b>Aged 75+</b>	<b>Aged 85+</b>	<b>Total Aged 65+</b>
<b>East Lothian</b>	11,023	6,517	2,395	19,935
	10.7	6.3	2.3	19.3
<b>City of Edinburgh</b>	7.9	5.0	2.1	15.0
<b>Fife</b>	11.2	6.2	2.3	19.7
<b>Midlothian</b>	10.7	5.7	1.9	18.3
<b>Scottish Borders</b>	13.2	7.5	2.7	23.4
<b>West Lothian</b>	9.3	4.9	1.4	15.6
<b>Scotland</b>	10.1	6.0	2.2	18.3

The integration of adult health and social care provides an opportunity to strengthen the connections between housing, health and social care. Housing Contribution Statements (HCS) were introduced in 2013, to articulate the links between housing planning and health and social care joint strategic commissioning. The Public Bodies (Joint Working) (Scotland) Act 2014 (CD008) provides the legal framework for integrating health and social care services. In accordance with the Act, the HCS must set out the arrangement for carrying out the housing functions delegated to the Integration Authority as required by Section 29(2) (a) of the 2014 Act. HCSs intended to fill a perceived gap in ensuring that the housing contribution to improving health and social care outcomes was acknowledged and maximised, together with potential investment in housing related preventative expenditure. The initial East Lothian Statement had a specific focus on older people and strongly reflected the East Lothian Local Housing Strategy (LHS) 2012-17 (CD086).

A summary of evidence and key issues identified in SESplan HNDA is set out in the table below:

<b>The Shared Evidence Base and Key Housing Issues Related to Health and Social Care</b>	
<b>Evidence Base</b>	<b>Key Housing Issues</b>
<b>Older People</b>	
People aged 65-79 make up 13.3% of the EL population (12.5% nationally) and 4.9% of the EL population is aged 80+ (4.5% nationally).  The EL population aged 80+ comprises 37% males and 63% females, reflecting the national picture.  The EL population aged 65-79 increased by 12.4% from 2001-2011.  The EL population aged 80+ increased by 20.2% from 2001-2011.	A significant projected increase in the no. of older people, a high proportion of whom will be living alone and some with dementia and / or complex needs will have major implications for housing and health and social care services.  People living longer will mean increased demand for services, combined with a generally accepted view that public expectations of services are rising. This will be challenging, given the financial climate and cuts to public services. Addressing the housing needs of increasing numbers of older people will require a major rethink and redesign of services both

<p>The EL population age 65-79 is projected to increase by 65% from 2010-2035 (62% nationally).</p> <p>The EL population age 80+ is projected to increase by 111% from 2010-2035 (110% nationally).</p> <p>There are 13,930 single person households across EL. 54% are headed by a person age 60+ and 27% by a person age 75+.</p>	<p>nationally and at a local level.</p> <p><b>Building new, affordable and sustainable housing is a priority. A variety of house types and sizes are needed, to promote mobility in the housing system and enable downsizing where appropriate. Accessible and adaptable smaller homes will be critical and specialist housing will also be required.</b></p>
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Building new, affordable and sustainable housing is a priority, with a variety of house types and sizes to promote and encourage mobility in the housing system and enable downsizing where appropriate, reflecting the needs of the local community, with new homes easily accessible and adaptable

An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. For the purposes of this study, Specialist Housing Provision is defined as:

*‘specially designed housing, including wheelchair accessible housing, which comprises purpose built, remodelled or substantially adapted dwellings that include special design features suitable for a household that contains someone with mobility, sensory and/or cognitive impairment’.*

This includes retirement and amenity housing which plays an important part in helping to meet the needs of older people. Amenity housing is usually designated for people over the age of 55 years and is designed to assist with people with mobility issues and those requiring to downsize. There is no care support with this type of housing, although some may have access to emergency service through provision of community alarms. This type of AH is needed as part of the overall AH to be delivered to help ensure that the housing system functions properly – e.g. to ensure there is supply in the right types and tenures of housing to allow movement up, down and across the housing system.

The Council submits that this approach is consistent with paragraph 132 of SPP (2014) (CD013) and SDP paragraph 117 (CD030). There is need for this type of housing to be secured from all housing proposals within Class 9 of **The Town And Country Planning (Use Classes) (Scotland) Order 1997 (CD003)**. Whilst the priority will be for on-site provision, the Council would consider off-site provision to commuted sums in appropriate circumstances. **The Council submits that no modification is required.**

East Lothian Liberal Democrat Party (0300/9)

Concerns about Scottish Government subsidy noted. The Council submits that the affordable housing policy of the LDP will provide for the affordable housing quota to be met through a wider range of affordable housing tenures than those for which government subsidy is needed; this will also help to address the wider range of needs that exist. Commuted sums for affordable housing provision cannot be used to cross subsidise infrastructure provision, since this would fail the tests of the relevant Circular 3/2012: Planning Obligations and Good Neighbour agreements (CD021) that are set out and must be passed before developer contributions can be justified. East Lothian Council’s Draft Supplementary Planning Guidance: Affordable Housing Quota and Tenure Mix (Section 3

and 6) (CD062) recognises that Self Build is an affordable housing tenure. **The Council submits that no modification is required.**

Hargreaves Service Ltd (0349)

The Council notes that Hargreaves accept that there is a need for affordable housing. The Council submits that the 30% requirement for affordable housing at Blindwells (site BW1) originated from the East Lothian Local Plan 2008 (CD075), and this reason for the continuation of the approach is explained at paragraph 3.52 of the proposed LDP. Blindwells new settlement, being the largest allocation of housing land within the area, is a unique opportunity to increase the delivery of affordable housing and this further justifies the merits of the current allocation. This quota for affordable housing has featured in all discussion on the site and is also reflected in the Council's Strategic Housing Investment Plan (CD095). The Council submits that the 30% quota was consulted on through the MIR (CD068), and that it was not expressly stated at that stage that such a quota would have effects on the viability of Proposal BW1. It is noted that elsewhere in the Hargreaves submission (see para 2.4 of 0349) that the site is effective and can be developed in accordance with Proposal BW1, which includes a requirement to conform to the adopted Development Framework for the site that requires the provision of 30% affordable housing. It should be noted that the Council has also sought to find a more cost effective education solution for proposal BW1 by allowing the expansion of Preston Lodge High School rather than require the provision of a new secondary school on site, as the East Lothian Local Plan 2008 would require. **The Council submits that no modification is required.**

Homes for Scotland (0353/4)

The Council submits that Policy HOU3 is clear that applicants need to 'make provision for' affordable housing. The Council submits that the mechanisms for delivery through which such provision must be made can vary, and this does not always only involve the transfer of serviced land to the Council. This is why Policy HOU3 refers to the 'required proportion' of affordable housing being 25% of the overall number of homes proposed on a site. The range of approaches / delivery mechanisms that could 'make provision for' affordable housing and that will be considered by the Council in the assessment of proposals is set out in the Draft Supplementary Planning Guidance: Affordable Housing Quota and Tenure Mix (CD062), in particular Page 13 of that document. Policy HOU3 requires a Section 75 agreement where necessary to secure the transfer of service land for affordable housing provision.

The Council will assess each application on its own merits and where onsite provision is not achievable, it will consider an off-site contribution. Where developers have more than one smaller site in a local area, the council may consider on a case by case basis whether it would be more desirable to deliver 25% of all the sites in one location e.g. where 3 sites would otherwise deliver 20 units; rather than delivering 5 affordable units on each site, it may be make more desirable to deliver all 15 affordable units on one site. Such cases will be assessed on their own merits. **The Council submits that no modification is required.**

Loreen Pardoe (0422/2)

Comments in respect of the locations for affordability of affordable housing noted. The Council submits that it will consider a range of affordable housing tenures in line with LDP Policy HOU3 and HOU4 for all relevant sites. This will maximise the amount of affordable housing to be provided and ensure that it is provided within our growing communities

wherever possible. **The Council submits that no modification is required.**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/5)

The affordable housing quota of 17% at Letham Mains was transitioned from the East Lothian Local Plan 2008 (CD075). In accordance with SPP (2014) (CD013), the Council's supplementary planning guidance on Affordable Housing Quota and Tenure Mix (CD062) (and the Affordable Housing Technical Note (CD047)) all other housing proposals submitted under this plan will be 25% of the total number of dwellings. The only other exception to this is the current Blindwells allocation where the affordable housing quota will be 30% of all homes.

The affordable housing quota of 25% is based on evidence from the first SESplan Housing Need and Demand Assessment (2011) (SESplan HNDA1) (CD033) approved by the Scottish Government as robust and credible in June 2011. The robust and credible evidence base set out in the SESplan HNDA1 fully supports the 25% affordable housing quota and corresponding quotas of 30% for Blindwells and 17% for Letham Mains Haddington. The SESplan HNDA1 (CD033) provides an estimate of total housing need by calculating current housing need and future housing need. The estimated supply from existing stock turnover is then deducted to provide the net housing need.

The table below shows that over a ten year period, the average number of households anticipated to need affordable housing is 547 per annum. 314 affordable units are projected to become available each year from turnover, which leaves a deficit of 232 affordable dwellings annually.

<b>Table 1: East Lothian Total Household Need (Net of Turnover) – Average Applying Over 10 Years</b>			
	<b>East Lothian</b>	<b>Lothian</b>	<b>SESplan</b>
<b>Housing Need</b>			
<b>Current Need</b>	138	1,306	1,908
<b>Future Need</b>	408	4,074	6,116
<b>Total Housing Need</b>	547	5,380	8,025
<b>Housing Supply</b>			
<b>Supply from Turnover</b>	314	3,009	5,265
<b>Net Housing Need</b>			
<b>Housing Need – Net of Turnover</b>	<b>232</b>	<b>2,383</b>	<b>2,807</b>
<i>Source: SESplan HNDA1: Final Report, 2011</i>			

The table below evidences that between 2009 and 2032, in accordance with need and demand, 33% of the total housing supply in East Lothian should be for affordable housing. In the short term up to 2019, it demonstrates that affordable housing need will be more acute with a 41% annual requirement.

<b>Table 2: Demand for Houses Net of Turnover, East Lothian</b>					
	<b>Yrs 1-5 2009-14</b>	<b>Yrs 6-10 2015-19</b>	<b>Yrs 11-15 2020-24</b>	<b>Yrs 16-20 2025-29</b>	<b>Total Demand 2009-32</b>
<b>Social rented</b>	101	145	95	81	2,367
<b>Other</b>	95	88	47	42	1,478

<b>affordable housing</b>					
<b>Private rented sector</b>	32	65	75	39	1,161
<b>Owner occupation</b>	250	266	330	321	6,765
<b>Affordable</b>	197 <b>(41%)</b>	232 <b>(41%)</b>	143 <b>(26%)</b>	122 <b>(25%)</b>	3,844 <b>(33%)</b>
<b>Market</b>	282 <b>(59%)</b>	331 <b>(59%)</b>	405 <b>(74%)</b>	360 <b>(75%)</b>	7,926 <b>(67%)</b>
<b>Total</b>	479	563	548	482	11,770
<i>Source: SESplan HNDA1: Final Report, 2011 and SESplan Housing Technical Note 2011</i>					

Clearly the primary requirement in relation to affordable housing is for social rented housing, however it is recognised that other affordable housing models are required to meet need and demand.

It is evident that both 33% and 41% are significantly higher than the affordable housing quota of 25% set out in the proposed LDP and corresponding quotas for Blindwells (30%) and Letham Mains Haddington (17%). **The Council submits that no modification is required.**

**Policy HOU4: Affordable Housing Tenure Mix**

Sir Peter Burt Viking (0035/4)

The LDP requires 25% of all of the number of houses consented to be affordable housing, for developments of five or more houses. The Council will support a variety of tenures of affordable housing including, among others, social rented, mid-market rent, discounted sale and shared equity homes. For the market housing the Council expects a variety of house types and sizes to be provided. The approach to delivering affordable housing must be agreed with the Council. These discussions will be informed by current assessment of the type and location of affordable housing required. It is important to note that a commuted sum will rarely be acceptable, although the Council may accept that the payment of a commuted sum is the most appropriate form of affordable housing contribution, where neither on site or off site is practical. A commuted sum for each ward within East Lothian has been assessed in accordance with the District Valuer as outlined in Appendix 5 of the Draft Supplementary Planning Guidance for Affordable Housing (CD062) and is the value equivalent to the cost of providing the percentage of serviced land required by the policy. These valuations vary between settlements and will be updated every two years or earlier if there has been a material change in the market. **The Council submits that no modification is required.**

Longniddry Community Council (0161/4)

The Council notes Longniddry Community Council’s concerns about the tenures of housing that can be classified as ‘affordable’. However, the Council is following Scottish Planning Policy (CD013). A wider range of affordable housing tenures will be important to ensure that provision of affordable housing for different types of need, including social rented accommodation, can be maximised in the context of available Scottish Government funding to Registered Social Landlords for affordable housing. Right to buy ceased in August 2016, so from that date all Council housing stock can remain in Council ownership

unless the Council chooses to dispose of it. The Council will seek to deliver a range of affordable house types to meet need and agrees that affordable housing should be integrated with the development, not provided only in one area. Whilst the Council will not prioritise commuted sum payments as a means for applicants to provide for their affordable housing quota, on this matter the Council is following Scottish Government Planning Advice set out in PAN 2/2010: Affordable Housing and Housing Land Audits (see PAN 2/2010 para 21 – 22) (CD019b). **The Council submits that no modification is required.**

McCathy & Stone (0273/3)

Policy HOU3 'Affordable Housing Quota' includes all housing that is defined under use class 9, as defined by **The Town And Country Planning (Use Classes) (Scotland) Order 1997 (CD003)**, whether it be amenity, elderly or sheltered housing. There is a need to provide specialist affordable housing for a variety of client groups, especially the over 55 age group. This is consistent with paragraph 132 of SPP (2014) (CD013) and SDP paragraph 117 (CD030). The Council will assess every site on its own merits and where it is not possible to deliver on site, it will consider an off-site contribution or in some cases a commuted sum to help deliver affordable housing elsewhere. A commuted sum for each ward within East Lothian has been assessed in accordance with the District Valuer as outlined in Appendix 5 of the Draft Supplementary Planning Guidance: Affordable Housing Quota and Tenure Mix (CD062) and is the value equivalent to the cost of providing the percentage of serviced land required by the policy. These valuations vary between settlements and will be updated every two years or earlier if there has been a material change in the market. **The Council submits that no modification is required.**

East Lammermuir Community Council (0414/4)

Policy HOU4: Affordable Housing Tenure Mix supports a wide range of affordable housing tenure models including self build plots. The availability of any funds to support delivery will be set out in the Council's Housing Strategy and Strategic Housing Investment Plan. Self build plots will involve developers selling serviced plots for self build by the intended owner occupier at a discounted price. It will need to be clearly demonstrated that such housing meets the needs of and is affordable to categories of household identified through housing needs information for that area. More information can be found in the Draft Affordable Housing Quota and Tenure Mix Supplementary Planning Guidance (CD062). The Council will assess each proposal individually. **The Council submits that no modification is required.**

East Lammermuir Community Council (0414/7)

The LDP seeks to address affordability in its spatial strategy, policies and proposals, taking into account local characteristics and the overall need for affordable housing. The spatial strategy also considers where there is likely greatest demand for housing in the area, and seeks to address this through the 'compact' strategy including some additional dispersal to other areas where there is also a need and demand for new homes. This is done in line with SPP (2014) (CD013) and the findings of the SESplan Housing Need and Demand Assessment (HNDA) (CD033). The LDP sets out the planning policy approach for increasing the supply of affordable housing in the area. The SESplan HNDA provides the analysis of housing need and demand in East Lothian and it has been signed off by the Scottish Government as robust and credible. Developers will be expected to work in partnership with the Council, and where relevant RSLs, to ensure housing needs are met including in terms of tenure and house type and size. The Council has approved Draft

Affordable Housing Quota and Tenure Mix Supplementary Planning Guidance (CD062).  
**The Council submits that no modification is required.**

Loreen Pardoe (0422/3)

Comments in respect of the locations for affordability of affordable housing noted. The Council submits that it will consider a range of affordable housing tenures in line with policy HOU3 and HOU4 for all relevant sites. This will maximise the amount of affordable housing to be provided and ensure that it is provided within our growing communities wherever possible. **The Council submits that no modification is required.**

### **Specialist Housing Provision**

McCathy & Stone (0273/1)

An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. This is consistent with paragraph 132 of SPP (2014) (CD013) and SDP paragraph 117 (CD030).

Demographic trends indicate that the population of older people is increasing and will continue to increase in the future, as older people are living longer. A significant proportion of older people will live alone or in smaller households, increasing the need for smaller homes.

Specialist Housing Provision is defined as:

*'specially designed housing, including wheelchair accessible housing, which comprises purpose built, remodelled or substantially adapted dwellings that include special design features suitable for a household that contains someone with mobility, sensory and/or cognitive impairment'.*

This includes retirement and amenity housing which falls under use class 9, as defined by **The Town And Country Planning (Use Classes) (Scotland) Order 1997 (CD003)**, and policies HOU3 and HOU4. This plays an important part in helping to meet the needs of older people. Amenity housing is usually designated for people over the age of 55 years and is designed to assist with people with mobility issues and those requiring to downsize. There is no support with this type of housing, although some may have access to emergency service through provision of community alarms.

This contribution is included within the overall 25% Affordable Housing contribution and is not an additional contribution. For clarity, this is a different classification from use class 8, as defined by **The Town And Country Planning (Use Classes) (Scotland) Order 1997 (CD003)**, which covers policies HOU5 and HOU6. This use class would not require a 25% contribution.

The Council notes that an application for a care home on the land allocated for employment at HN4: Land at Gateside East is minded to grant subject to conclusion of a legal agreement. Policy HOU6: Residential Care and Nursing Homes - Location states that "Developers of residential care and nursing homes are encouraged to use sites within settlements. Proposals must have reasonable access to the normal range of community



services and be accessible in terms of impact on amenity and the environment". Should sites meet the terms of the policy and have an operator on board then Council will assess each case against the policy.

East Lothian Health and Social Care Partnership support the principle of specialist housing. An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. There is a need for supported accommodation for the under 65's be it with physical or mental health needs. An increasing population and within that a higher proportion of the over 65's would benefit from housing designed and built with residences of one or two bedrooms as well as adapted to lesser mobility. **The Council submits that no modification is required.**

### **Affordable and Specialist Housing Miscellaneous**

#### Musselburgh Area Partnership (0291/4)

The Musselburgh Area Partnership's concerns are noted. However, the Musselburgh area has an allocation of land for development which is in line with the Council's Compact Growth Strategy, and the reasons it has set out for selecting that approach. The infrastructure requirements for this level of new development has been assessed in the preparation of the LDP and proposals are made to address transport infrastructure, education infrastructure, sports provision and community facilities infrastructure and health infrastructure. An aging population is recognised as an increasingly important demographic issue and the LDP makes reference to meeting the needs of an aging population in its Specialist Housing Provision and Other Specific Needs section as well as in the Draft Supplementary Guidance on Affordable Housing Quota and Tenure Mix (CD062) which will address the potential for specialist and special needs housing. Private market housing will deliver a range and mix of different housing across sites but it is acknowledged that there is no specific mention of encouragement to downsizing households through provision of lifts in market housing flats. It is acknowledged that there are no specific proposals or allocated sites for self build houses though a developer could include an area for such housing within the planning application for any housing development for consideration. This could also be provided for in the provision for affordable housing that would be made on development sites. This LDP addresses the needs of SDP1 (CD030). It is noted that the Proposed SDP2 was published in October 2016 (CD038); it assumes that growth required by SDP1 is already planned for and that LDP1 would be adopted with the level of housing currently proposed. Proposed SDP2 looks to the time period beyond 2030 in terms of there being a potential need for further additional development land. **The Council submits that no modification is required.**

#### East Lothian Liberal Democrat Party (0300/10)

In respect of the range of housing types, the plan promotes a range and choice of site types and sizes to cater for all sectors of the market, including affordable housing. The plan cannot specify a specific range of house types to be delivered on sites, although it does acknowledge that the household size in the area is anticipated to reduce (LDP para 1.20). It also contains a policy on housing density, one of the reasons for which is to ensure that a full range and choice of house types and sizes will be delivered, particularly on larger sites (see LDP 7.12 – 7.14); this is a plan wide policy in respect of housing proposals.



An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. It is likely that the evidence will demonstrate requirements to increase the availability of housing, including housing for varying needs, specialist and adapted housing. It is likely that a range of housing options will be required to meet the needs of older and disabled people i.e. sheltered, amenity and wheelchair designed housing. A variety of house types and sizes will be required, to promote mobility in the housing system and enable downsizing where appropriate. Accessible and adaptable smaller homes and developing specialist housing will be critical. **The Council submits that no modification is required.**

North Berwick Community Council (0326/4)

The LDP acknowledges the East Lothian has an aging population (para 1.19), that there is a need for specialist housing provision (para 3.58 - 3.70) and to make provision for other specific housing needs (para 3.31). As explained in the Draft Affordable Housing Quota and Tenure Mix Supplementary Planning Guidance (CD062) new affordable houses will be designed in accordance with Housing for Varying Needs criteria (see section 5). This includes accessible housing, adapted housing, wheelchair housing and supported accommodation. If more of such homes are to be provided through the planning process at North Berwick however, this will require further development land to be made available at the town. Any adaptations of existing housing stock will be assessed against the policies of the plan where relevant, should planning permission be required. **The Council submits that no modification is required.**

North Berwick Community Council (0326/5)

Affordable housing provision will be required (para 3.50 – 3.57) as part of market housing development. As explained in the Draft Affordable Housing Quota and Tenure Mix Supplementary Planning Guidance (CD062) this will deliver new affordable houses in accordance with Housing for Varying needs criteria (see section 5). If more of such homes are to be provided through the planning process at North Berwick however, this will require further development land to be made available at the town. The Council submits that there is no need to modify the LDP. The Scottish Government reviewed how the income raised by reducing the discount on 2<sup>nd</sup> homes and empty homes was spent in 2013 and the Council can now use the income raised by the reduction in this discount to help deliver affordable housing. However, this is not a matter for the Local Development Plan. **The Council submits that no modification is required.**

East Lammermuir Community Council (0414/8)

The LDP supports the principle of specialist housing provision and provision for other specific housing needs. The Council supports the principle of adaptations to dwellings to facilitate more independent living. An assessment of the housing needs of people with particular needs in East Lothian is currently in progress, anticipated to complete in 2017. The Council has approved draft supplementary planning guidance (CD062) (for consultation) which it intends to adopt in due course to assist with the Implementation of this policy.

East Lothian Council's housing service administers grants for major adaptations to private sector stock, with dedicated support provided to clients by Care and Repair East Lothian. Typically around 60-70 adaptations to private sector stock are carried out per annum, depending on assessed need.

East Lothian Council has a dedicated team to co-ordinate adaptations in Council properties. Around 100 adaptations are carried out in Council stock each year, depending on assessed needs. This is not a matter for the Local Development Plan. **The Council submits that no modification is required.**

**Affordable and Specialist Housing Support**

Taylor Wimpey UK Ltd and MacTaggart & Mickel (0426/6); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/4)

Support Noted

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Policy HOU3: Affordable Housing Quota**

2. The policy provision for affordable housing within Policy HOU3 is 25% of the total number of dwellings where five or more dwellings are proposed. This policy applies across all settlements and relative to all sites. Elsewhere within the plan, I note that this percentage figure differs for two specific allocated sites (Blindwells and Letham Mains).

3. The representations to this policy (and to Policy HOU4: Affordable Housing Tenure Mix) highlight the need for a variety of house types to meet a wide range of needs including housing for older people and self-build opportunities. The council response indicates that it will consider a range of affordable housing tenures in order to maximise the amount of affordable housing to be provided within communities. The variety of tenures supported is specified within Policy HOU4 and includes self-build plots. Developers are also expected to work with the council and where relevant, registered social landlords, to ensure local housing needs are met including in terms of housing tenure, type and size. The implementation of these policies is a matter for the council and I do not consider that anything further requires to be added to Policy HOU3 or Policy HOU4 in response to these representations.

4. Homes for Scotland seeks more flexibility within the policy to allow trade-offs in terms of affordable housing provision between different sites. They also request that the policy should be clear that the obligation is to provide land for affordable housing, not the units themselves.

5. The council highlights that the provision of affordable housing can take many forms, not just the transfer of serviced land to the council. In some cases, the building of affordable homes and transferring these to the council may also be acceptable. Policy HOU3 and the draft Supplementary Planning Guidance (SPG): Affordable Housing Quota and Tenure Mix set out how it will be determined whether affordable housing should be

provided on-site, off-site or whether commuted sums will be sought. The requirement in Policy HOU3 to 'make provision for' affordable housing could account for any of these scenarios. Therefore I find the policy is already sufficiently clear on this matter.

6. The council indicates that it generally supports the potential to consider some trade-off between sites but this can only be assessed on a case by case basis. The opportunity to respond to such requests would therefore be inherent in the application of the policy and I do not consider that any changes are necessary to the policy itself to take account of this.

7. Hargreaves Services Ltd indicates that the policy requirement of 25% should only apply where there is demand and the 30% required at Blindwells should be reduced to 25%. They also request that 25% is applied to the Greater Blindwells Area. Taylor Wimpey UK Ltd and Mactaggart and Mickel Homes Ltd consider that the 17% affordable housing for Letham Mains (HN1) should also apply to Letham Mains Expansion (HN2).

8. Within paragraph 3.52, the plan confirms that the affordable housing quota for Blindwells (BW1) and Letham Mains, Haddington (HN1) should be 30% and 17% respectively. These are considered to be exceptions to the general requirement of 25% stipulated in Policy HOU3. The council has clarified in its response to my further information request that as the Blindwells Expansion Area (BW2) and Letham Mains Expansion (HN2) are new allocations, a 25% requirement should apply. While not endorsing BW2 as an allocation within the plan, I note that paragraph 3.52 also states that other than the above exceptions, the affordable housing quota will be 25%. Therefore, I do not consider that any further references are necessary to cover this.

9. In relation to Blindwells (BW1) and the council's response to my further information request on this issue, I note the council's reference to the flexibility afforded by PAN 2/2010: Affordable Housing and Housing Land Audits, to apply a different affordable housing percentage locally if it is justified by the Housing Need and Demand Assessment (HNDA). PAN 2/2010 was prepared before Scottish Planning Policy (2014) however I acknowledge that the latter document states that the level of affordable housing required as a contribution within a market site should generally (*my emphasis*) be no more than 25% of the total number of houses. I also note that PAN 2/2010 allows for higher percentages on specific sites where justified and in exceptional circumstances.

10. The plan states that the SESplan HNDA provides evidence of the need for high levels of affordable housing; 33% of the total supply between 2009 and 2032 and 41% up to 2019. The council's Local Housing Strategy (LHS) 2012-2017 (CD86) sets a target of 164 affordable units per annum (36% of the overall target). The council argues that the 30% affordable housing requirement stipulated for BW1 is below that indicated within the HNDA and within the LHS, and highlights the continuity in applying the same percentage for the site as allocated within the local plan.

11. During the course of dealing with this examination, the council has indicated that it is minded to grant planning permission in principle for BW1 subject to a Section 75 Agreement. The council committee report (CD159) outlines the terms of the agreement which include securing the provision of 480 affordable units (equivalent to 30% of the total site allocation). The council argues that this percentage continues to be justified in terms of the overall need for affordable housing and in view of the scale of the land allocation and unique opportunity to create a new settlement.

12. Given the evidence presented in the HNDA, the scale and nature of development

proposed and the progress with the current planning application, I find the council's argument to be particularly compelling. I also accept that varying percentages can be applied in exceptional circumstances according to Scottish Planning Policy. Therefore I do not agree that the affordable housing requirement for Blindwells (BW1) should be altered to 25%.

13. With regard to Letham Mains Expansion (HN2), Taylor Wimpey UK Ltd and Mactaggart and Mickel Homes Ltd do not present any reasons why a 25% affordable housing quota should not apply to this site. The council response presents a variety of evidence of the overall need and demand for affordable housing based on the SESplan HNDA. While I acknowledge that varying percentages could be applied in exceptional circumstances, I see no justification in this case to introduce a lower quota of 17% as requested.

14. The remaining representations under Policy HOU3 are concerned over the plan's requirement for specialist housing to provide 25% affordable housing, as this could affect the viability of schemes. A similar concern is raised by McCarthy and Stone under Policy HOU4.

15. There is no specific requirement within Policy HOU3 or Policy HOU4 that specialist housing would be expected to provide for affordable housing. Policy HOU3 simply refers to proposals for five or more 'dwellings'. Policy HOU4 deals with tenure mix. The council response explains how Policy HOU3 would work in practice and that it would only apply to housing defined under Use Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997; it would not apply to proposals such as residential care and nursing homes, which fall under Use Class 8. There is no explanation for this within the plan itself – the details are contained within the SPG, which is referenced in paragraph 3.54 of the plan. However, I also note that Table DEL1 and the draft Supplementary Guidance: Developer Contributions Framework both refer back to Policies HOU3 and HOU4 in relation to considering affordable housing provision.

16. The SPG indicates that all developments which propose to develop housing as defined under Use Class 9, whether a conversion, amenity, sheltered or retirement will be required to meet the affordable housing policy and the 25% affordable housing quota. In setting out when the 25% affordable housing contribution will be sought, the SPG (on page 5) refers to five or more 'units'. I note that within Appendix 4 of the SPG that commuted sums would be sought for a flatted dwelling as well as a house; in terms of the 1997 Order referred to above, flats are not included within Use Class 9.

17. Circular 6/2013 on Development Planning indicates that items for which financial or other contributions, including affordable housing, will be sought, and the circumstances (locations, types of development) where they will be sought, should be within the plan. There is clearly an intention by the council that the policy should not apply to proposals falling under Use Class 8. With regard to Use Class 9, while it may be open to me to specify this within the policy itself, I find that the SPG references to Class 9 and flatted dwellings to be confusing in this respect. In any case, Policy HOU3 refers to five or more dwellings. For the purposes of establishing the circumstances for which contributions will be sought, I consider this to be acceptable and do not recommend any modifications.

18. Scottish Planning Policy states that where permission is sought for specialist housing, a contribution to affordable housing may not be required. Specialist provision covers accessible and adapted housing, wheelchair housing and supported

accommodation, including care homes and sheltered housing. Scottish Planning Policy does not distinguish between residential care and sheltered housing in this context.

19. As Policy HOU3 (or Policy HOU4) make no distinction between the different types of residential accommodation that the policy might apply to, I am unable to concede the specific request to remove the 25% affordable housing requirement for specialist housing. The council's intentions are set out in the SPG which is not before me for examination. Any proposal which seeks exemption from the policy or wishes to argue that the affordable housing quota should not apply, would be a matter for consideration through the development management process in applying the relevant policies of the plan, any adopted supplementary guidance and also the SPG as a material consideration.

20. The representation by McCarthy and Stone also cites difficulties with the viability of development proposals in relation to meeting the requirements of Policy HOU3 where specialist housing is proposed. The SPG allows for exemptions in terms of affordable housing contributions to allow development to proceed, however these would only be in exceptional circumstances and would need to be considered on a case-by-case basis consistent with the draft Supplementary Guidance: Developer Contributions Framework. As the opportunity to consider the viability of individual proposals would be provided for in Supplementary Guidance, I see no need to take account of this by repeating it within the plan.

#### **Policy HOU4: Affordable Housing Tenure Mix**

21. The council highlights in response to the request for commuted payments for affordable housing to be substantially increased, that such payments would rarely be acceptable. Paragraph 3.53 of the plan outlines that the priority is for on-site provision and commuted sums will only be acceptable if neither on-site nor off-site provision is appropriate. The method for establishing the amount of the commuted sum is based on guidance within PAN 2/2010 and would be determined in accordance with the District Valuer. A commuted sum for each ward within East Lothian is set out within the SPG. However, the principle of securing commuted payments, where appropriate, is established with Policy HOU3 and the actual amount would be a matter for determination at the planning application stage.

22. Longniddry Community Council's concerns relate to the different tenures that may be acceptable as affordable housing, in particular lower than market value. The glossary definition of affordable housing within the plan is: 'Housing of a reasonable quality that is affordable to people on relatively modest incomes'. This definition reflects Scottish Planning Policy and includes housing sold at a discount and low cost housing as well as social rented accommodation. The SPG indicates that social rented accommodation is the predominant tenure preference for the council as it is the tenure in most need however a wide range of affordable housing is required to increase tenure choice. The SPG also states that affordable housing should be fully integrated within the layout of the development. I consider that the plan already does what it can, in the context provided by national policy, to ensure the provision of affordable housing to meet local housing needs.

23. With regard to the provision of self-build plots, these are already supported by Policy HOU4. In line with the SPG, these would be made available to the purchaser at a discounted price. East Lammermuir Community Council's additional concerns and that highlighted by Loreen Pardoe, relate to meeting local needs and encouraging diversity. Policy HOU4 indicates that the location and size of a site, the form of development and the

availability of subsidy will help inform the mix of tenures to be provided. This will require an understanding of the local context. The council's SPG seeks to provide this at a more local level and in implementing Policy HOU4, further information on the housing need within the particular locality would be sought.

24. McCarthy and Stone indicate that although affordable housing contributions have been made for some of their sites, it is unlikely that this would be viable in all locations. I respond to this particular matter in paragraph 20 above.

### **Specialist Housing Provision**

25. The request by McCarthy and Stone is for the introduction of a more generic 'catch-all' policy which would encourage the provision of accommodation for older people. In response to my request for further information, and in recognition of the draft report on Housing Needs Assessment of People with Particular Needs which supports an increase in specialist housing across East Lothian, the council suggests an addition to Policy HOU4 rather than a new policy.

26. The policy suggested by McCarthy and Stone seeks to increase provision of housing for older people across all tenures and includes references to residential care homes. Policy HOU6 encourages the provision of residential care and nursing homes within settlements therefore a further separate policy dealing with this type of accommodation is not required.

27. The council would prefer to see the provision of specialist accommodation within areas allocated or transferred for affordable housing to ensure it is delivered as an integrated part of new developments and on appropriate sites. The council's suggestion would ensure the provision of specialist housing as part of the provision of affordable housing. While this would not specifically include market housing, the provision of housing for older people, including homes built to the 'lifetime homes' standard, would not be prevented by this approach. The affordable housing definition also covers a wide range of affordable housing tenure types. As the council's assessment still remains in draft form, and is to inform the next Local Housing Strategy where the context for increasing specialist housing provision across all tenures would be considered, I am reluctant at this time to suggest anything more be introduced to the plan than that put forward by the council. Therefore I recommend that only the council's suggested text be added as a new second paragraph to Policy HOU4.

### **Affordable and Specialist Housing Miscellaneous**

28. The representations under this heading mainly concern the lack of provision for older people to enable downsizing to smaller homes and the need for greater provision of housing for special needs. Opportunities for self-build, adaptations and more affordable housing are also requested.

29. My recommendations to Policy HOU4, discussed in paragraph 27 above, should go some way to increasing the provision of specialist accommodation where appropriate. Policy HOU4 already includes self-build plots (further described in the SPG) as being one of the affordable housing tenure models that would be supported. The principle of adapting existing housing to facilitate more independent living is also supported within the plan (paragraph 3.58) and any specific proposals would be considered against the relevant policies. With regard to affordable housing, as concluded above, the plan sets a

general requirement of 25% provision in line with Scottish Planning Policy.

30. On the matter of new settlements, this is considered elsewhere within Issue 5 and Issue 13. This plan is required to conform to the current strategic development plan (SESplan, 2013). The next local development plan would be required to consider any issues arising from the emerging strategic development plan (SESplan2).

**Reporter's recommendations:**

Modify the local development plan by:

1. Adding the following as a new second paragraph to Policy HOU4:

“The Council will seek to ensure that as part of the provision of affordable housing on any site, that provision is made where appropriate for specialist housing, in line with the Council’s Local Housing Strategy and the Supplementary Planning Guidance: Affordable Housing Quota and Tenure Mix.”

<b>Issue 15</b>	<b>Education</b>	
<b>Development plan reference:</b>	Growing Our Economy & Communities (Pages 74 – 81 / 82)	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Walker Group (0138)                  Longniddry Community Council (0161)                  Musselburgh &amp; Inveresk Community Council (0245)                  David Wilson Homes (0246)                  Musselburgh Area Partnership (0291)                  Wemyss and March Estate (0295)                  Eddie Clarke (0305)                  Magnus Thorne (0308)                  Musselburgh Grammar School Parent Council (0317)                  Hargreaves Services Ltd (0349)                  Martin Hotchkiss (0354)                  SportsScotland (0367)                  Hallhill Developments (0395)                  Wallyford Primary School Parent Council (0405)                  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)                  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy SEFC1: Safeguarding Education and Community Facilities (page 74) Proposal ED1 – ED7 (pages 74 – 80)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy SEFC1: Safeguarding Education and Community Facilities</b></p> <p><u>SportsScotland (0367/2)</u></p> <p>SportScotland generally supports this policy which would also apply to safeguard community sports facilities. We support the intent to make best use of existing facilities, as well as shared use, and that contributions/proposals should focus on increasing capacity of the most appropriately located sites. It is assumed that sites afforded protection by SECF1 are intended to be retained in that specific community use i.e. that one type of community facility could not be interchanged for another - such as a sports pitch built out for a school. We would highlight that the provisions of SPP would also continue to apply in such instances. Amend all references to “Sports Pitches and Changing Accommodation” to read “Sports Facilities, Pitches and Changing Accommodation</p> <p><b>Proposal ED1: Musselburgh Cluster</b></p> <p><u>Musselburgh &amp; Inveresk Community Council (0245/5)</u></p> <p>Insufficient attention has been given to the implications of the proposed new development on the education infrastructure of the town.</p>		



Musselburgh Area Partnership (0291/13)

Lack of detail on transport to school especially in Proposed Whitecraig zone where PROP MH2 children would have to travel by car/bus to school. Disappointed at no mention in LDP of pre-school/nursery provision.

Musselburgh Grammar School Parent Council (0317/1)

MGSPC does not support a new secondary school at Wallyford, which it believes would disadvantage the existing Musselburgh Grammar School.

**Proposal ED2: Prestonpans Cluster**

Longniddry Community Council (0161/5)

Representation on Education: Longniddry Community Council is concerned that the figures in the relevant table in Technical Note 14 are wrong and the calculations cannot be carried out, and are therefore wrong. There is concern that the capacity of Preston Lodge High School will not be sufficient.

Wemyss and March Estate (0295/5)

Para 3.81 Should be amended to address the impact on capacity at Preston Lodge High School if Blindwells does not come forward within the forecast period. On this basis, the potential impact on the school's capacity will be significantly reduced. The submitter welcomes PROP ED2. They also welcome the Council's commitment to provide additional, phased, permanent extensions to Longniddry Primary School. It is acknowledged that additional space will be required at Preston Lodge however, there continues to be doubt over if and when Blindwells can deliver any new homes. It would be advisable for ELC to adopt a nuanced and flexible approach to education impacts in this cluster. A transparent assessment of what the impact would be on Preston Lodge if Longniddry South and other developments in the cluster came forward for development without Blindwells being delivered should be considered and included within the Plan. This flexible approach would also recognise the fact that Blindwells is not in the Preston Lodge catchment area.

**Proposal ED4: Tranent Cluster**

Walker Group (0138/8)

Policy ED4 does not reflect the requirement of the Council to contribute towards the cost of additional pre-school and primary school campus land at Windygoul Primary School.

1. add 1.24ha after "Windygoul Primary School" -
2. Replace "Developer Contributions will be sought from developers to relevant sites to fund the costs of providing the campus land which will also be the subject of legal agreements" with: "Developer contributions will be required from developers of relevant sites and East Lothian Council where there is a current shortfall in existing facilities to fund the costs of providing this campus land which will also be the subject of legal agreements including with the landowners of the relevant campus land".
3. Replace "The Council will provide additional phased permanent extension to pre-schools and primary schools as required to meet the need arising as a direct result of new housing development. Developer Contributions will be sought from the developers of housing land to fund the costs of this permanent provision which will be the subject of legal agreements"

with “The Council will provide additional phased permanent extension to pre-schools and primary schools as required to meet the need arising as a direct result of new housing development. Developer Contributions will be sought from the developers of housing land and East Lothian Council where there is a current shortfall in existing facilities to fund this permanent provision which will be the subject of legal agreements.”

### **Proposal ED5: Haddington Cluster Education Proposals**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/7)

Support the principle of the developer contributions assisting to fund new education provision in the Haddington Cluster. However, it should be noted that developer contributions should not be overly onerous so as to make development unviable.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/5)

Support the principle of the developer contributions assisting to fund new education provision in the Haddington Cluster. However, it should be noted that developer contributions should not be overly onerous so as to make development unviable.

### **Proposal ED6: Dunbar Cluster Education Proposals**

David Wilson Homes (0246/8)

To accord with Circular 3/2012 - In terms of the Dunbar Cluster the provisions of the Proposed LDP for educational provision and community facilities are supported in principle, however, if additional educational facilities are required as a result of additional housing in East Linton, it should be confirmed within the LDP as this would provide certainty for the Council, developers and local community.

Magnus Thorne (0308/4)

Pg 79 sections 3.101 - 3.105 make no specific mention of East Linton Primary School, 3.103 states 'Generally, those housing land allocation in the catchment areas of the smaller schools will help to sustain their pupil rolls'.

Martin Hotchkiss (0354/4)

Para 3.101 implies that the sport pitch at the Grammar School would need to be 'reprovisioned'. Any development of the Grammar School should not be allowed to reduce the existing sports pitch.

Hallhill Developments (0395/5)

We can broadly understand the need for additional classrooms at these schools but unfortunately there is no detailed explanation given for the other construction items. Without a further explanation of the justification for the required contributions, HDL cannot support Policy DEL1 or the related Developer Contributions Supplementary Guidance relating to education in Dunbar. Also, we note that the cost per square metre of construction is identified as £3,000. This exceeds the SFT metric and we do not consider this to be justified.

**Proposal ED7: North Berwick Cluster Education Proposals**

Eddie Clarke (0305)

The representor acknowledges that the plan sets out safeguards and developer contributions for the expansion of North Berwick High School but suggests more land requires to be safeguarded against development, queries the PE halls size and the pupil to house ratio.

**Education Support**

Hargreaves Services Ltd (0349/9)

Hargreaves supports the approach to the delivery of education as set out in proposal ED3: Blindwells Cluster Education Proposals.

Wallyford Primary School Parent Council (0405)

Supports the LDP. Supports the location of a new secondary school in Wallyford though traffic management around the new school must ensure adequate provision for drop off by car as well as safe access for pedestrians and cyclists.

**Modifications sought by those submitting representations:**

**Policy SEFC1: Safeguarding Education and Community Facilities**

SportsScotland (0367/2)

Amend all references to “Sports Pitches and Changing Accommodation” to read “Sports Facilities, Pitches and Changing Accommodation”.

**Proposal ED1: Musselburgh Cluster**

Musselburgh & Inveresk Community Council (0245/5); Musselburgh Area Partnership (0291/13); Musselburgh Grammar School Parent Council (0317/1)

No Modification sought

**Proposal ED2: Prestonpans Cluster**

Longniddry Community Council (0161/5)

No Modification sought

Wemyss and March Estate (0295/5)

Para 3.81 should be amended to address the impact on capacity at Preston Lodge High School if Blindwells does not come forward within the forecast period.

**Proposal ED4: Tranent Cluster**

Walker Group (0138/8)

Seek modification to PROP ED4, Part B:

1. add 1.24ha after "Windygoul Primary School" -
2. Replace "Developer Contributions will be sought from developers to relevant sites to fund the costs of providing the campus land which will also be the subject of legal agreements" with: "Developer contributions will be required from developers of relevant sites and East Lothian Council where there is a current shortfall in existing facilities to fund the costs of providing this campus land which will also be the subject of legal agreements including with the landowners of the relevant campus land".
3. Replace "The Council will provide additional phased permanent extension to pre-schools and primary schools as required to meet the need arising as a direct result of new housing development. Developer Contributions will be sought from the developers of housing land to fund the costs of this permanent provision which will be the subject of legal agreements" with "The Council will provide additional phased permanent extension to pre-schools and primary schools as required to meet the need arising as a direct result of new housing development. Developer Contributions will be sought from the developers of housing land and East Lothian Council where there is a current shortfall in existing facilities to fund this permanent provision which will be the subject of legal agreements."

**Proposal ED5: Haddington Cluster Education Proposals**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/7); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/5)

No Modification sought

**Proposal ED6: Dunbar Cluster Education Proposals**

David Wilson Homes (0246/8)

Paragraphs 3.101 - 3.105 - In terms of the Dunbar Cluster the provisions of the Proposed LDP for educational provision are supported in principle, however, if additional educational facilities are required as a result of additional housing in East Linton, it should be confirmed within the LDP as this would provide certainty for the Council, developers and local community.

Magnus Thorne (0308/4); Martin Hotchkiss (0354/4); Hallhill Developments (0395/5)

No Modification sought

**Proposal ED7: North Berwick Cluster Education Proposals**

Eddie Clarke (0305)

The entire strip of land west of the High School should be safeguarded. The PE hall's size should be pinned at maximum applicable capacity.

**Education Support**

Hargreaves Services Ltd (0349/9); Wallyford Primary School Parent Council (0405)

No Modification sought

**Summary of responses (including reasons) by planning authority:****Policy SEFC1: Safeguarding Education and Community Facilities**SportsScotland (0367/2)

The Council notes the comments made by SportsScotland, and can confirm that its interpretation of Policy SEFC1: Safeguarded Education and Community Facilities is correct. The Council submits that this policy may where relevant also need to be read together with Policy OS1: Protection of Open Space. However, the Council is of the view that, since the term 'Community Facilities' in Policy SEFC1 is intended to relate to 'Sports Facilities, Pitches and Changing Accommodation' that no change to the LDP is necessary. The Council submits that these references exist under the Community Facilities heading and pre-ambles to Policy CF1: Provision of New Sport Pitches and Changing Accommodation because in terms of recreational facilities these are the ones for which developer contributions are being sought, not towards other facilities such as swimming pools or leisure centres. The Council therefore submits that the terminology it has used is accurate and that a modification of the LDP is not necessary. **The Council submits that no modification of the plan is necessary.**

**Proposal ED1: Musselburgh Cluster**Musselburgh & Inveresk Community Council (0245/5)

Concerns noted. The Education Scotland Act (1980) (CD004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. Officers from the Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. Paragraphs 3.74 to 3.79 of the LDP explains new Education Provision in the Musselburgh cluster and identifies that significant additional education capacity at primary and secondary level is needed to support new housing development in the cluster. School catchment areas will require to be redrawn as a result of the LDP and relevant statutory school consultation on these has begun with some already approved by Council (CD099; CD100; CD101; CD102; CD103). PROP ED1: Musselburgh Cluster Education Proposals identifies where the Council will provide new school infrastructure. The LDP has established development related impacts on education capacity based on a cumulative assessment of impact and the need for mitigation. These are set out in Supplementary Guidance: Developer Contributions Framework (CD063) for the specified scales of residential development within the contribution zones identified in Appendix 1 of the LDP. The Council therefore considers that it has given sufficient attention to the implications of the proposed new development on the education infrastructure of Musselburgh. **The Council submits that no modification of the plan is necessary.**

Musselburgh Area Partnership (0291/13)

The Council submits that details of school transport arrangements will be established in due course following confirmation of school facilities and catchments in the Musselburgh area and the detailed planning of these. It is too early to confirm such details in the LDP. However, it is current Council policy to provide free transport to and from school for primary and secondary aged pupils who reside more than 2 miles from their catchment area school. There are a number of criteria used to determine whether free transport is provided

to school, including: any pupils who live outwith the Council's distance criterion; those who live within the distance criterion, but for whom the walking route to school is assessed as unsafe; if a child has a medical condition which requires them to be transported to and from school; or if a child is at a critical stage of education and requires to be kept at their current school. The LDP uses the term pre-school rather than nursery. The need for pre-school/nursery provision has been fully considered in the preparation of the LDP and where required plans for new pre-school education capacity is set out in PROP ED1: Musselburgh Cluster Education Proposals and within Technical Note 14 (CD059). Developer contributions will also be sought for additional pre-school capacity where justified, as set out within the Supplementary Guidance: Developer Contributions Framework (CD063). **The Council submits that no modification of the plan is necessary.**

#### Musselburgh Grammar School Parent Council (0317/1)

The Education Scotland Act (1980) (CD004) places a legislative duty on the Council to provide sufficient school accommodation and plan for growth in our communities. Officers from the Council's Education Service and Property Services have been consulted throughout the process of plan preparation and have assessed the impact of the emerging LDP on the school estate to take account of the growing communities and projected school rolls. The Council submits that a new additional secondary school within the Musselburgh cluster area is necessary to provide additional secondary education provision to accommodate the cumulative impacts of development proposed by the LDP. This could not be satisfied at the existing Musselburgh Grammar School.

The Council's preferred location for the new additional secondary school was at Wallyford (following the decision of East Lothian Council to remove the Goshen site from the draft LDP (CD106 and CD107) on the 17<sup>th</sup> November 2015). The Council has carried out a statutory consultation on a proposal to establish a new additional secondary school in the area of Wallyford in line with the Council's proposed development strategy. A clear majority of respondents (60.5%) supported the proposal and on 20<sup>th</sup> December 2016, Council approved the recommendations (CD109) to establish a new additional secondary school in the area of Wallyford to serve the Pinkie St Peter's Primary School and Wallyford Primary School catchment areas. In terms of disadvantaging the existing Musselburgh Grammar School, based on the East Lothian Local Plan 2008 (CD075), the school required to be extended from a capacity of 1,350 pupils to a capacity of 1,700 pupils to accommodate the additional pupils arising from the sites allocated within that local plan, including for the development of 1,450 dwellings at Wallyford. The new additional secondary school will remove this requirement and reduce the pressures on the capacity of the existing Musselburgh Grammar School. Musselburgh Grammar School is also subject to a Public Private Partnership contract which ensures that the building fabric is adequately maintained. In addition, the Council has also budgeted for an additional £25,000.00 of its own capital expenditure at Musselburgh Grammar School as part of the Council's Financial Strategy 2017/18 to 2019/20, approved on 21<sup>st</sup> February 2017 (CD096). School staffing issues are not a material planning consideration. School revenue budgets and staffing complements are set in line with the pupil roll and calculated in accordance with the approved Scheme of Delegation for Schools and the Council's devolved school management policies. Any increases in pupil rolls due to an increase in children arising from committed and planned housing in the area will be reflected within the school revenue budget and staffing complement. **The Council submits that no modification of the plan is necessary.**



**Proposal ED2: Prestonpans Cluster**Wemyss and March Estate (0295/5)

The Council submits that it has made provision for secondary education capacity to be provided at Preston Lodge High School for the cumulative impact of development within its catchment, including allocated sites at Blindwells and Longniddry. This is consistent with the principle applied to all developments within each cluster, and to remove a site from the assessment would be inappropriate. However, the Council can confirm that Preston Lodge High School would still require to be extended to provide the additional capacity required from the Longniddry allocation on its own. The Council further submits that it has carried out a statutory school consultation on the proposed change to the Preston Lodge High School catchment area to include Blindwells Primary School catchment area as defined by the Blindwells site (BW1) in line with its development strategy. The outcome of the consultation exercise was considered by the Council at its meeting on 28<sup>th</sup> March 2017 (CD103). **The Council submits that no modification of the plan is necessary.**

Longniddry Community Council (0161/5)

Response on Education: In respect of Preston Lodge High School, an increase in the schools' capacity from 1050 to 1500 pupils is projected, and the nature of additional teaching spaces has been identified in the column 'accommodation required'. This will be sufficient to accommodate the cumulative impact of development in the area. In respect of Technical Note 14 (CD059), and the pre-school and primary school provision at Longniddry Primary School, the presentation of figures in the table is an error. This has occurred because no 'area per pupil is provided', as this solution has been worked through from a designed extension. The columns have therefore slipped to the right – i.e. 8 should not be under the LDP roll projection, it should be under number of classrooms, etc. For the avoidance of doubt, the peak established roll of the school over time is projected to be 210 pupils, below the schools' capacity, which will require 8 classrooms if there were not to be any more housing in the catchment. The school already has 10 classrooms. The impact of Proposal PS1 is generating a need for 6 additional classrooms (a total need for 14 classrooms, or a net increase of 4 classrooms above the existing number), to accommodate a peak projected roll of 363 pupils as a result of Proposal PS1. To deliver this some internal reconfiguration and expansion of the facility will be required. The Council further submits that it has made provision for education capacity to be provided at Preston Lodge High School for the cumulative impact of development within its catchment, including allocated sites at Blindwells and Longniddry. This is consistent with the principle applied to all developments within each cluster, and to remove a site from the assessment would be inappropriate. However, the Council can confirm that Preston Lodge High School would still require to be extended to provide the additional capacity required from the Longniddry allocation on its own. The Council further submits that it has carried out a statutory school consultation on the proposed change to the Preston Lodge High School catchment area to include Blindwells Primary School catchment area as defined by the Blindwells site (BW1) in line with its development strategy. The outcome of the consultation exercise was considered by the Council at its meeting on 28<sup>th</sup> March 2017 (CD103). **The Council submits that no modification of the plan is necessary.**

**Proposal ED4: Tranent Cluster**Walker Group (0138/8)

The Council submits that the LDP identifies a need for additional campus at Windygoul Primary School within Proposal ED4, and this is reflected in Proposal TT1. The Council further submits that the necessary area and configuration of campus land is identified on the Proposals Map (Inset Map 35) (CD039). The Council can confirm that this area is the 1.24 hectares required. Appendix 1 of the LDP identifies the associated developer contribution zone. The Council further submits that the required campus area is identified in detail within the draft Supplementary Guidance: Developer Contributions Framework (CD063) in total and in proportion for the Council and developer interests. The Council further submits that the LDP Action Programme (CD045) (page 81) identifies the LDP sites that generate a need for this additional land (developer proportion). The draft Supplementary Guidance: Developer Contributions Framework (CD063) also specifies the proportion of costs for the respective developers on a pro-rata per dwelling basis, based on the capacity identified for each relevant housing allocation within the LDP. Technical Note 14 (CD059) also sets out the Council's proportional liability. The Council therefore submits that the LDP and associated documents identify the necessary information in an appropriate level of detail. The Council submits that where a contribution from the Council is required, this will be provided consistent with Scottish Government Circular 3/2012 (CD021) and this does not need to be specified within the LDP where suggested by the representation, since this is already addressed within Policy DEL1 and the associated guidance. **The Council submits that no modification of the plan is necessary.**

#### **Proposal ED5: Haddington Cluster Education Proposals**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/7); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/5)

The Council submits that Circular 3/2012: Planning Obligations and Good Neighbour Agreements (CD021) is clear as to when and where Developer Contributions should be sought. The Council's draft Supplementary Guidance: Developer Contributions Framework (CD063) is in line with this Circular and sets out the contributions required for the successful delivery of an allocated site. The Council notes and welcomes the support, and suggests that phased payments may be a way of ensuring that a viable development project can be delivered. **The Council submits that no modification of the plan is necessary.**

#### **Proposal ED6: Dunbar Cluster Education Proposals**

David Wilson Homes (0246/8)

The Council submits that Proposal ED6 states that 'the Council will provide additional phased permanent extension to pre-school and primary schools as required to meet the need arising as a direct result of new housing development in their catchment areas'. The Council further submits that the draft Supplementary Guidance: Developer Contributions Framework (CD063) identifies the necessary level of contribution for planned development (i.e. LDP allocations). The Council further submits that the Proposal ED6 (and all other education proposals) as drafted is appropriate and sufficiently flexible to be applied to windfall development as well as planned development. The Council therefore submits that the current drafting is appropriate and sufficient. **The Council submits that no modification of the plan is necessary.**



Magnus Thorne (0308/4)

The Council submits that Proposal ED6 states that 'the Council will provide additional phased permanent extension to pre-school and primary schools as required to meet the need arising as a direct result of new housing development in their catchment areas'. Technical Note 14 (CD059) for Developer Contributions sets out the established supply projections and the proposed LDP projections for primary school rolls. It notes that by 2020 the school will be at capacity and therefore there is a requirement for 1 additional classroom and 1 new PE area. The developer of this site shall make contributions towards the expansion of pre-school and primary school education capacity at East Linton Primary School in line with East Lothian Council's Local Development Plan Draft Supplementary Guidance: Developer Contributions Framework (CD063). The draft Supplementary Guidance: Developer Contributions Framework identifies the necessary level of contribution for planned development (i.e. LDP allocations). The Council further submits that the Proposal ED6 (and all other education proposals) as drafted is appropriate and sufficiently flexible to be applied to windfall development as well as planned development. The Council therefore submits that the current drafting is appropriate and sufficient. **The Council submits that no modification of the plan is necessary.**

Martin Hotchkiss (0354/4)

The Council submits that Dunbar Grammar School will be extended and designed not to impact on the current playing field at the school. The increase in demand generated by new development means there will be a need for additional sports pitch capacity for the school. Pupils will continue to use the playing pitches, one of which will be upgraded to a 2G pitch to allow for more intensive use year round. However, this will not be enough to meet all full curricular needs. As such, the Council submits that the site for additional community sports pitches and changing rooms at the Hallhill Healthy living Centre should also be used on a shared basis for education curricular needs. The Council submits that Proposal DR3 is required to provide additional capacity to serve the community and Grammar School, as explained at paragraph 2.139 of the LDP. In accordance with Policy DEL1, the Council will adopt Supplementary Guidance: Developer Contributions Framework (CD063) to specify how appropriate provision or planning interventions required in association with different types and scales of development planned for by the LDP in different identified areas will be secured from applicants or developers. **The Council submits that no modification of the plan is necessary.**

Hallhill Developments (0395/5)

The Council has assessed the accommodation required for the primary school in Dunbar. This is in line with Scottish Government Guidance, 'Determining Primary School Capacity 2014' (CD024). Technical Note 14 (CD059) has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. The Council will not seek contributions for any existing deficiencies in either capacity or standard of accommodation, and has identified its own responsibilities for providing 10 of the 50 additional pre-school places required at the primary school. The Council submits in respect of its costs, it has extended many of its schools within recent years and has set a rate of £3,000 per square metre based on a range of school build contracts which it has competitively procured. It should also be noted

that the Council is absorbing an element of risk contained within this rate, such as asbestos, ground conditions, capacity of existing services. It is therefore a reasonable position to take at this stage. It should be further noted that The Scottish Futures Trust cost per square metre was established as a metric for new buildings, and not for extensions that by their nature are more complex and expensive. The Scottish Futures Trust metric for new primary schools was £2350 per square metre in Quarter 2 of 2012 which equates to £2963 in Quarter 2 of 2017 based on BCIS all in TPI (Tender Price Index). **The Council submits that no modification of the plan is necessary.**

### **Proposal ED7: North Berwick Cluster Education Proposals**

Eddie Clarke (0305)

The Council submits that the pupil roll forecasting methodology is set out in Technical Note 14 (CD059). The average new build child per house ratio for secondary schools is only one of a number of factors that are included in the calculations for the projected school rolls. The average new build child per house ratio is only applied to the calculations during the specific years that the houses are projected to be built in. Its purpose is to provide a starting point for the number of S1 to S6 pupils who might initially move into the new houses during the first year that each new house is built and ready for occupation between one academic session and the next. It does not calculate the cumulative total number of pupils that we might expect to see arising from a new housing development over the entire development period and beyond. Any additional new pupils arising each year and pupil migration in and out of the area are calculated and modelled through the annual net stage migration rates, S4-S5 and S5-S6 stay-on rates and P7-S1 transfer rates. Evidence from recent new builds within North Berwick shows that it would not be appropriate for the Council to increase the new build child per house ratio at this moment in time. The Education Service will continue to use the monitoring checks it has in place to track the pupil outputs from new builds within each catchment area and review and make any necessary adjustments to the other contributing factors (i.e. stage migration rates, stay-on rates and P7-S1 transfer rates) to address any variances in outputs as part of the roll forecasting process. The Council submits that the LDP safeguards land to provide for further expansion of North Berwick High School to meet the requirements of the proposed housing allocations in the cluster, although only part of it is needed at this stage. The LDP will continue to safeguard the balance of the land adjacent to the Mains Farm site to the west of the high school campus but there is no funding identified for its purchase from the landowner at this stage, a position that may change in future. The proposed new PE hall will be a 4 court facility with changing and storage which is sufficient in size for the expansion of North Berwick High School so as to accommodate the development planned within its catchment area. **The Council submits that no modification of the plan is necessary.**

### **Education Support**

Hargreaves Services Ltd (0349/9); Wallyford Primary School Parent Council (0405)

Support Noted

### **Reporter's conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

### **Policy SECF1: Safeguarded Education and Community Facilities**

2. Policy SECF1 seeks to safeguard sites in use for education and community facilities. The accompanying text sets out how the council intends to ensure new or expanded provision of school facilities, and the provision of new sports pitches and changing facilities. Proposal CF1 is primarily aimed at securing developer contributions, where appropriate, for the provision of new sports pitches and changing accommodation in direct response to the demands for such facilities anticipated by new development. Wider sports facilities are not referred to in this proposal. Elsewhere, the plan provides protection for existing open space and facilities, including outdoor sports facilities, through Policy OS1: Protection of Open Space.

3. Scottish Environment Protection Agency does not request a specific modification to Policy SECF1, but requests that all references within the plan to “Sports Pitches and Changing Accommodation” should also include “Sports Facilities”.

4. Sports pitches and changing accommodation references are currently contained within the section of the plan headed ‘Community Facilities’ and within Proposal CF1 and related site specific proposals. The council explains that the term ‘Community Facilities’ referred to in Policy SECF1 is intended to relate to ‘Sports Facilities, Pitches and Changing Accommodation’. While I acknowledge this intention I consider that the existing heading should remain, in order to be consistent with that used elsewhere within this section of the plan. Although the purpose of Proposal CF1 is specifically in relation to new sports pitches and changing accommodation, I do not consider that the safeguarding and provision of general sports facilities is excluded with regard to the policies, proposals and references used within the plan. Overall, I do not consider that any modification is required.

### **PROP ED1: Musselburgh Cluster Education Proposals**

5. The council’s response to matters raised in relation to Proposal ED1 outline the plan’s approach in terms of educational assessment, the need for additional capacity at primary and secondary level and the requirement to redraw school catchment areas where necessary. The assessment includes the consideration of pre-school (nursery) provision on which developer contributions will be sought, where justified.

6. Musselburgh Grammar School Parent Council prefers a single secondary school to serve the Musselburgh area and is concerned that two schools would not be of equal standing in terms of funding and resources. Reassurance is therefore sought that any developer contributions from housing development within the Musselburgh Grammar catchment will benefit this school as well as the new one. Concerns are also raised over the financial and management planning for the new school and its long term future.

7. Based on an assessment of the cumulative impact of new development and projected school rolls, the council considers that a new secondary school within the Musselburgh

cluster area is necessary. As discussed at the Main Issues Report stage, Musselburgh Grammar is identified as having a capacity of 1,350 pupils and a restricted campus. It is estimated that to accommodate the scale of housing allocated in the adopted local plan, Musselburgh Grammar would require increasing to a capacity of 1,700 pupils. As further housing allocations are proposed as part of this local development plan, such additional pressure on the school was not considered acceptable. In recognition of this, the following options were presented within the Main Issues Report:

- a) a new secondary school on a new campus to replace Musselburgh Grammar;
- b) a new upper secondary school facility with purpose built accommodation on a new campus, while maintaining Musselburgh Grammar;
- c) an entirely new secondary school in addition to Musselburgh Grammar to serve part of the Musselburgh cluster (location in the east preferred);
- d) redefine cluster boundaries in association with Midlothian and/or City of Edinburgh Councils; or
- e) redefine cluster boundaries in east Musselburgh to direct secondary school pupils to Preston Lodge High School.

8. The Main Issues Report acknowledges that in order to deliver the scale of growth within the preferred development strategy, innovative solutions to increasing education capacity are required. At that time, the mixed use proposal at Goshen site was indicated as offering a potential location for a new secondary school to serve the Musselburgh area.

9. Following a decision of the council to remove the Goshen site from the draft proposed plan in November 2015, the council carried out statutory consultation to establish a new site for a secondary school within Wallyford. This was in recognition of proposed additional land allocations within this area and that the addition of a new school would reduce pressure on the capacity of Musselburgh Grammar.

10. I acknowledge the concerns raised by the parent council. However, I also recognise the complexity in planning for secondary education within this area and the option appraisal undertaken by the council. I note the results of the statutory consultation as outlined in the council's report (CD108), in particular Education Scotland's view of the educational benefits of establishing a new, additional secondary school in the Musselburgh area. As well as placing less pressure on Musselburgh Grammar and potential risks to learning and social spaces at the school, Education Scotland highlights the potential for joint planning and greater breadth of provision in the curriculum and in wider activities. A number of recommendations are made to the council to ensure suitable engagement with stakeholders, sharing of financial information and transitional arrangements are put in place.

11. Overall, I support the spatial strategy of the plan (see Issue 2: Spatial Strategy) and the relevant proposals within Musselburgh (Issue 3: Musselburgh Cluster). I also support the need for an additional new secondary school at Wallyford as indicated in Proposals ED1 and MH11. The proposals contained within ED1 are appropriate to the spatial strategy and supported by other relevant policies of the plan, principally Policy DEL1: Infrastructure and Facilities Provision and also the draft Supplementary Guidance: Developer Contributions Framework. Therefore, I do not recommend any modifications to Proposal ED1 in response to this representation.

12. The council explains its current policy and criteria regarding providing free transport to and from primary and secondary schools and that the detailed arrangements in this case are still to be established. I accept that such practical matters are not for the local

development plan to resolve and therefore do not require any specific response in terms of modifying the plan.

### **PROP ED2: Prestonpans Cluster Education Proposals**

13. The plan states at paragraph 3.83 that there is sufficient capacity (with an extension) at Longniddry Primary School to accommodate the planned allocation of housing within Longniddry. In response to a further information request, the council acknowledges that there is an error within the relevant tables of Technical Note 14. It explains that the school currently has potentially 10 classrooms and the impact of additional development from Proposal PS1 will require an increase to 14 classrooms to accommodate a peak projected roll of 363 pupils. I find Proposal ED2 is consistent in highlighting the need for an extension to the school and to seek developer contributions accordingly.

14. With regard to Preston Lodge High School, an increase in the capacity of this school is required in order to accommodate the cumulative impact of development within its catchment at Blindwells and Longniddry. Both allocations fall within the Prestonpans Secondary Education Contribution Zone as shown in Appendix 1 of the plan. The council confirms that the school will still require to be extended even if Blindwells (Proposal BW1) does not come forward. Although Proposal ED2 acknowledges that an extension is required in relation to new housing development in the cluster, it only specifically refers to Proposal BW1. It would be helpful if paragraph 3.81 could also clarify that an extension will be required and that this would likewise be necessary as a result of development in Longniddry. Therefore I recommend a modification to this effect.

### **PROP ED4: Tranent Cluster Education Proposals**

15. The total hectareage to be safeguarded for the provision of new schools or school expansions is not specified within Proposals ED1 to ED7. Therefore I do not consider it necessary to specify the actual area Windygoul Primary School in hectares within this section of the plan. To do so would be inconsistent with the way other proposals are referred to. However, within Issue 6: Tranent Cluster, we accept that Proposal TT2: Windygoul Primary School Expansion Land is separately identified from adjacent housing and there is a separate proposal to safeguard land for a school expansion. Therefore the proposal itself (Proposal TT2) should include a reference to the size of the site. This recommended modification is reflected in Issue 6.

16. I note the council states that 1.24 hectares are required, a figure also stated by the Walker Group. Within the draft Supplementary Guidance: Developer Contributions Framework, Windygoul additional campus is referred to as 1.124 hectares with the council liable for 0.5 hectares and the developer for 0.624 hectares. The developer contribution of £920 per house appears to have been worked out on this basis. Although the difference of 0.116 hectares is not explained, I accept that the area of 1.124 hectares is an approximation. This is reflected in the recommended modification to Proposal TT2 above.

17. I do not consider it necessary to specify the council's role in contributing to the funding of campus land as suggested by the Walker Group. I agree with the council's explanation that Technical Note 14 and the draft Developer Contributions Framework are clear in the respective interests and apportionment of the costs; the latter intended as Supplementary Guidance. The detail of such matters is more appropriate for consideration at the planning application stage and with regard to negotiating any planning obligations.

**PROP ED5: Haddington Cluster Education Proposals**

18. The representation does not suggest that the developer contributions sought in relation to this proposal would make development unviable, but general caution is raised. In accordance with Policy DEL1, developer contributions would be sought through a planning obligation which should comply with Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The draft Supplementary Guidance: Developer Contributions Framework (paragraphs 1.16 to 1.18) outlines how phased payments or staged repayments may be introduced to assist delivery of necessary infrastructure and related cash flow. The council accepts (in paragraph 1.23 of the draft Framework), that where viability is an issue it may excuse a proposal from certain developer contributions. However, this would only be in exceptional circumstances and where the merits of the proposal clearly outweigh the public interest in requiring certain contributions. Overall, I consider that there are adequate measures in place to respond to these concerns if necessary.

**PROP ED6: Dunbar Cluster Education Proposals**

19. The representation by David Wilson Homes refers specifically to additional housing development in East Linton. The council has considered the overall educational requirements relative to all the development allocated within the plan at East Linton. Cumulatively, resulting from development within East Linton and the wider Dunbar Cluster, an expansion to Dunbar Grammar is required along with an expansion to East Linton Primary School. Consistent with the Primary Education Zones for these schools as shown in Appendix 1 of the plan, developer contributions are to be sought as reflected in Proposal ED6. Any windfall proposals would also be considered in this way.

20. The council explains in Issue 13: New Sites that it has not assessed the impact on school capacity of housing development over and above that allocated within the plan. However, it highlights the very limited capacity and limited potential for further expansion at East Linton Primary School in response to the two sites being promoted in Issue 13. I accept the council's explanation in this regard and in general, I would not expect the local development plan to quantify such constraints when its primary task is to identify the necessary infrastructure to support the allocations which comprise the spatial strategy. Therefore I do not consider that any confirmation of future capacity of the applicable schools is required within the plan.

21. Magnus Thorne raises concerns over the capacity of East Linton Primary School in relation to existing and proposed developments within the catchment and specifically Proposal DR8: Pencraig Hill, East Linton. The matter of sufficient capacity at the school is responded to in Issue 8. The outstanding matter raised here is with regard to the lack of reference to East Linton Primary School within the text under the Dunbar Cluster (paragraphs 3.101 to 3.103) and objections to the general statement that the housing land allocations in the catchment areas of the smaller schools will help sustain their pupil roll.

22. Dealing firstly with the reference to smaller schools. In this context, in response to my further information request on this matter, the council refers to the primary schools of Humble, Saltoun, Innerwick and Athelstaneford. While these schools are only given as examples by the council, I note that East Linton is not specifically mentioned. While I also note the plan's use of the term 'generally', if one of the objectives of the spatial strategy is to secure housing allocations in locations where they can help to sustain local schools, I consider the plan should be clear on where this is intended. The same statement is also

used in paragraphs 3.93 (Tranent Cluster) and 3.108 (North Berwick Cluster) of the plan.

23. Although the council indicates that it would prefer to retain these statements with the plan, it also indicates that it would have no objection to their removal. In responding to this specific representation, I do not find that the plan is sufficiently clear as to whether housing is being identified at East Linton for the express purpose of helping to sustain the school roll.

24. Given that the statement in paragraph 3.103 is made generally, and explanation of where this is to be achieved through specific land allocations is not provided elsewhere within the plan, I recommend that this reference is removed. While I note that similar statements are made in paragraphs 3.93 and 3.108, I have no unresolved representations to these particular parts of the plan and therefore, while it would seem sensible to also remove these, I am unable to make a recommendation to that effect.

25. In terms of references to East Linton Primary School within this section of the plan, I note that the proposed extension of the school, as referred to in the draft Supplementary Guidance: Developer Contributions Framework is not stated within the preceding text to Proposal ED6. A reference to extending West Barns Primary School is also not included. For consistency, and in response to this particular representation, I recommend that a reference to extending East Linton Primary School is added to paragraph 3.101.

26. The plan uses the term 'reprovision' of Dunbar Grammar's school sports pitch capacity in paragraph 3.101 which suggests that the pitches will be replaced and provided elsewhere. However, the council explains in its response that the existing pitches are to remain and that additional provision is to be made available at the Hallhill Healthy Living Centre on a shared basis. Proposal DR3 would safeguard land for this specific purpose. To avoid further confusion on this matter, I recommend the word 'reprovision' is removed in this context.

27. The council explains in its response that it has assessed the primary school accommodation required, as set out in Technical Note 14, in line with Scottish Government Guidance: Determining Primary School Capacity 2014 (CD024). Additional primary capacity has been identified on a school by school basis. The council confirms that it has used the 'planning capacity' for the forward planning of the school estate which has then been used to assess the impact of new development and appropriate developer contributions. Such an approach is useful to provide a theoretical measure of the total number of pupils which could be accommodated in a school.

28. The council confirms that it will not seek contributions for any existing deficiencies in either capacity or standard of accommodation. This context is provided by Policy DEL1, in ensuring such contributions are required as a consequence of developments in accordance with Circular 3/2012. The details of such contributions are set out in Technical Note 14 and the draft Supplementary Guidance. Ultimately, the actual contribution sought will be a matter for discussion and negotiation at the planning application stage and with regard to any legal agreement. Therefore, I am unable to recommend any modification that would provide any more certainty on this matter.

29. The council highlights the Scottish Futures Trust metric for new primary schools as £2,963 per square metre for Quarter 2 of 2017. The council argues that the proposed rate of £3,000 per square metre is based on a range of school build contracts which it has competitively procured and also absorbs an element of risk to the council. It also explains



that the metric was established for new buildings and not for extensions which tend to be more complex and expensive. While I generally accept this explanation as reasonable in justifying the council's approach to the proposed use of £3,000 per square metre, the detailed costs are essentially matters for the supplementary guidance and for discussion and negotiation at the planning application stage and with regard to any legal agreement.

**PROP ED7: North Berwick Cluster Education Proposals**

30. Within Technical Note 14, the council explains that it utilises a new build child per house ratio for secondary schools based on its Education Provision Forecasting Methodology Guide. These ratios are considered to be a starting point but do not calculate the cumulative total number of pupils that might be expected from a new housing development over the entire development period and beyond. Other factors including additional new pupils arising each year and pupil migration are also taken account of. The council has carried out a recent analysis of new builds, and ongoing monitoring and adjustments are likely to take place which will have a bearing on predicted school capacities and developer contributions sought.

31. With regard to Eddie Clarke's request to amend the safeguarded area for Proposal NK2: North Berwick High School and Law Primary School Expansion Land, I note that this matter is not raised in Issue 9: North Berwick Cluster. Therefore I deal with it here. Land is safeguarded to the west of North Berwick High School under Proposal NK2. This is to allow for future school expansion as required but may not take in the entire area. Until this matter is resolved it is not possible to identify a remaining area and determine whether this should be separately safeguarded from any kind of built development. In the meantime therefore, the whole area represented by Proposal NK2 should remain safeguarded for school expansion purposes and I do not recommend any modifications.

32. The representation also wishes to ensure that the size of the new PE hall at North Berwick High School is adequate to ensure its entire sporting requirements in order to avoid needing to share facilities with the local sports centre. The council indicates that the proposed hall will be sufficient to meet the expansion of North Berwick High School, consistent with the scale of development proposed. The evidence before me does not suggest otherwise, therefore I find that no modification is required.

**Reporter's recommendations:**

Modify the local development plan by:

1. In paragraph 3.81, amending the beginning of the first sentence to read: "An extension to Preston Lodge High School will help....."
2. In paragraph 3.81, adding a new second sentence as follows: "It will also enable the development of Longniddry South (PROP PS1)."
3. In paragraph 3.101, deleting the following text from the last sentence: "the reprovision of".
4. In paragraph 3.101, inserting the following text at the end: "An extension to East Linton Primary School will also be required."
5. In paragraph 3.103, deleting the last sentence.



<b>Issue 16</b>	<b>Community, Health and Social Care Facilities</b>	
<b>Development plan reference:</b>	Community Facilities, Health and Social Care Facilities (pgs 80 – 82)	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Walker Group (0138)                  Longniddry Community Council (0161)                  Gullane Community Council (0166)                  Musselburgh &amp; Inveresk Community Council (0245)                  Barratt David Wilson Homes (0246)                  Musselburgh Area Partnership (0291)                  Musselburgh Grammar School Parent Council (0317)                  North Berwick Community Council (0326)                  SportScotland (0367)                  Musselburgh Conservation Society (0368)                  Inveresk Village Society (0385)                  East Lammermuir Community Council (0414)                  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)                  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	PROP CF1: Provision of New Sports Pitches and Changing Accommodation Policy HSC1: Health Care Sites PROP HSC2: Health Care Facilities Proposals	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>PROP CF1: Provision of New Sports Pitches and Changing Accommodation</b></p> <p><u>Longniddry Community Council (0161/7)</u></p> <p>Longniddry Community Council seeks the provision of an all weather pitch instead of a grass pitch in association with Proposal PS1. It also notes that the existing changing accommodation at recreation park is to be shared between users of the existing and new pitch and that this would require a crossing of the main road to be provided.</p> <p><u>Musselburgh Grammar School Parent Council (0317/7)</u></p> <p>No provision for community centres or other facilities such as a new sports centre to cater for new people.</p> <p><u>SportScotland (0367/3)</u></p> <p>New development is likely to result in the requirement for new sports facilities or upgrade to existing facilities in order to enable them to accommodate additional users, and SportScotland supports that ELC's LDP (through PROP CF1) and Supplementary Guidance (SG) Developer Contributions Framework makes some provision for this. We advise that sports facilities needs should be defined through an assessment of existing sports facilities and what the future sports needs will be. It is not currently clear how the</p>		

sports facilities projects proposed have been identified. Include reference within the supporting text to PROPCF1 (page 80) and the Supplementary Guidance (SG) to the requirement for compensatory replacement where development proposals will impact on outdoor sports facilities - as detailed in SPP and separate to developer contributions.

### **Policy HSC1: Health Care Sites**

Musselburgh Conservation Society (0368/5); Inveresk Village Society (0385/14)

The LDP should be much more specific in para 3.115 and 3.116 about how primary care provision for such a huge increase in population is to be met particularly in the Musselburgh Cluster. The Action Plan is silent on this matter.

### **PROP HSC2: Health Care Facilities Proposals**

Longniddry Community Council (0161/6)

The provision of health care facilities is provided through the Harbours medical practice in Cockenzie and its local satellite surgery within Longniddry. The practice in Cockenzie is to be expanded by a further three treatment rooms to accommodate demand. However, there are no plans in place to enhance provision at Longniddry, despite the plans to develop 450 homes there or for developers to contribute to this.

Musselburgh & Inveresk Community Council (0245/4)

Musselburgh Primary Care Centre will not be able to cope with the extra residents and there is a current lack of elderly care home places.

Barratt David Wilson Homes (0246/9)

The general principle of charging developers for the provision of healthcare facilities is not supported.

Musselburgh Area Partnership (0291/2)

Health provision has not been properly planned for especially in relation to GP services, health visitor and primary care capacity in Musselburgh. Erosion of green space and green belt could also affect health more generally.

Musselburgh Grammar School Parent Council (0317/4)

Services such as doctors, dentists, police are unable to cope at present and no mention of how these will be enhanced to cope.

East Lammermuir Community Council (0414/13)

The Local Development Plan is virtually silent on Health Centres and hospitals. Is it really still acceptable to omit these matters from the Local Development Plan?

### **Community, Health and Social Care Facilities Miscellaneous**

Walker Group (0138/9)

It is acknowledged that NHS Lothian provides primary, community-based and hospital services for the area. The NHS is fully funded through taxation from Central Govt. Walker Group dispute that new housing will generate demand for community and health services. It is population growth which generates demand for health services. New housing only provides for the needs and demands of population growth. Requiring developer contributions from residential development does not meet the test set out in Circular 3/2012 Planning Obligations. The Councils Statement of Conformity which Circular 3/2012 is simply a statement of issues with the NHS as the Central funded provider of health services are currently experiencing. The statement fails to demonstrate that without the provision of these additional houses there would be no requirement for these additional services. Indeed without the additional houses the pressures on the health service would be greater. GP practices in the country are run by GPs - independent contractors - and for this reason it would be illegal to require developer contributions for the expansion of existing premises or new premises.

Gullane Community Council (0166/8)

The proposed LDP pays particular attention to football provision in Gullane, despite a significant current provision and the need for the Council to fix damage to drainage caused by installing a skateboard park. The priority should be with winter/adverse weather community facilities. This has not been assessed, and needs to be if NK7 and NK8 are retained. Specific reference to football provision should be removed from NK6.

North Berwick Community Council (0326/8)

The plan contains no assessment of how the plan will impact on the social capital of North Berwick. The key to this is to provide opportunities for people to be out and about in social spaces. There is a need for a vision for the town, incorporating a new or upgraded community centre / arts centre, a replacement for Space (for young people), spaces which encourage inter generational activities and contact.

**Community, Health and Social Care Facilities Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/8); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/6)

Support Policy CF1 which requires one full six grass pitch and two team changing at Letham Mains and one 7 a side grass playing pitch at the Letham Mains Expansion.

**Modifications sought by those submitting representations:**

**PROP CF1: Provision of New Sports Pitches and Changing Accommodation**

Longniddry Community Council (0161/7);

In proposal PS1 provide all weather pitch rather than grass pitch.

Musselburgh Grammar School Parent Council (0317/7)

No Modification sought

SportScotland (0367/3)

Include reference within the supporting text to PROP CF1 (page 80) and the Supplementary Guidance (SG) to the requirement for compensatory replacement where development proposals will impact on outdoor sports facilities - as detailed in SPP and separate to developer contributions.

Amend all references to "Sports Pitches and Changing Accommodation" to read "Sports Facilities, Pitches and Changing Accommodation".

**Policy HSC1: Health Care Sites**Musselburgh Conservation Society (0368/5); Inveresk Village Society (0385/14)

The plan needs to be much more specific in paragraphs 3.115 and 3.116 about how primary care provision for a huge increase in population is to be met, particularly in the Musselburgh Cluster. Reference is sparse and lacks reassurance that adequate facilities will be put in place.

**PROP HSC2: Health Care Facilities Proposals**Longniddry Community Council (0161/6); Musselburgh & Inveresk Community Council (0245/4); Barratt David Wilson Homes (0246/9); Musselburgh Area Partnership (0291/2); Musselburgh Grammar School Parent Council (0317/4); East Lammermuir Community Council (0414/13)

No Modification sought

**Community, Health and Social Care Facilities Miscellaneous**Walker Group (0138/9)

At Para: 3.72 line 1 - Delete "and new housing development":

At Para 3.73 - delete the Final sentence - "Developer contributions will be sought in all relevant circumstances and commitment to fund and deliver solutions to increase capacity where necessary will be essential prior to the approval of any planning permission.

At Para 3.117 - Delete last sentence "However NHS Lothian will require new premises for GP services at Blindwells and developer contributions will be required.

North Berwick Community Council (0326/8)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Gullane Community Council (0166/8)

Proposal of an appropriate solution for the provision of community facilities usable in winter/adverse weather conditions.

**Community, Health and Social Care Facilities Support**Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/8); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/6)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**PROP CF1: Provision of New Sports Pitches and Changing Accommodation**

Longniddry Community Council (0161/7)

The Council submits that the provision of a grass pitch here is the preference since this could accommodate a wider range of formal and informal activities than synthetic surfaces. The Council has considered this in the context of its sports pitch strategy, which seeks to deliver a range of playing pitch types on a cluster basis. The Council submits that the Preston Lodge Cluster will be adequately served by pitch provision of suitable types, including the synthetic pitches available at Preston Lodge High School. The Council also submits that the plan makes provision for a new road crossing point to be delivered within Proposal CF1 of the plan, partly for the reasons given by the Community Council but also to facilitate a safe route to school (see pages 81 and para 2.59) (CD039). The Council submits that utilising the existing pavilion within the village will support the integration of new houses. **The Council submits that no modification is necessary.**

Musselburgh Grammar School Parent Council (0317/7)

The need for new or improved provision of community facilities, including sporting facilities, has been considered in the development of the LDP, see para 3.111 – 3.114 of the LDP (CD039) and PROP CF1: Provision of New Sports Pitches and Changing Accommodation. Where expansion of such facilities is required associated Supplementary Guidance: Developer Contributions Framework (CD063) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council submits that new indoor sports hall, grass pitch and synthetic provision will be provided as part of new education campuses within the Musselburgh Cluster, including at primary and secondary school level. The Council considers that this will provide use for school and community sport and that this would provide adequate capacity to address the demand for such facilities within the cluster arising as a result of new development. The Council submits that wet provision (e.g. swimming pools) is adequately catered for within the cluster at the existing Musselburgh Sports Centre. The Council considers that these provide an adequate framework to accommodate the development without unacceptable impacts on local services and infrastructure. Specifically in relation to community centres, where these are Council run community centres the potential impact of development on these was considered by the relevant Council Service; no additional needs were identified. **The Council submits that no modification is necessary.**

SportScotland (0367/3)

The Council submits that the assessment of sports facilities required is based on a number of sources available to Council Officers including the following:

1. Open Space strategy standards for sports pitches (strategy is in draft format at present)(CD083)
2. East Lothian Council Sports Pitch Strategy 2008 (CD083)
3. SportScotland Facility Planning Model data
4. Local facility usage data by cluster
5. Every 400 - 500 houses yielding 1 full size sports pitch and a 2 team changing pavilion

Sports facility requirements by cluster were identified based on the above information which informed the requirements set out in the LDP document. The Council submits that information provided from SportScotland based on survey information applied to population data was used in conjunction with actual local data.

The Council submits that the terms of this representation insofar as the provisions of LDP policy are concerned are similar to those of representation 0367/2, which is answered at Schedule 4 Issue 15. As such, in terms of seeking compensatory provision where a development proposal would impact on outdoor sports facilities the Council submits that Policy SECF1: Safeguarded Education and Community Facilities (CD039) policy would apply, and that it may need to be read together with Policy OS1: Protection of Open Space. The Council therefore submits that these policies applied separately or together will provide the degree of protection sought by SportScotland in respect of land currently in use as sports facilities or where these form part of designated open space. The Council is also of the view that, since the term 'Community Facilities' in Policy SECF1 is intended to relate to 'Sports Facilities, Pitches and Changing Accommodation' that no change to the LDP is necessary in respect of this aspect of the representation. The Council submits that these references exist under the Community Facilities heading and pre-amble to Policy CF1: Provision of New Sport Pitches and Changing Accommodation because in terms of recreational facilities these are the ones for which developer contributions are being sought, not towards other facilities such as swimming pools or leisure centres as there will be adequate capacity provided by existing facilities to accommodate demand. The Council therefore submits that the terminology it has used is accurate. **The Council submits that no modification is necessary.**

### **Policy HSC1: Health Care Sites**

#### Musselburgh Conservation Society (0368/5); Inveresk Village Society (0385/14)

The key agency with responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan to enable it to consider its impacts on healthcare provision. Paragraph 3.117 of the LDP (CD039) explains how NHS Lothian intends to address the health needs of the growing population. The Musselburgh Primary Care Centre (MPCC) opened in 2012 offers a range of community health services in modern primary care premises which can be flexibly utilised and which has sufficient space to accommodate projected population growth across Musselburgh and within the three practices' boundaries. East Lothian Health and Social Care Partnership is working with the three practices in the MPCC to develop their services to meet current and future demand.

The Council will continue to work with NHS Lothian on healthcare capacity across East Lothian to resolve any issues. The Action Programme (CD045) sets out the guidance, policies and proposals of the LDP and the actions needed to implement them to successfully deliver the LDP. Under LDP Guidance Action 2, it specifically mentions Policy HSC1 and Proposal HSC2, the action to be taken and by who.

As such, this matter is not an issue that should be addressed any further by the Local Development Plan or its Action Programme since other plans and strategies are being used to deliver the relevant services and capacity. These other plans and strategies are referred to within the LDP, and the delivery of these will be governed outwith the land-use planning process. It is not the role of the LDP or its Action Programme to deliver the activities of other bodies. The Council submits that the LDP reflects how these other bodies



intend to accommodate the impacts of the LDP. They advise that there is sufficient accommodation within current primary care facilities at Musselburgh to meet the demands of population growth there. NHS Lothian is already in negotiations with affected practices to increase their capacity to deliver services over time. **The Council submits that no modification is necessary.**

### **PROP HSC2: Health Care Facilities Proposals**

#### Longniddry Community Council (0161/6)

The practice in Cockenzie is to be provided with a sizeable extension of its existing premises to provide extra facilities including treatment rooms all designed to deliver services flexibly to accommodate anticipated demand, including the impact of development at Longniddry. The situation will be monitored by the East Lothian Health and Social Care Partnership which will assess the need for any additional capacity and where it should be located. **The Council submits that no modification is necessary.**

#### Musselburgh & Inveresk Community Council (0245/4); Musselburgh Area Partnership (0291/2); Musselburgh Grammar School Parent Council (0317/4)

The key agency with responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan to enable it to consider its impacts on healthcare provision. Paragraph 3.117 of the LDP (CD039) explains how NHS Lothian intends to address the health needs of the growing population. NHS Lothian has looked at population growth projections associated with the LDP and does not believe that expansion on the scale proposed, over the timeframe indicated would cause difficulties in the capacity of primary care within the modern Musselburgh Primary Care Centre, which can be used flexibly in response to demand and no identified need for additional health care facilities at Musselburgh has been identified. The Council will continue to work with NHS Lothian and the Health and Social Care Partnership on health and social care capacity across East Lothian to resolve any issues.

Although there will be a loss of green belt land around Musselburgh all new housing developments will be provided with new open space and play facilities in line with Policies OS3 and OS4 of the LDP. In part to mitigate against the loss of green belt, the LDP proposes to extend and enhance the green network within East Lothian, including in association with new development. Policy DC10: Green Network is the relevant policy, and the Council proposes to introduce a Green Network Strategy as Supplementary Planning Guidance when the LDP is operative. The LDP will also be accompanied by Development Briefs Supplementary Planning Guidance (CD061) which will seek to help deliver green network objectives as part of the development of sites. Existing green space within the Musselburgh area is protected by Policy OS 1 of the LDP.

Police Scotland was also consulted at all stages of the plan and are aware of the proposed allocations. It is for them to ensure that local services can meet demand and are extended where appropriate.

Of the four dental practices within Musselburgh one has capacity for new NHS patients. In addition, there is spare NHS capacity in neighbouring towns, including Portobello and Prestonpans. East Lothian Health and Social Care Partnership will work with General Dental Practitioner colleagues to develop any necessary provision of NHS dentistry. **The Council submits that no modification is necessary.**

Barratt David Wilson Homes (0246/9)

Nearly all GP practices in the county are run by GPs as independent contractors, within a range of premises, some GP owned, some practice leased and some health board owned and developer contributions for expansion of existing premises will not be sought. A Scottish Government review of GP premises provision will make recommendations on arrangements which may affect the ownership of existing and newly provided premises. Where the need for additional capacity within facilities arises as a direct result of new development, and those facilities are owned by NHS Lothian, there is a case to seek developer contributions toward the provision of that increased capacity, provided the test of Circular 3/2012 (CD021) can be met. The Council submits that NHS Lothian has set out within Technical Note 14 (CD059) the basis for its assessment of the need for developer contributions towards the provision of such increased capacity (See Statement of Conformity with Circular 3/2012 set out at page 64 of that Technical Note). **The Council submits that no modification is necessary.**

East Lammermuir Community Council (0414/13)

The key agency with responsibility for health provision, NHS Lothian, was consulted during the publication of the proposed plan to enable it to consider its impacts on healthcare provision. Paragraph 3.117 of the LDP (CD039) explains how NHS Lothian intends to address the health needs of the growing population. East Lothian Council supports the wider provision of locally accessible health care facilities through the retention of adequate land for health care use; this is covered by Policy HSC1: Health Care Sites. The design of the new East Lothian Community Hospital has taken into account population growth and the site has land set aside for a possible replacement GP facility for Haddington. NHS Lothian and the East Lothian Health and Social Care Partnership have identified proposals to help address demand for services and additional projects may also be identified in future. Nearly all GP practices in the county are run by GPs as independent contractors, within a range of premises, some GP owned, some practice leased and some health board owned and developer contributions for expansion of existing premises will not be sought. A Scottish Government review of GP premises provision will make recommendations on arrangements which may affect the ownership of existing and newly provided premises. PROP HSC2 identifies proposals within East Lothian as part of its modernisation agenda. A significant amount of work is being undertaken to identify the optimal form of housing provision for all ages of people with health and social care needs.

As such, this matter is not an issue that should be addressed any further by the Local Development Plan since other plans and strategies are being used to deliver the relevant services and capacity. These other plans and strategies are referred to within the LDP, and the delivery of these will be governed outwith the land-use planning process. It is not the role of the LDP to deliver the activities of other bodies. The Council submits that the LDP reflects how these other bodies intend to accommodate the impacts of the LDP. **The Council submits that no modification is necessary.**

**Community, Health and Social Care Facilities Miscellaneous**Walker Group (0138/9)

As well as meeting the pressures of natural population growth within communities, the provision of new housing will undoubtedly attract new residents to move into East Lothian. NHS Lothian and East Lothian Health and Social Care Partnership have responded to



current and future population growth and resulting pressure across all of its established GP practices (some GP owned, some practice leased and some health board owned) through a range of actions, including the extension of existing facilities and provision of new premises.

The only development which NHS Lothian is seeking developer contributions for is the new settlement at Blindwells. The practice boundary for the new facility at Blindwells would emulate the boundaries of the new settlement, including any expansion of it; as such, the need for the additional facilities would be generated solely by new development. The GMS (GP) contract does not allow NHS Lothian to oblige existing GP premises to expand their services beyond their existing boundaries to meet the primary care needs of new populations such as proposed at Blindwells. Although NHS Lothian is seeking developer contributions for any required primary care premises, (which may be contained in multi-use buildings) it would be willing to discuss with developers options to lease a suitable developer-built facility. **The Council submits that no modification is necessary.**

North Berwick Community Council (0326/8)

The Local Development Plan has addressed infrastructure issues where it can, in line with Scottish Government Circular 3/2012 (CD021). There are a number of policies and proposals that address transport, education, health care and community facilities provision throughout the LDP that will be delivered through LDP Policy DEL1 (Table DEL1 on page 143) as well as the Developer Contributions Framework Supplementary Guidance (CD063) as appropriate. Taken together these set out how developers will contribute to addressing the impacts of their developments. These policies have been prepared working with the relevant service and infrastructure providers. Policies of the LDP also allow for new community projects, facilities or the refurbishment of spaces to be delivered in appropriate locations. **The Council submits that no modification is necessary.**

Gullane Community Council (0166/8)

In Gullane, the need to enhance the existing full size grass sports pitch within Recreation Park, as well as contributing towards the provision of a seven-a-side sports pitch is specified. The contribution required is set out in the proposed Developer Contributions Framework Supplementary Guidance (CD063). The Council submits that the North Berwick Coastal Cluster will be adequately served by community facilities usable in winter / adverse weather conditions, including the sports halls available at North Berwick High School and North Berwick Sports Centre and all weather synthetic pitch in North Berwick. Proposal NK6 does not specify any football provision. Maintenance issues with regard to the skateboard park are not a matter for the LDP. **The Council submits that no modification is necessary.**

**Community, Health and Social Care Facilities Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/8); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/6)

Support noted

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

### **PROP CF1: Provision of New Sports Pitches and Changing Accommodation**

2. The matter raised by Longniddry Community Council regarding the type of pitch suitable for Proposal PS1 is responded to in Issue 4: Prestonpans Cluster and I agree with the conclusion reached there.

3. The council explains that it has considered the need for all community facilities and where expansion or new provision is required, resulting from new development, this has been identified within the plan. Proposal CF1 identifies specific requirements for new sports pitches and changing accommodation. With regard to community centres, no additional needs have been identified.

4. In response to request by SportScotland, the council explains how it has identified the sport facilities that will be required as a result of new development. This assessment utilises key information and standards from the council's Open Space Strategy, the council's Sports Pitch Strategy and SportScotland Facility Planning Model as well as other local sources. The plan provides protection for existing open space and facilities, including outdoor sports facilities, through Policy OS1: Protection of Open Space. This includes compensatory provision where necessary, consistent with Scottish Planning Policy. In Issue 17, we recommend modifications to Policy OS1. However such recommendations do not affect my conclusions on this matter. Therefore I do not consider any modifications to add additional references to the supporting text to Proposal CF1 are necessary. I have no remit to examine or recommend amendments to the draft Supplementary Guidance: Developer Contributions Framework as requested.

### **Policy HSC1: Health Care Sites**

5. Policy HSC1 (and its preceding text) seeks to explain and safeguard existing health care sites. Proposal HSC2 and its supporting text explain how the council has been working with NHS Lothian and the proposals that will be taken forward in East Lothian as part of its modernisation agenda. The representations on this matter request that the local development plan should allay fears over increased pressures on primary care provision leading to a situation that could become intolerable. Their concerns are raised specifically in relation to Musselburgh and particularly the plan's Action Programme. The concerns raised regarding capacity and future provision are more appropriately responded to under Proposal HSC2 below.

### **PROP HSC2: Health Facilities Proposals**

6. Seven proposals are listed under Proposal HSC2 including reference to a new community hospital, increases in GP provision and remodelling of care services. References are also made in the plan to the Health and Social Care Partnership and the development of additional services where these are required. The council indicates that it has consulted NHS Lothian and that Musselburgh Primary Care Centre has sufficient space to accommodate projected population growth. Proposal HSC2 includes reference

to the provision of additional GP capacity at Cockenzie/Port Seton. The council highlights that the existing practice is to be extended to accommodate anticipated demand including that arising from the proposed development at Longniddry. The matter of future primary care provision in Musselburgh and Longniddry has therefore been given reasonable consideration in the plan at this stage.

7. I also note that the council will continue to work with NHS Lothian and the partnership to resolve any issues. While I acknowledge the unease expressed within the representations with regard to the future provision of health services, dentists and emergency services, I find that the plan contains sufficient detail at this time to enable particular proposals to come forward. I agree with the council that it is not the role of the local development plan to actually deliver the activities of other bodies and agencies but to identify where future development of facilities might be required. With regard to health care provision, I consider that the plan does this, as far as it can, through Proposal HSC2. The detailed content of the Action Programme is a matter for the council once the plan is adopted and is not for this examination.

8. A number of concerns are expressed over the proposed erosion of green space and green belt in Musselburgh and consequent effects on health. While I consider some losses to be unavoidable as part of the spatial strategy of the plan, I note that there are a number of policy measures within the plan which seek to protect remaining existing spaces, for new open space provision to be provided as part of new development and for the concept of a Green Network to be taken forward. A Green Network Strategy is to be prepared which will enable new or improved green infrastructure which encourages healthier lifestyles, physical activity and mental wellbeing.

9. The concern raised by Barratt David Wilson Homes regarding the principle of charging developers for the provision of healthcare facilities is dealt with below.

### **Miscellaneous**

10. The plan already acknowledges (in paragraph 3.117) that nearly all GP practices in East Lothian are run by GP's as independent contractors. The council explains that proposals are in place to develop premises on the basis of a prioritisation exercise. This will allow all existing East Lothian practices to accommodate local population and demand growth. For this reason, developers within the catchment areas of existing premises are not being asked to make contributions to the costs of these existing proposals.

11. The plan requires developer contributions for new or improved health care provision only in relation to Blindwells. Proposal HSC2 states that a further new GP practice and a new facility will be required for the current allocation (BW1). Developer contributions (land and capital) are expected and also if Blindwells expands in the future (BW2).

12. The council explains that the area of the Blindwells development is outwith any existing GP practice boundary. The projected population growth for the development cannot be permanently accommodated by the neighbouring practices in Tranent, Cockenzie or Prestonpans; though a short term arrangement may be possible to provide initial residents with primary care services. Under General Medical Services (primary care) contract rules, the existing practices cannot be required to extend their boundaries to accommodate new patients and can limit the numbers of patients registering with them. The council states therefore that a new facility will be required and it will be a publicly run service.

13. The longer term solution for primary care provision is to provide new build premises within the Blindwells development. As the need for these premises is directly attributable to the new housing, the developer(s) will be asked to contribute to the capital costs of the required facility which will need to provide a full range of primary care and community services for that community. An alternative to this arrangement will be for the developer to build the premises for lease to NHS Lothian. I note the concerns raised by Wallace Land Investments in Issue 31: Delivery that the planning system cannot oblige the funding and delivery of the actual GP practice, however that is not what is being requested.

14. As a new settlement, Blindwells will require the requisite facilities. The council's committee report on the planning application for Blindwells indicates that the applicant is agreeable to accommodating primary care premises within the local centre. This would be part of a shared facility for joint health, council and other service use in agreement with NHS Lothian. Since the plan was produced, the council indicates that it is minded to grant planning permission in principle for circa 1,600 homes at Blindwells subject to completing a section 75 legal agreement. The council highlights that instead of providing a financial and land contribution, the developer has agreed to a condition requiring them to deliver a suitable facility within the development.

15. The council explains that the practice boundary would emulate the boundaries of the new settlement, including any expansion, and therefore the need for the new facility would be generated solely by new development. No existing communities are intended to make use of the facility. While I note the objection to the principle of securing developer contributions towards primary healthcare services, given the circumstances described in relation to Blindwells, I consider it reasonable that the plan seeks to do so. The need for such facilities is in this situation directly attributable to new development. This matter is also considered in Issue 31.

16. Two of the modifications sought by the Walker Group affect the background text in the introduction to the chapter of Education, Community and Health and Social Care Facilities. This chapter deals with the provision of education, sports facilities, open space and allotment provision as well as health care facilities. Consequently, I do not consider it appropriate to remove, as suggested, references to new housing development generating demand for such facilities or the removal of the statement that developer contributions will be sought in all relevant circumstances and commitment to fund and deliver solutions will be essential prior to approval of planning permission. While I agree that population growth generates the demand for particular types of health services, it is the location of that growth (as provided for in new housing developments) that can also affect what facilities might be required. The circumstances where developer contributions will be expected are clearly set out within the policies and proposals of the plan. Therefore, I consider that a general statement which highlights the potential for such contributions to be sought is appropriate to retain within this section of the plan.

17. North Berwick Community Council comment on the need for a vision for North Berwick and for specific facilities and spaces to be identified – a similar request for an 'area plan' is made in Issue 2: Spatial Strategy. There, I conclude that the plan is sufficiently detailed and contains the necessary policies and proposals to respond to the issues presented. Although I acknowledge that supplementary planning guidance for local areas may be one way in which to take forward the community council's concerns, this is a consideration for the council and I have no remit to recommend on such matters.

18. Gullane Community Council criticise the plan's emphasis on football activity provision

in Gullane rather than other winter/adverse weather community facilities. The council response states that adequate community facilities usable in such conditions are available, including sports halls available in local schools. Therefore, in response to this representation, I do not find it necessary to recommend any modifications.

**Reporter's recommendations:**

No modifications.

<b>Issue 17</b>	<b>Open Space</b>	
<b>Development plan reference:</b>	Open Space and Play Provision Pages 83 – 87	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
David D Scott (0004) Philip and Kate Rycroft (0103) Walker Group (0138) George Neill (0148) Nick Swan (0162) Gladman Planning (0213) Omnivale Ltd. (0214) Scottish Environment Protection Agency (0252) Mrs Taylor (0287) Musselburgh Area Partnership (0291) Eric Martin (0299) W A Dodd (0323)	Haddington and District Amenity Society (0327) Homes for Scotland (0353) SportScotland (0367) The Scottish Government/Transport Scotland (0389) Jonathan Swift (0413) APT Planning & Development Ltd. (0424) Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438)	
<b>Provision of the development plan to which the issue relates:</b>	Policy OS1: Protection of Open Space; Policy OS2: Change of Use to Garden Ground; Policy OS3: Minimum Open Space Standard for New General Needs Housing Development; Policy OS4: Play Space Provision in new General Needs Housing Development; PROP OS5: Potential Cemetery Extensions; Policy OS6: Allotment Provision; Policy OS7: Allotment Sites.	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy OS1: Protection of Open Space</b></p> <p><u>SportScotland (0367/4)</u></p> <p>Policy OS1: Protection of Open Space - SPP states that LDPs should identify and safeguard outdoor sports facilities and open space, and enhance existing and promote new green infrastructure. Policy OS1 refers only to open space and facilities which are in active use and which “make a significant contribution”.</p> <p>Sportscotland is a statutory consultee in relation to development affecting outdoor sports facilities which includes any planning application for development that is likely to “prevent the use of land, which was last used as an outdoor sports facility, from being used again for that purpose” (Dev. Management Regs. 2013). As currently worded, policy OS1 does not reflect the broader level of protection and positive policy framework advocated by SPP to these spaces - the suggested modification to policy wording is therefore requested.</p> <p><b>Policy OS2: Change of Use to Garden Ground</b></p> <p><u>W A Dodd (0323/5)</u></p>		

Policy OS2: Change of Use to Garden Ground is irrational in the context of the pre-amble which explains the dis-benefits of such development. Open space should remain as such and not be allowed to become garden ground.

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

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/9); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/7)

Advice Box 2 provides guidance on the level of open space provision required based upon residential unit numbers. The 20-30m buffer for play areas is not supported and seen as excessive which could impact upon housing numbers being able to be delivered on site.

**Policy OS4: Play Space Provision in new General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/10); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/8)

Advice Box 2 provides guidance on the level of open space provision required based upon residential unit numbers. The 20-30m buffer for play areas is not supported and seen as excessive which could impact upon housing numbers being able to be delivered on site.

**PROP OS5: Potential Cemetery Extension**

David D Scott (0004)

The land safeguarded for a potential extension of Prestonkirk Cemetery belongs to the Parish of Traprain. The Kirk Session is favourably disposed to selling a portion of the land to extend the graveyard, but it requires some of the land for other purposes, namely an overflow car park, an amenity area for games, picnics and so on, and to hold temporary events/structures such as wedding marquees etc.

Philip and Kate Rycroft (0103)

Representation objects to Proposal OS5, and in particular the potential cemetery expansion proposed at the Glebe Field, Whitekirk. Representation notes that Whitekirk is within a conservation area. The site is distant from the church and would be out of place, and any new cemetery should be located closer to the church. The introduction of car parking and other amenities associated with the provision of a graveyard where it is proposed would be out of place and a visual intrusion in that part of the village. There has been no consultation with the local community on this proposal. It is not clear that there is demand for such a large area of land to expand the cemetery.

George Neill (0148)

Representation objects to Proposal OS5, and in particular the potential cemetery expansion proposed at the Glebe Field, Whitekirk. No consultation with the community has taken place regarding the proposals. The location of the site is too remote from the existing Kirk Churchyard. The size of the proposed site is inappropriately large for the likely need. The proposed site is currently greenfield, the development of which will require related amenities - car parking etc. - that would be an inappropriate visual intrusion to a

conservation village.

Nick Swan (0162)

Representation objects to Proposal OS5, and in particular the potential cemetery expansion proposed at the Glebe Field, Whitekirk. The area of land proposed for the area of development is completely disproportionate to present requirements. Given present rates of burial at Whitekirk, the area of development represents approximately 500 years of future burial requirements. The location of the proposed development is dislocated from the Church and present graveyard. It would seem more appropriate to site a new graveyard in a position more adjacent to the Church. It is noted that there may be issues with the rocky nature of the ground behind the present graveyard but an extension of the present graveyard along the A198 would appear more appropriate. There appears to be little demand within Whitekirk for an extension of the current graveyard. The more favoured option is continued use and expansion of the burial facility at Binning Wood.

Gladman Planning (0213/8)

The location for the cemetery extension shown/stated is incorrect. To meet an immediate need identified by East Lothian Council in the adopted Burial Ground Strategy 2015, land on the opposite side of the A1087 is the Council's preferred location. The cemetery site shown in the Strategy Map is incorrect and does not reflect the latest position of the Council on this matter.

Omnivale Ltd. (0214)

The representation objects to the allocation of the site for cemetery use and considers that the site is suitable for residential development.

Scottish Environment Protection Agency (0252/7)

The representation states that cemeteries can have a detrimental impact on groundwater. The acceptability of the proposed site locations and scale of development can only be assessed following site specific investigation. In the absence of such information, the acceptability of these sites cannot be established. Should investigations be carried out prior to adoption, in accordance with SEPA 'Guidance on Assessing the Impacts of Cemeteries on Groundwater', then we would be able to review our position. If no further information is provided prior to adoption, a development requirement should be attached to each site requiring site specific investigation to be undertaken in line with SEPA 'Guidance on Assessing the Impacts of Cemeteries on Groundwater', before any development occurs at the site. In addition a caveat should be attached to make it clear that dependent on the findings of the site specific investigation the site may be found to be unsuitable for the creation of a cemetery.

Mrs Taylor (0287)

Representation relates to the proposed cemetery extension at Brierybank Haddington. Objector owns the land where the cemetery is proposed, and objects to its inclusion within the LDP as being safeguarded for this purpose. Disappointing that the Council has not sought to consult on these proposals before publication of the proposed LDP, including determining what the landowner's plans are for the land. Objector opposes the use of the land for a cemetery. Objection seeks to demonstrate that there is no need for a cemetery in



Haddington, referring to capacity and timing information from the Council' Burial Strategy which suggests such a new cemetery at the town will not be needed until 2041. In the interim such sites might be used for allotment provision to cross subsidise the delivery of their end use as a cemetery.

Eric Martin (0299)

Representation objects to Proposal OS5, and in particular the potential cemetery expansion proposed at the Glebe Field, Whitekirk. Representation notes concerned about lack of consultation on the proposals, and questions how many people have been contacted in relation to them. Area safeguarded is much larger than the existing graveyard and is disproportionate to future need. The site proposed is currently greenfield and would not be in keeping with the existing village. There are fields much closer to the village that could be considered. The benefits set out in the SEA relate to Haddington and not Whitekirk. It was difficult to place comments on website.

Haddington and District Amenity Society (0327/7)

Policy OS5 is objected to as the proposal for a cemetery extension is located outside the town boundary and a more appropriate site should be identified.

Jonathan Swift (0413/5)

No consultation with the community has taken place. The location for the cemetery site at Whitekirk is too remote. The size is inappropriately large. The site is greenfield and will require car parking etc causing inappropriate visual intrusion to a conservation village. Could not find the proposed site in the LDP.

APT Planning & Development Ltd. (0424)

The proposal to provide an extension to the Whitekirk Cemetery has been based on incorrect land ownership information and the assumption that this land would be gifted to East Lothian Council. The proposed land is not suitable for a new cemetery as it has no safe access, would be out of character with the remainder of the field it is a part of.

**Policy OS6: Allotment Provision**

Walker Group (0138/10)

Providing land for allotments is calculated as part of the open space requirement, the Walker Group will consider the accommodation of allotments within the masterplan subject to its location and treatment within the development not prejudicing the proper planning of the residential development. There is a lack of clear policy and approach to the integration of allotments within a residential development. There is little or no guidance with regards the factoring/ownership and ongoing maintenance of allotments.

The Scottish Government (0389/11)

There is no reference to community growing spaces in the plan. Scottish Planning Policy, paragraph 227, says that plans should encourage opportunities for a range of community growing spaces. The Proposed Plan, whilst making reference to allotments, does not refer to community growing, which includes community gardens, community orchards,

community market gardens and community farms. The Scottish Government requests additional wording be inserted into the plan to encourage opportunities for a range of community growing spaces.

**PROP OS7: Allotment Sites**

Haddington and District Amenity Society (0327/8)

Proposal OS7 is objected to as consideration should be given to the provision of allotments within Haddington and Proposal OS7 should be changed accordingly.

**Open Space and Play Provision Miscellaneous**

Musselburgh Area Partnership (0291/7)

No assurance of green space within new developments.

Homes for Scotland (0353/7)

Homes for Scotland queries the inclusion of a 20-30m buffer being applied to play areas within Advice Box 2 on Page 84 of the Proposed Plan. By way of an example, a 100 home development would require 60m<sup>2</sup> of play area per development = 6,000m<sup>2</sup> play area. If this was a square of approx. 77m x 77m, and a 30m buffer was required to be added, this would increase the area to 107m x 107m = 11,449m<sup>2</sup>, almost double the required area. A 20m buffer (97m x 97m) would require 9,409m<sup>2</sup> area provided. Homes for Scotland do not challenge the play area provision, but query the justification for the large land take that would be required to provide either a 20m or 30m buffer for the site. Homes for Scotland also query the justification for other requirements above 50 units within this Advice Box such as “possibly allotments, “community event space”, “formal sports facilities” and “possibly sports facilities”. Sports facilities are taken into account as part of the necessary developer contributions package and are detailed on a site specific basis within the draft Developer Contributions Framework supplementary guidance, therefore should not be added in to this guidance in an ad hoc manner. Homes for Scotland are concerned that this policy will lead to segregation of play areas and residential use, which raises issues of security and surveillance of the facilities.

**Modifications sought by those submitting representations:**

**Policy OS1: Protection of Open Space**

SportScotland (0367/4)

Policy OS1: Protection of Open Space - modification to text as below:

“Recreational, leisure and amenity open space and facilities, including outdoor sports facilities will be safeguarded to meet the recreational needs of the community and protect the amenity or landscape setting of an area. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and:

- i. the loss of a part of the land would not affect its recreational, amenity or landscape function, or
- ii. alternative provision of equal community benefit and accessibility would be made available, or
- iii. provision is clearly in excess of existing and predicted requirements”.

**Policy OS2: Change of Use to Garden Ground**

W A Dodd (0323/5)

Suggested replacement of Policy OS2:

“Policy OS2: Change of Use to Garden Ground Adequate open space is essential to the health, enjoyment and well being of house holders, and the LPA will not support any reduction of open space, due to its enclosure, for its exclusive use as garden ground.”

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

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/9); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/7)

No Modification sought

**Policy OS4: Play Space Provision in new General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/10); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/8)

No Modification sought

**PROP OS5: Potential Cemetery Extension**

David D Scott (0004); Philip and Kate Rycroft (0103); George Neill (0148); Nick Swan (0162); Eric Martin (0299); Jonathan Swift (0413/5)

No Modification sought

Gladman Planning (0213/8)

PROP OS5 to be shown at the land at Newtonlees Farm.

Omnivale Ltd. (0214)

The representation seeks the removal of the site from the Proposed Plan as a potential cemetery extension.

Scottish Environment Protection Agency (0252/7)

The proposal should be modified to include the following. “Applications for development should be supported by a site specific investigation to be undertaken in line with SEPA ‘Guidance on Assessing the Impacts of Cemeteries on Groundwater’. This investigation should demonstrate there will be no detrimental impacts to groundwater. It should be recognised that a site specific investigation may demonstrate that the site is unsuitable for use as a cemetery.

Mrs Taylor (0287)

Delete the safeguard for a new cemetery in Haddington from Proposal CS5 and from the

proposals map.

Haddington and District Amenity Society (0327/7)

Delete proposal for cemetery site at Brierybank Haddington and find another suitable alternative site.

APT Planning & Development Ltd. (0424)

Delete Whitekirk Burial Provision.

**Policy OS6: Allotment Provision**

Walker Group (0138/10)

Clarification of POL OS6 – in the operation and management of allotments provision is required.

The Scottish Government (0389/11)

Open Space Provision: additional wording should be inserted into the plan to encourage opportunities for a range of community growing spaces.

**PROP OS7: Allotment Sites**

Haddington and District Amenity Society (0327/8)

Amend Proposal OS7 and include allotment provision within Haddington.

**Open Space and Play Provision Miscellaneous**

Musselburgh Area Partnership (0291/7)

No Modification sought

Homes for Scotland (0353/7)

Removal of text in Policy OS4 under Section 3: General Requirements, part i. “with a suitable buffer set out within Advice Box 2” and justification for the suggested 20-30m buffer zone and allotment provision and community event space included within Advice Box 2.

**Summary of responses (including reasons) by planning authority:**

**Policy OS1: Protection of Open Space**

SportScotland (0367/4)

The Council submits that the current wording of Policy OS1 is appropriate. SportsScotland is of the view that the policy should from the outset safeguard all open spaces, and then immediately set out exceptions to that overall policy position in criterion i - iii. However, the Council is of the view that if the policy is to read properly, it needs to accept from the outset

that there may be circumstances where open space (parts of wider areas of open space or some open spaces in their entirety) may not make a significant contribution to the recreation needs of the community or the amenity or landscape setting of an area. This then sets the context for the application of criterion i – iii. It also allows Policies OS1 and OS2 to be read together. Examples of such situations may be where parts of open space that form part of the wider landscape design of an area may be better used as garden ground, since this may enhance the character and appearance of the area overall. **The Council submits that no modification is necessary.**

### **Policy OS2: Change of Use to Garden Ground**

W A Dodd (0323/5)

The Council submits that Policy OS2 (CD039) seeks to safeguard situations where the loss of open space would not result in an unacceptable loss of visual or recreational amenity or harm the integrity of a landscaping scheme, or set a precedent that if followed would do so. There are situations where the change of use of land to garden ground could improve the character and appearance of an area, and it is those situations where the policy may be permissive. The Council submits that this modification would be inappropriate. **The Council submits that no modification is necessary.**

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

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/9); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/7)

In accordance with the Council's Open Space Strategy 2012 (CD083) buffer zones are necessary around LEAPs and NEAPs to reduce potential disturbance to nearby residential areas. Distances of 20 metres and 30 metres respectively between the edge of the equipped play and the boundary of the nearest property are recommended. These buffer zones could include roads, footpaths and planted areas. The Council's intention is to consolidate the open spaces into larger useable areas. Good design can assist in maintaining a balance between ensuring such amenities are overlooked to stimulate self policing and maintaining reasonable space for children to play without causing detriment to quality of residential life. The buffer zone requirements are set out at Section 6.6 page 42 of the Council's Open Space Strategy 2012 (CD083). It should be noted that the intention is not to use this as a method for providing additional open space over and above that required by the policy. **The Council submits that no modification is necessary.**

### **Policy OS4: Play Space Provision in new General Needs Housing Development**

Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0426/10); Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd (0438/8)

In accordance with the Council's Open Space Strategy 2012 (CD083) buffer zones are necessary around LEAPs and NEAPs to reduce potential disturbance to nearby residential areas. Distances of 20 metres and 30 metres respectively between the edge of the equipped play and the boundary of the nearest property are recommended. These buffer zones could include roads, footpaths and planted areas. The Council's intention is to consolidate the open spaces into larger useable areas. Good design can assist in maintaining a balance between ensuring such amenities are overlooked to stimulate self

policing and maintaining reasonable space for children to play without causing detriment to quality of residential life. The buffer zone requirements are set out at Section 6.6 page 42 of the Council's Open Space Strategy 2012 (CD083). It should be noted that the intention is not to use this as a method for providing additional open space over and above that required by the policy. **The Council submits that no modification is necessary.**

### **PROP OS5: Potential Cemetery Extension**

David D Scott (0004)

The willingness of the Kirk of Session to sell part of the safeguarded land for a potential extension of the graveyard is noted and welcomed by the Council. Importantly, the development of any graveyard here would be dependent on the outcome of further technical work, including archaeological investigations as well as an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. The Council would welcome further discussion with the Kirk Session to agree how such technical work could be carried out, and on its conclusion and in light of it, to establish which parts of the site could be used to extend the graveyard and that there would be a willingness to sell. The Council recognises that the existing occasional use of the ground and the proposals for cemetery development will not impact on the continued intermittent use of the site for church activities. **The Council submits that no modification is necessary.**

Philip and Kate Rycroft (0103)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy (CD108a), the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible close to existing communities. This is why an expansion of burial space in Whitekirk is proposed. In terms of the impact on the amenity of the local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024) (CD060g). In SEA terms the site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on landscape – whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in the design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is**

**necessary.**George Neill (0148)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy (CD108a), the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Whitekirk is proposed. In terms of the impact on the amenity of the area local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024) (CD060g). In SEA terms the site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on landscape – whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. The Council submits that the cultural heritage policies of the plan will ensure that any development here protects, and where appropriate conserves or enhances, relevant cultural heritage assets. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

Nick Swan (0162)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy (CD108a), the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Whitekirk is proposed. In terms of the impact on the amenity of the area local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024) (CD060g). In SEA terms the site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on landscape – whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a

bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

Gladman Planning (0213/8)

The Council continues to support the safeguard of land at Deerpark for a cemetery extension. This will also provide a buffer between the cemetery and any future development around it. This site provides for an expansion of the existing cemetery site in the short term. If there is a further need for burial space in Dunbar, and the existing safeguard proves to be inadequate, then additional sites for the longer term will be considered in a future review of the Local Development Plan. At this stage, the only site where the Council has indicated support for a cemetery extension at Dunbar is the site currently safeguarded. The Council is aware of proposals for housing development opposite the current safeguarded site, within which there is also a cemetery proposal, but this site is not identified by the LDP either for housing or for a cemetery. The outcome of any decision on that proposal will be a project level decision, assessed on its own merits against the development plan and any other relevant material considerations. **The Council submits that no modification is necessary.**

Omnivale Ltd. (0214)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Tranent is noted by the Council. As part of the preparation of the Council's Burial Strategy (CD108a), the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Tranent, adjacent to the existing cemetery is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. In terms of the impact on the amenity of the area local area, the proposal for a graveyard has been assessed under the SEA process for cemetery provision (MIR/TTOTH028). The Council has received a Proposal of Application Notice (PAN Ref: 17/0001/PAN) for housing development on the current safeguarded site, within which there is also a cemetery expansion proposal, but this site is not identified by the LDP for housing. The outcome of any decision on that proposal will be a project level decision, assessed on its own merits against the development plan and any other relevant material considerations. **The Council submits that no modification is necessary.**

Scottish Environment Protection Agency (0252/7)

The Council notes SEPA's comments. However, the pre-amble to Proposal OS5: Potential Cemetery Extensions (CD039) is clear that there will be a need for assessment against the relevant SEPA guidance and that proposals for each '*potential*' cemetery extension will be



assessed on their own merits, in particular as regards their impact on the Water Environment. The Council submits that SEPAs concerns and requirements are adequately reflected within the LDP. **The Council submits that no modification is necessary.**

Mrs Taylor (0287)

Objector's concerns and unwillingness to release the site for cemetery use noted. Para 67 of Circular 6/2013 (CD022) states that 'the MIR is not a draft version of the plan' and that the content of the MIR should concentrate on the authority's 'big ideas for future development'. Whilst the Circular goes on to say that the MIR should be site specific, this should be read in the context of the statements at paragraph 67. As part of the preparation of the Council's Burial Strategy (CD108a), the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Haddington is proposed. In terms of the impact on the amenity of the local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/HN/OTH021). It should also be noted that the need for cemetery space was raised in consultation responses to the Main Issues Report by East Lothian Council's Amenity Services, and this was responded to by the Council in the preparation of the proposed LDP. The Council has consulted on these sites through the SEA process with the consultation authorities and other stakeholders in the preparation of the Draft Environmental Report. The Council submits that the land is safeguarded for cemetery use, not allocated, and that further technical work is required to demonstrate that this possible location can be taken to be preferred. The Council also submits that, should technical work demonstrate that this site is not an appropriate site for the safeguarded use, an alternative location could be sought at project level by way of planning application, providing relevant policies of the development plan can be satisfied.

In respect of the suggested temporary use of land for allotments, since publication of the burial strategy (CD108a) the Community Empowerment (Scotland) Act has emerged. Consequently, the Council would face issues in doing this due to provisions of the Act which seek to safeguard allotments for the long-term, making subsequent relocation of existing allotment holders hard to facilitate. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

Eric Martin (0299)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy (CD108a), the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. This is why an expansion of burial space in Whitekirk is proposed. In terms of the impact on the amenity of the area local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024) (CD060g). In SEA terms the site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on landscape. Whilst a location opposite the Church

might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. Comments in respect of on-line accessibility noted. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

Haddington and District Amenity Society (0327/7)

The Council submits that the site is safeguarded for a cemetery, and further technical work would be required before it could be delivered there. The Council submits that Haddington's urban form is well consolidated, and that locations on the edge of the settlement will be needed for facilities such as this. The impact of a cemetery on the landscape setting of Haddington here would be significantly less intrusive than if it were to be proposed for built development. In that context, the proposal for a cemetery, which is essentially open in character, would not compromise the setting of the town and would be acceptable in principle here. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. In that context, the proposal for a cemetery, which is essentially open in character, would not compromise the setting of the town and would be acceptable. **The Council submits that no modification is necessary.**

Jonathan Swift (0413/5)

The objection to the proposal to safeguard land for a potential extension of the graveyard at Whitekirk is noted by the Council. As part of the preparation of the Council's Burial Strategy (CD108a), the Council assessed demand for burial space within East Lothian. Public consultation on that strategy also identified that there was an overwhelming preference that additional burial space be provided wherever possible as close to existing communities. In terms of the impact on the amenity of the area local area, the proposal for a graveyard here has been assessed under the SEA process (Site ref: MIR/NK/OTH024) (CD060g). The site assessment identifies the loss of prime quality agricultural land (albeit the poorest quality) to be the only negative effect of such a use in this location. There are a number of unknown effects, including on the landscape – whilst a location opposite the Church might be more proximate, this would involve crossing the A198 road, rather than making use of routes within the settlement where there are existing footpaths between the safeguarded site and the church. Landscape impact would need to be considered in design of boundary treatments, including where any car park is proposed. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the

site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work.

Proposal OS5: Potential Cemetery Extensions can be found under the Provision of New Open Space and Play Facilities section of the plan, pg 86 (CD039). Additionally the site is shown on Inset Map 38 - Whitekirk with the area marked in green and noted in the key as OS5.

Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

APT Planning & Development Ltd. (0424)

The land is safeguarded for a future cemetery. The development of any graveyard here would be dependent on the outcome of further technical work, including an assessment of the suitability of the site for a graveyard in terms of any impact on the water environment. The outcome of this work would have a bearing on whether or not the site is suitable for such a development, or if only parts of the site would be suitable for this. In that context, the Council remains of the view that the whole site should be safeguarded pending the outcome of the technical work. Whilst the current landowner does not support the development of this site for a cemetery at this stage, nonetheless the Council submits that the site should be safeguarded as this situation might change in future, and the site could be progressed for a cemetery extension. **The Council submits that no modification is necessary.**

**Policy OS6: Allotment Provision**

Walker Group (0138/10)

Provision of allotments is now governed by the Community Empowerment (Scotland) Act (CEA) which places a specific additional burden on Local Authorities to meet demand. The exact demand that new housing development will generate can only be based on comparison with existing demand and extrapolated through according to new house numbers. The Council submits that allotment provision should be provided in accordance with Advice Box 2 and will be considered within the provision that will satisfy Policy OS3: Minimum Open Space Standards for New General Needs Housing Development.

The Council has yet to develop and adopt an Allotment / Food Growing Strategy as it is awaiting final enactment of Section 9 of the CEA. However that strategy is likely to recommend that any allotments created to meet demand fall initially to the local authority to manage with the long term aim of delegating this out to discrete associations. Discussion between any applicant and ELC healthy Living manager will be welcomed at an early stage of any development proposal, preferably during pre-application discussions, to agree how many allotments should be provided for as part of proposals in accordance with Policy OS6 and OS3. **The Council submits that no modification is necessary.**

The Scottish Government (0389/11)

The Council submits that the point is already adequately addressed in the plan, as at paragraph 3.126 (CD039) a number of different types are listed but because the word

'including' is used it is clear that this list is not exhaustive. For the avoidance of doubt, the Council would support community gardens and community orchards within open spaces as well as community market gardens and community farms in appropriate locations, subject to compliance with relevant development plan policies. **The Council submits that no modification is necessary.**

### **PROP OS7: Allotment Sites**

#### Haddington and District Amenity Society (0327/8)

The Council submits that Haddington has a variety of open spaces within it, and should there be a demand for allotments that the types of open space might be modified to provide such facilities. The policies of the plan would allow for this, including where new development is proposed. The Council submits that no change to the plan is necessary.

The Council has yet to develop and adopt an Allotment / Food Growing Strategy as it awaiting final enactment of Section 9 of the Community Empowerment Act. However that strategy is likely to recommend that any allotments created to meet demand fall initially to the local authority to manage with the long term aim of delegating this out to discrete associations. **The Council submits that no modification is necessary.**

### **Open Space and Play Provision Miscellaneous**

#### Musselburgh Area Partnership (0291/7)

All new housing developments will be provided with new open space and play facilities in line with Policies OS3 and OS4 of the LDP (CD039). **The Council submits that no modification is necessary.**

#### Homes for Scotland (0353/7)

The Council submits that Homes for Scotland may have misinterpreted Advice Box 1 in terms of the 'advice' concerning a play space buffer. A buffer does not apply to the overall 'open space', only around the 'play space / areas' within it. Additionally, the extent of the buffer is intended to serve only as a guide, not a policy requirement, even when read together with Policy OS4 Section 3. This is clear from the last sentence of paragraph 3.127 (CD039), where it is stated that 'guidance' must be taken from Advice Box 1. Furthermore, the buffer area does not need to be open space, as the intention is to ensure a buffer is provided between play space and residential properties, so roads or similar could be within the 'buffer' area/distance. As a worked example, a 50 home development = 3,000m<sup>2</sup> open space overall, within which a LAP of 400m<sup>2</sup> should be provided. Around that LAP a buffer of approximately 20m should also be provided between the play space and residential properties. This would mean that the overall space around the play area would be around 3,600m<sup>2</sup>, but that area could include roads and footpaths and so on. The overall intention is to secure and appropriate design, as explained in paragraph 3.125 of the LDP (CD039), and the advice should be treated as such. This principle extends to consideration of the types of open space that should be considered as part of multifunctional areas of open space within new development.

In accordance with the Council's Open Space Strategy 2012 (CD083) buffer zones are necessary around LEAPs and NEAPs to reduce potential disturbance to nearby residential areas. Distances of 20 metres and 30 metres respectively between the edge of the

equipped play and the boundary of the nearest property are recommended. These buffer zones could include roads, footpaths and planted areas. The Councils intention is to consolidate the open spaces into larger useable areas. Good design can assist in maintaining a balance between ensuring such amenities are overlooked to stimulate self policing and maintaining reasonable space for children to play without causing detriment to quality of residential life. **The Council submits that no modification is necessary.**

### Reporter's conclusions:

#### Preliminary

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

#### Policy OS1: Protection of Open Space

2. Policy OS1 only proposes to retain the use of recreational, leisure and amenity open space and facilities, including outdoor sports facilities, where these make 'a significant contribution' to the recreational needs of the community or the amenity or landscape setting of the area. SportScotland consider that this does not properly reflect Scottish Planning Policy paragraph 226.

3. Sentence two and the three bullet points of Policy OS1 appear consistent with Scottish Planning Policy paragraph 226 with regard to green infrastructure and open space. However sentence one of Policy OS1 could appear to contradict this or at least to set out an alternative approach from the perspective of outdoor sports facilities. This reflects some of the challenges associated with a policy that covers all types of open space and not just sports facilities.

4. There are some examples in the council's Open Space Strategy of locations where current provision for certain sports is in excess of needs. As such there may be circumstances where open space does not make a significant contribution to the recreation needs of the community or the amenity or landscape setting of an area, as noted in paragraph 3.123 of the plan. However as written, Policy OS1 considers all types of open space in a general way and neither this policy nor the supporting text are specific about location. As such, this fails to properly identify whether and where existing facilities are in clear excess of provision to meet current or anticipated demand (Scottish Planning Policy paragraph 226 bullet four). I am not persuaded that Policy OS1 should pre-suppose the existence of these circumstances for all future development, as currently implied, when this has not been demonstrated.

5. The proposed modification by SportScotland provides a clearer structure and meaning for sentence one of Policy OS1 and better articulates what is described in paragraph 3.122 of the plan. The proposed modification also better reflects Scottish Planning Policy paragraph 226. I do not agree with the council that this proposed modification would adversely affect the relationship between Policies OS1 and OS2. I therefore recommend the proposed modification and also a consequential modification to paragraph 3.123 to ensure that it continues to accurately reflect the modified Policy OS1.

**Policy OS2: Change of Use to Garden Ground**

6. WA Dodds suggests that there are no circumstances in which the council should allow a change of use from open space to garden ground. However, the evidence before me does not justify a blanket ban. The council argues that there may be circumstances where this would improve the character or appearance of an area. It is therefore more rational to limit the circumstances in which a change of use from open space to garden ground can be considered appropriate. As written, Policy OS2 does this and therefore I recommend no modifications.

**Policy OS3: Minimum Open Space Standard for New General Needs Housing Development****Policy OS4: Play Space Provision in new General Needs Housing Development**

7. Policies OS3 and OS4 require new open space and play areas as part of new development. This achieves what Musselburgh Area Partnership seeks and therefore no modifications are necessary.

8. For new housing development of 50 units or more, buffer zones of 20 to 30 metres for play areas (Advice Box 2) are needed to limit disturbance to nearby homes. These can be made up of, for example, roads, footpaths and planted areas. The consolidation of open space and play area provision into larger usable areas would also require a single buffer around a consolidated play area. This offers sufficient operational clarity and practical flexibility for developers and suggests that the impact on land take will be more limited and easily overcome than Taylor Wimpey UK Ltd and MacTaggart & Mickel Homes Ltd and Homes for Scotland imply. As such I recommend no modifications.

**PROP OS5: Potential Cemetery Extension**

9. Proposal OS5 is based on the council's Burial Ground Strategy (2015), as explained in paragraph 3.132 of the plan. It safeguards land for potential cemetery use in the proposals map so as to fulfil the council's legal obligations to provide burial space. This safeguarding is to respond to the demands of the current and anticipated population over the next 50 years, as set out in the council's Burial Ground Strategy. Some of the sites are extensions to existing cemeteries and others are new sites. Page 10 of the Burial Ground Strategy lists possible sites, comments on these and then identifies a solution. This list contains all of the sites that feature in representations on the proposed plan as well as several others that have not been the subject of representations.

10. Many respondents argue that insufficient consultation has taken place on the proposed burial sites. The council advises that matters of cemetery provision were raised by the council's cemetery team at the main issues report stage. The Burial Ground Strategy was published in March 2015 after the Main Issues Report (2014). The Main Issues Report did not contain any detailed matters relating to sites for burial provision.

11. Circular 6/2013: Development Planning, paragraph 80, states that if a particular issue or site arises that was not consulted upon in the Main Issues Report, the planning authority may need to carry out further consultation on that particular issue before publishing its Proposed Plan, if it wants to include it in the plan. The council argues that its Burial Ground Strategy (2015) was subject of consultation. However, this exercise is not referred to in either the plan or the council's Burial Ground Strategy (2015).

12. Neither the plan nor the Burial Ground Strategy explain what was consulted upon and by what method, when this took place, what responses were received and how these informed the proposed plan. In the absence of such information I am unable to conclude that this represents the further consultation sought by Circular 6/2013, paragraph 80. I therefore consider that the proposed plan is the first opportunity that the public has had to comment on the land use planning issues relating to Proposal OS5.

13. Paragraph 3.134 of the plan explains that the sites have been safeguarded pending the completion of detailed technical work, including that referred to by Scottish Environment Protection Agency for ground water. I accept the principle of safeguarding land as a rational method of protecting land for a future use. However, the absence of this technical work means that it is not currently possible to determine whether any of these sites are appropriate for cemetery use in the first instance. As such, their safeguarding may have the effect of blighting some areas, particularly if these emerge to be unsuitable for cemetery use.

14. I note that representations from several land owners; including for sites in Haddington and Tranent; who say they are unwilling to have their land used as a cemetery. Whilst this is not, on its own, a barrier to land allocation (or safeguarding), the Burial Ground Strategy does identify cost as an impediment to several sites. The evidence before me does not indicate whether this would inhibit purchase (compulsory or not) of the sites identified for safeguarding. However, the absence of this information limits the understanding of the council and interested parties about the practicalities and realism of delivering these sites.

15. When considering the detailed site matters, I agree with Gladman Planning that the Burial Ground Strategy rules out an extension to Deerpark at Dunbar on grounds of cost. This site extension is also not covered by the Strategic Environmental Assessment (SEA) material. Gladman Planning also notes the provision of burial space on the south side of the A1087 road as part of its proposals for development there, which it argues is consistent with page 10 of the Burial Ground Strategy. It seems unusual that the plan would safeguard a site in these circumstances, particularly when other sites covered by Proposal OS5 are referred to in the SEA.

16. I do not dispute the council's calculations regarding the need for burial space in the future and the principle of safeguarding land in advance for this purpose. Although many of the sites have been subject to SEA, the evidence before me does not explain how the sites in page 10 of the Burial Ground Strategy were chosen on the basis of their planning merits. This is particularly concerning in the absence of technical work to demonstrate whether cemetery use is even feasible. It is also unclear how identified issues such as the conservation area covering Whitekirk have been considered and resolved. I also note that several of the sites need works to enable access and parking for the public and site operators. The absence of technical evidence or any detailed planning justification for these site choices along with the limited consultation persuade me that it is prudent to recommend the deletion of Proposal OS5 entirely from the plan and the proposals maps. Consequently I also recommend a modification to paragraph 2.60 where Proposal OS5 is referenced in relation to Proposal PS1.

17. I make clear that I am not suggesting that the council's site choices are wrong, since these may be proven to be appropriate. Rather, I am recognising that before choosing to safeguard these sites, or even to allocate them; it would be beneficial for all concerned if the relevant technical work could be completed. This would provide a stronger position from which to justify any subsequent site choices and incorporate these into a future Main

Issues Report (or equivalent) for a full public engagement process. This would put the council and its subsequent local development plan in a stronger position with regard to this matter. Similarly I do not see any short term disadvantage as the council can proceed to acquire and develop those sites which are programmed for immediate use and where the relevant technical work has been completed.

18. I would also make clear that my recommendation to delete Proposal OS5 does not transfer these safeguarded sites to the uses sought by their owners. The uses sought include housing and these sites have not been allocated for such purposes in the plan. Land allocations for housing is a separate matter covered in Issues 2, 3, 4, 5, 6, 7, 8, 9, 9a and 13.

19. Mrs Taylor suggests that her land at Brierybank, Haddington could be used for allotment space temporarily. Without prejudice to its potential suitability for an allotment use I agree with the council that it would be extremely challenging to change its use later, given the provisions of the Community Empowerment (Scotland) Act 2015 with regard to allotments. I therefore recommend no modification.

20. I also note the typographical error in paragraph 3.134 of the plan, which refers to safeguarding land on the proposals map under OS6 rather than OS5. However, in view of my recommended modifications (above) to delete Proposal OS5, I also recommend the deletion of the final sentence of paragraph 3.134.

**Policy OS6: Allotment Provision  
and  
PROP OS7: Allotment Sites**

21. Walker Group is concerned about the future management of allotment space provided under Policy OS6. The council explains that it is proposing to develop an allotment/food growing strategy following final enactment of Section 9 of the Community Empowerment (Scotland) Act. The council intends the direction of this strategy to be towards delegation of management responsibility to discrete associations in the longer term. Whilst it would be helpful to provide some indication of this in the plan I note that the council is not in a position to do this in the absence of its allotment/food growing strategy. There is therefore no modification I can recommend.

22. In Haddington the council argues that there are a variety of open spaces that could be modified to provide allotments to respond to a future increase in demand. Policy OS6 also requires allotment provision as part larger development sites. The evidence before me does not suggest that the plan would prevent the future provision of allotments in appropriate locations. I therefore recommend no modifications.

23. Paragraph 3.126 sentence two uses the words ‘can include’. This suggests that the list of land uses is not exhaustive. However, Scottish Government’s proposed modification is sufficient to draw attention and recognition to community growing space without fundamentally changing the emphasis of the plan. Doing so would better reflect Scottish Planning Policy paragraph 227. I therefore recommend making this modification.

**Reporter’s recommendations:**

Modify the local development plan by:



1. In paragraph 2.60, deleting the second sentence.

2. In paragraph 3.123, modify the final sentence to read as follows:

“Where an area with recreational, amenity or landscape open space potential not designated as such by Policy OS1 is proposed as a development site, the Council will consider its value as open space based on the open space audit and strategy and its contribution to the amenity of the area against Policy OS1.”

3. Amending the text of Policy OS1 to read as follows:

“Recreational, leisure and amenity open space and facilities, including outdoor sports facilities, will be safeguarded to meet the recreational needs of the community or protect the amenity or landscape setting of an area. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and:

- i. the loss of a part of the land would not affect its recreational, amenity or landscape function; or
- ii. alternative provision of equal community benefit and accessibility would be made available; or
- iii. provision is clearly in excess of existing and predicted requirements.”

4. In paragraph 3.126, amending sentence two to read:

“Open spaces should be multifunctional and can include district, town and local parks, sports pitches, civic space and community growing space.”

5. Deleting Proposal OS5: Potential Cemetery Extensions from the plan and from the proposal maps.

6. In paragraph 3.134 deleting the final sentence.

<b>Issue 18(a)</b>	<b>Transport: General</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Mr and Mrs H D I Smith (0104) Walker Group (0138) Mr &amp; Mrs Hepburn (0147) Longniddry Community Council (0161) Gullane Community Council (0166) Network Rail (0181) Musselburgh &amp; Inveresk Community Council (0245) Musselburgh Area Partnership (0291) Wemyss and March Estate (0295) East Lothian Liberal Democrat Party (0300) Musselburgh Grammar School Parent Council (0317) Haddington and District Amenity Society (0327) Inveresk Village Society (0385) Scottish Government/Transport Scotland (0389) East Lammermuir Community Council (0414) Mark Holling (0425) Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Strategy Diagram 2: Transport Background (pg 88) Transportation Chapter P88-98	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Infrastructure Strategy Diagram</b></p> <p><u>Network Rail (0181/14)</u></p> <p>Network Rail welcomes the insertion of Diagram 2 to set the strategic context for the 4 track railway corridor. However, if this is to be delivered it will require detailed maps and assessment and a safeguarding corridor. It would greatly assist that this map be produced/revised or as part of supplementary guidance showing the route in more detail and making it clear this is a safeguarding zone where development will not be allowed.</p> <p><u>Haddington and District Amenity Society (0327/10)</u></p> <p>Strategy diagram 2 should show the Longniddry to Haddington Route Safeguard (T14) in line with the status accorded to East Linton Rail Proposal (T12).</p> <p><b>Infrastructure Introduction</b></p> <p><u>Mr and Mrs H D I Smith (0104/5)</u></p> <p>It is disingenuous to suggest that significant development at Drem is an opportunity for</p>		

road re-alignment. Effective Speed measures are needed.

Walker Group (0138/11)

Whilst it is accepted that the additional trips to and from new development will increase demand for capacity on public transport - i.e. the rail network and on bus services. It follows that additional demand on public transport will generate additional revenue for the privately run rail and bus operators. With regard the rail network It is perverse for the Council to seek developer contributions towards a range of "as yet unspecified" interventions which are clearly the responsibility of the rail operator. It is clearly the responsibility of Network Rail as the owner, operator and infrastructure manager of Britain's main railway network to maintain, renew and develop the rail network. The Councils Statement of Conformity with Circular 3/2012 (in Technical Note 14) is specifically stated to apply to Road Services Obligations, however the shortlisted interventions from LDP TA lists PROP 9 & PROP 10 Rail Package at a cost of £4.75 million. The Statement of Conformity fails to justify the requirement for contributions towards either of these proposals in terms of the Circular policy test.

Mr & Mrs Hepburn (0147/1)

The Musselburgh Bypass, the Edinburgh Bypass and Sir Harry Lauder Road are currently beyond capacity and road users experience significant travel delays. Trains are at capacity and struggle to meet current demand with passengers being denied access onto trains at peak times and with car parking spilling onto surrounding roads. What will be done to mitigate the impact of 10000 additional houses and associated cars? Is there a high level plan for travel infrastructure? Any house building plan needs to focus on reducing the need for residents to travel west for their employment.

Wemyss and March Estate (0295/6)

The delivery of infrastructure is a critical consideration. This section of the LDP fails to convey what agency/organisations will be responsible for funding and delivering transport infrastructure. It also fails to indicate whether the delivery of this infrastructure forms any part of those agencies' corporate plans or if committed funding is in place or if there is support from the agencies for the Local Transport Strategy vision on relation to the rail network. If these projects do not have the support of the key agencies who will deliver them, it is not clear whether they are deliverable even with developer contributions. It is also unclear if they are supported in principle by the relevant agency. Where such improvements can only be achieved with the agreement of relevant agencies or organisations, it is important that the LDP's allocations cannot be held to ransom by those same agencies because the developments have been made entirely conditional on those improvements proceeding. In such cases, it may be appropriate for the developers to contribute towards the costs of those improvements but not made responsible for implementing them. The proposed rail related interventions requiring developer funding (PROP T9 and PROP T10) include station platform lengthening to accommodate eight-car train sets and Station Car Park extensions. The requirement for eight-car train sets serving Longniddry is not justified in any detail within the LDP Transport Appraisal, which only indicates that there is likely to be an impact on journey choice in Musselburgh, Tranent and Wallyford, with no stated significant impact to Longniddry. Therefore, there is an obvious disconnection between Prop T10 and the Developer Contributions Framework SG. What is being requested is developer contributions towards the delivery of platform lengthening and not conformation that land will be safeguarded.

Mark Holling (0425/3)

A new station and park and ride facility should be built at Ferrygate. The car park at North Berwick station is too small for purpose. Without a modal shift to bus and bike there is insufficient space. A new station on west side of town is required for both commuters and visitors with safe pedestrian and cycle links into the town. There must be opportunities to adjust train times to allow this development which could be key to freeing up space for PEOPLE (not cars) in the centre of North Berwick.

**Policy T1: Development Location and Accessibility**

Inveresk Village Society (0385/2)

Inveresk is under threat from increased traffic through the village and heavy vehicles should be required to use other roads and a 20mph limit imposed within Inveresk.

**Policy T2: General Transport Impact**

Musselburgh Area Partnership (0291/3)

The transport implications of housing development at Newcraighall on traffic in Musselburgh have not been taken into account. Public transport serving Wallyford and Whitecraig will not cope with the scale of future development. The Area Partnership is not confident that the transport proposals outlined in the plan will work. There are existing problems with public transport (train and bus) in the Musselburgh area such that the Area Partnership does not consider the area to have 'easy access' to Edinburgh. Lack of timely completion of cycle paths by developers.

Musselburgh Grammar School Parent Council (0317/3)

Physical infrastructure is not available to support population growth e.g. roads, parking, utilities provision and public transport and no mention of how this will be enhanced to cope.

East Lammermuir Community Council (0414/10)

How would the proposed expansion of Dunbar affect traffic and public transport, particularly on the A1?

**Policy T29: Town Centre Parking Strategy**

Musselburgh Area Partnership (0291/9)

Lack of planning for parking in Musselburgh town centre.

**Infrastructure Miscellaneous**

Longniddry Community Council (0161/2)

Representation on Road Infrastructure: Longniddry Community Council considers that whilst the main line of the A1 appears to cope with increased demand, there is concern about the impact of a closure on the local road network and this should be considered as part of any decisions to improve the A1. Concerns over the capacity of Bankton A1

interchange to accommodate additional demand. Concern also about the cumulative impact of traffic on the A198 / B1377 roundabout within Longniddry, and the potential for increased traffic through the settlement, including heavy vehicles, as drivers from the east may choose to use the A198 coast road through Longniddry. This would also undermine pedestrian and cycle safety. There are concerns about pupils having to cross the road to get the school bus, and it is suggested that a specific pick-up and drop-off point is provided for pupils on the westbound side of the A198.

Gullane Community Council (0166/13)

Seeks independent expert assessment of the state of the rural road network with a baseline of its current state and adding proposed future developments, and identify further interventions if required. Notes LDP comments on the Transport Network, Infrastructure Fund and Modelling. There is no evidence of an appreciation of the traffic through the rural road network, including locations such as Aberlady, Gullane, Ballencrieff, Drem or West Fenton. Urges the Council to provide some robust and credible evidence that no intervention is needed or put forward credible interventions.

Network Rail (0181/1)

Network Rail are keen to seek continued support for safeguarding and improving the safety and capacity of the existing and future railway network in tandem with new development, and that where improvements are required, that they are considered at the right time as part of the planning for new development with appropriate strategic assessment and to feed in to and mitigate the infrastructure and capacity issues required.

Network Rail (0181/2)

Network Rail considers that the Proposed LDP requirement that development must be accountable for resultant requirements to railway infrastructure and facilities is welcomed.

Network Rail (0181/3)

The Proposed LDP sets out a clear strategic context for seeking developer contributions for required infrastructure enhancements or station improvements as a direct consequence of new development growth. Further detail on this and how it would be implemented and the scale would be welcomed.

Network Rail (0181/4)

Network Rail should be clearly excluded from having to make developer contributions. As a Government organisation all funding comes from the taxpayer.

Network Rail (0181/5)

The Proposed LDP site allocations must take cognisance of the impact of development proposals affecting level crossings. Transport assessment and developer contributions policy and supplementary guidance must ensure infrastructure risks are identified and mitigation secured i.e. level crossing upgrades; alternative crossings etc.

Network Rail (0181/6)

Network Rail request that the Proposed LDP provides a designated notification zone around all operational railway infrastructure within which any development application proposals would be notified to Network Rail and that this would also safeguard the future rail line improvements proposed.

Musselburgh & Inveresk Community Council (0245/2)

Rail infrastructure requires improvements now to deal with current problems.

East Lothian Liberal Democrat Party (0300/1)

Majority of development in the west is supported, but public transport needs to be improved and development can only take place once solutions are found. Support for four line section of track on the East Coast Main line, but plan should go further and identify funding. Significant new development should be avoided where traffic from it would exacerbate traffic and air quality issues on Musselburgh High Street.

Scottish Government/Transport Scotland (0389/15)

Paragraph 5.14 of NPF3 states that we will encourage local authorities to develop at least one exemplar walking- and cycling friendly settlement to demonstrate how active travel networks can be significantly improved.

**Infrastructure Support**

Network Rail (0181/13)

Network Rail welcomes the thrust of the sustainable transport policies set out.

Network Rail (0181/23)

With reference to the Musselburgh Cluster, Prestonpans/Cockenzie/Port Seton/Longniddry Cluster, Blindwells Cluster, Dunbar Cluster and North Berwick Cluster Network Rail states that the cross reference to and the detailed policies set out through the Transport section of the LDP and in particular the detailed policies on improvement works and contributions required are welcomed. This forms a sound and detailed basis and one which Network Rail support.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/11); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/9)

The representor supports this policy which states that new developments should be capable of being assessed on foot, cycle, public transport and private vehicle.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/12); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/10)

The representor supports this policy which refers to transport impacts and that new development should not have a significant adverse impact.

**Modifications sought by those submitting representations:**

**Infrastructure Strategy Diagram**

Network Rail (0181/14)

The representation seeks the inclusion of detailed maps and assessment which shows the 4 track Railway route and safeguard zone in more detail.

Haddington and District Amenity Society (0327/10)

Amend strategy diagram to show Longniddry to Haddington Route Safeguard (T14).

**Infrastructure Introduction**

Mr and Mrs H D I Smith (0104/5); Mr & Mrs Hepburn (0147/1)

No Modification sought

Walker Group (0138/11)

Delete last sentence of Para: 4.19: "Provision for the interventions set out below must be made by developments that generate a need for them as set out in the Developer Contributions Framework SG in accord with Policy T32 and Policy DEL1. Delete PROP T9 Safeguarding of land for larger car parks. Delete PROP T10 Safeguarding of Land for Platform Lengthening. Amend Policy T32 Transport Infrastructure Delivery Fund should be amended to clarify that rail infrastructure is excluded from the requirement to seek developer contributions. Comments made RE: Dev. Contributions Framework. Delete all references to the Rail Network Improvement Contribution Zone in the LDP Developer Contributions Framework. Delete PROP T9 & T10 from Table DEL1: Developer Contributions Framework

Wemyss and March Estate (0295/6)

Para 4.2 should be amended to clarify that the Local Transport Strategy is not a delivery strategy but a long term vision for an area. It should also clarify where responsibility lies for delivering the various elements of the Local Transport Strategy Vision and the level of commitment ELC has from these agencies/service providers.

Mark Holling (0425/3)

A new station and park and ride facility should be built at Ferrygate Farm, North Berwick.

**Policy T1: Development Location and Accessibility**

Inveresk Village Society (0385/2)

No Modification sought

**Policy T2: General Transport Impact**

Musselburgh Area Partnership (0291/3); Musselburgh Grammar School Parent Council



(0317/3); East Lammermuir Community Council (0414/10)

No Modification sought

**Policy T29: Town Centre Parking Strategy**

Musselburgh Area Partnership (0291/9)

No Modification sought

**Infrastructure Miscellaneous**

Longniddry Community Council (0161/2); Network Rail (0181/1) (0181/2) (0181/3) (0181/4) (0181/5) (0181/13) (0181/23); Musselburgh & Inveresk Community Council (0245/2); East Lothian Liberal Democrat Party (0300/1)

No Modification sought

Gullane Community Council (0166/13)

Independent modelling work and identification of any interventions needed; no specific modification to plan suggested.

Network Rail (0181/6)

The representation requests that the LDP should include a designated notification zone around all operational railway infrastructure for any development application proposals.

Scottish Government/Transport Scotland (0389/15)

The Scottish Government would request that the planning authority identify at least one exemplar walking- and cycling friendly settlement in the Plan.

**Infrastructure Support**

Network Rail (0181/13) (0181/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/11) (0426/12); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/9) (0438/10)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Infrastructure Strategy Diagram**

Network Rail (0181/14)

The Council submits that the assessment and safeguard of a four track corridor would be useful, however it also notes that the definition and alignment of such a safeguard is not possible at this stage without further assessment, consultation and option appraisal. If such a corridor were to be established at this stage it may be inaccurate and thus detrimental to the longer term project, including feasibility and viability. It may also generate



unnecessary concerns among the community and landowners concerning the future impact on their interests. This is why the proposed LDP (CD039) identifies an indicative alignment for this emerging project – it raises awareness pending the necessary detailed technical work. It will be possible for Network Rail, in consultation with East Lothian Council, to review and define a zone for the project at a greater scale in due course. **The Council submits that no modification of the plan is necessary.**

Haddington and District Amenity Society (0327/10)

The Council submits that the Longniddry – Haddington Route safeguard is described in paragraphs 4.27 to the plan and illustrated on the Proposals Map (Inset map 20 and 24) (CD039), and that no change to the plan is necessary since the rest of the alignment follows the former track bed. Transport Safeguards are not shown on the proposed Local Development Plan Proposals Map Inset Map 3; should the Reporter be minded that additional clarification is needed, the full route of the Longniddry – Haddington Route safeguard could be illustrated on Inset Map 3 as with Proposal T13. **The Council submits that no modification of the plan is necessary.**

**Infrastructure Introduction**

Mr and Mrs H D I Smith (0104/5)

Drem is not proposed for development within the plan therefore there is no road realignment proposed. However, the potential for a large scale of development there in to the longer term is signposted within the LDP at paragraph 2.154 (CD039) (but land is not safeguarded by the LDP) to explain that there may be scope to connect the B1377 and B1345 to by-pass Drem to the west in to the longer term, should there be an allocation made there in a future LDP. Currently, residents can make separate representations to Council's Road Services with regard to changing the existing speed limit of 40mph reduced to 30mph. There are some 20mph areas being promoted within East Lothian currently, however Drem may not be suitable for this reduction given it is a main arterial route and rural location. **The Council submits that no modification of the plan is necessary.**

Walker Group (0138/11); Wemyss and March Estate (0295/6)

The Council submits that the transport requirements in proposals T9 and T10 to be consistent with the SESplan SDP1 (CD030) Policy 8 and Action 64 of the SDP Action Programme (CD031). These proposed interventions are justified by the transport appraisal prepared in line with Transport Scotland's guidance (CD029). The Council has set out all transport safeguards in East Lothian on the Proposals Map. The LDP states in para 4.2 (CD039) that it takes the Council's Local Transport Strategy 2015-2025 (CD077) (LTS) into account and seeks to integrate the LTS's vision for how existing transport networks and services will change and be improved in future. The Council submits that it is clear from the text that the LTS is a long term vision and makes no mention of it being a delivery mechanism. The same is true of the development plan as it is for the National Planning Framework 3 (CD011). The Council submits that the LDP seeks to identify projects for which there is support to deliver in the short, medium or longer term, but it is for the service and infrastructure providers themselves to ensure that their capital plans make the necessary provision within the appropriate timeframe. This means that disparate plans and strategies will need to align with the development plan such that these necessary interventions will be delivered. The LDP delivery strategy is set out in the East Lothian Draft Action Programme (CD045), which has been consulted on alongside the LDP. This

document sets out who is responsible for delivery along with indicative costs and timing for delivery. In terms of the co-dependency between delivery of interventions and the commencement/occupation of development, the LDP at paragraph 8.11 and the draft Supplementary Guidance: Developer Contributions Framework (CD063) paragraph 1.15 – 1.19 explains the approach that the service or infrastructure providers can follow; commitment to provide developer contributions will be essential in any circumstance.

The East Lothian Transport Appraisal (CD041) and model identifies that the additional passenger trips to and from new developments in the area will increase demand for capacity on the rail network. The justification for measures to mitigate the impacts of additional demand on rail transport as a consequence of housing and other development and to lengthen station platforms is demonstrated in the Council's Transport Appraisal document in support of the LDP. The residential and employment developments within the LDP area result in a considerable number of additional public transport trips placing demands on capacity. The reference case 6 car services show a very high load on services between Wallyford, Musselburgh and Edinburgh and additional LDP allocations create significant additional demands for capacity and create constraints which will require the introduction of 8 car trains and thus platform lengthening over the length of the line. This is because the cumulative impact of new development along the entire line will coalesce down line on the west of East Lothian. This increased demand can be met by longer trains if longer platforms are provided. The appraisal identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. However, as the rail network functions as a single route the increase in demand is conveyed up or down stream and impacts on all stations so all development has an equal proportionate share of the cost on the need for increased platform lengths. Consequently, the interventions to lengthen station platforms needs to be delivered over the whole network as the increased train length stop at all stations. However, it would not appropriate to seek contributions only from sites in the area where 'cumulative' impacts manifest: all relevant developments must make a contribution towards mitigation of its impact on a cumulative basis. It is reasonable for a developer to contribute in scale, kind and proportionate to the mitigation of impacts which is needed as a direct consequence of development. All rail infrastructure in the United Kingdom is the responsibility of Network Rail and as such it manages, maintains and improves the rail network to accommodate present and future demand. Network Rail was renationalised in September 2014 and as a consequence operates as a public body. Accordingly, Network Rail receives funding from the United Kingdom and Scottish Governments to maintain the existing asset base. Network Rail does not make a profit or operate as a private company. In this regard Network Rail should be considered in the same context as Transport Scotland or East Lothian Council as strategic or local roads authorities, and so there is a basis for seeking developer contributions.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45 (CD039). The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.

- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SEStran multi-modal Regional Model (SRM) network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As

there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{Contribution} = \left( \frac{\text{Individual development hectares}}{\text{total development hectares}} \right) * \text{total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{Proportion} = \frac{\text{LDP select link trips} - \text{committed select link trips}}{\text{LDP select link trips}}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
PROP T17: A1(T) Interchange Improvements (Salter’s Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

Mr & Mrs Hepburn (0147/1)

The Council has undertaken a Transport Appraisal (TA) (CD041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (CD029) (DPMTAG) methodology. There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal (CD041) identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement of Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal (CD041) also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063).

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

The spatial strategy of the LDP is a compact one as it focuses the majority of new development in the west of East Lothian. This is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. Appropriate development sites that are or can be integrated with sustainable transport options are allocated. This is so new development will have good access via sustainable transport modes to existing or new employment locations or community facilities that are or will become available locally or regionally. This will minimise the need to travel by car and associated CO2 emissions.

The sites selected also provide opportunities to further the regeneration of communities in East Lothian's former western coal field. However not all new development is to be located in the west and some additional development has been distributed to the east. This is in recognition of the need and demand for new homes and economic development opportunities in other appropriate and accessible parts of East Lothian where local service provision and sustainable transport options are good. **The Council submits that no modification of the plan is necessary.**

Mark Holling (0425/3)

The Council submits that the existing rail infrastructure in North Berwick is appropriate in the circumstances and that no alterations are required within the context of the plan. There are no proposals to extend the car park at North Berwick or plans to relocate the station or add a new one. The LDP makes provision for improvements to the existing transport infrastructure, where necessary or seeks contributions to the public transport network

and/or the enhancement of enhancement of active travel networks consistent with promoting an appropriate order of travel priority (see response to representation 0147/1). The Council is working with the public transport service providers to integrate services and connectivity across the area. **The Council submits that no modification of the plan is necessary.**

### **Policy T1: Development Location and Accessibility**

#### Inveresk Village Society (0385/2)

The Council submits that there is sufficient capacity on the A6124 through Inveresk. The Council submits that the road through Inveresk is an A class road (A6124) and can accommodate the additional traffic that would be generated. It is a major route into Musselburgh. Junction arrangements and mitigation improvements within Musselburgh Town Centre are proposed by the LDP to mitigate impacts. Currently, residents can make separate representations to Council's Road Services with regard to changing the existing speed limit. There are some 20mph areas being promoted within East Lothian currently, however the Council has no plans to introduce 20 mph limits at Inveresk at this stage. **The Council submits that no modification of the plan is necessary.**

### **Policy T2: General Transport Impact**

#### Musselburgh Area Partnership (0291/3)

It is noted that the Area Partnership is not confident that the transport proposals outlined in the plan will work and that it does not consider the area to have easy access to Edinburgh.

However, the Council has undertaken a Transport Appraisal (TA) (CD041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (CD029) (DPMTAG) methodology. It is focussed on the land use and transport interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian. This includes input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SDP area (See paragraph 4.2.4 of the LDP Transport Appraisal). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

Core model scenarios Without the LDP and With LDP were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP sites including those that will extend beyond the lifespan of the LDP to 2038. All road and public transport networks were examined, including Wallyford and Whitecraig, and the models showed that the LDP sites would have a negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network. A review of potential interventions to mitigate those impacts was undertaken and resulted in the LDP section on Infrastructure Resources which in terms of rail transport identifies a range of rail transport measures.

The TA therefore includes transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD063) in accordance with Policy T32 and Policy DEL1.

Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063).

Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal (CD041) also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which



developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063).

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. The Council considers that these provide an adequate framework to accommodate the development proposed without unacceptable impacts on local services and infrastructure.

The Area Partnership is right to point out that cycle lane improvements on Pinkie Road have not yet been implemented by developer Taylor Wimpey despite the school extension being open and this matter is currently being addressed by the Council Planning Enforcement Officers.

The Council submits that the west of East Lothian is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. This will be particularly so once the mitigation above is delivered in association with new development. Appropriate development sites that are or can be integrated with sustainable transport options are allocated. This is so new development will have good access via sustainable transport modes to existing or new employment locations or community facilities that are or will become available locally or regionally. This will minimise the need to travel by car and associated CO2 emissions. **The Council submits that no modification of the plan is necessary.**

#### Musselburgh Grammar School Parent Council (0317/3)

The Council submits that central to the preparation of the plan has been the need to understand how the existing transport infrastructure would accommodate additional planned development and this has been examined in the Transport Appraisal prepared for the LDP (CD041) focussed on the land use and transport interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian.

This included input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SESplan area. Core model scenarios 'Without the LDP' and 'With LDP' were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP. All road and public transport networks were examined and the models showed that the LDP sites would have a negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network. A review of potential interventions to mitigate those impacts was undertaken and resulted in the LDP section on Infrastructure Resources which in terms of rail transport identifies a range of rail transport measures.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal (CD041) identifies that the additional trips to and

from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposal T20 Transport Related Air Quality Measures; Relocation of Bus stops; PROP T21 Musselburgh Urban Traffic Control System; PROP T22 Reopen link to Vehicle Access at Queen Margaret Drive/Whitehill Farm Road, are all relevant to proposals to address local road transport infrastructure to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T27-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal (CD041) also identifies a need to provide for

additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063).

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. **The Council submits that no modification of the plan is necessary.**

#### East Lammermuir Community Council (0414/10)

The Council submits that it has assessed the travel demand forecasts with full build out of LDP allocations to 2024 and made provision for appropriate interventions. To consider the cumulative impacts of housing and employment allocations, including from Dunbar, the Council modelled impacts using a Strategic Regional Model (SRM12), and an s-paramics micro-simulation model and junction modelling tools. These examined road, rail and public transport network impacts to determine the nature and scale of infrastructure mitigation required. The Council is satisfied that all trips generated from all allocations have been taken into account within the modelling work. The Council recognises and accepts that additional trips will be placed on the road network but there will be sufficient junction and link capacity to accommodate these once the mitigation interventions have been delivered. The Local Development Plan makes provision for improvements to the existing transport infrastructure, where necessary or seeks contributions to the public transport network and/or the enhancement of active travel networks consistent with promoting an appropriate order of travel priority (see response to representation 0147/1). **The Council submits that no modification of the plan is necessary.**

#### **Policy T29: Town Centre Parking Strategy**

##### Musselburgh Area Partnership (0291/9)

The Council submits that Policy T19 supports a programme of improvements at Musselburgh town centre to facilitate improved traffic flow and other matters, including parking provision. Whilst it is acknowledged that the LDP does not make specific proposals for additional car parking in Musselburgh town centre this is a matter that is more appropriately considered in the context of the Local Transport Strategy (CD077), in the context of LDP Policy T19. The LTS is accompanied by a Parking Management Strategy. The current Musselburgh Town Centre Strategy (CD087) makes a number of references to town centre car parks and the Council provided additional parking space to support the town centre in Musselburgh High Street in an environmental improvement project to reorganise road space east of the town hall implemented in 2014/15. As Policy T29 notes the Council is implementing its parking management strategy across East Lothian. **The Council submits that no modification of the plan is necessary.**

#### **Miscellaneous Comments**

##### Longniddry Community Council (0161/2)

The Council submits that A1(T) Interchange improvements are proposed at Bankton,

Salter's Road and potentially at Dolphingstone. Improvements are also proposed at Old Craighall A1(T) Junction. With the proposed mitigation measures the strategic transport network is shown to operate satisfactorily (see Council's answer to representation 0291/3). In terms of emergency closure of the A1 on the local road network this is an operational matter and dependant on the circumstances of the case and time. It will be for the emergency services, working with East Lothian Council, to consider how best to address any such eventuality, recognising that if such an event occurred it would be only temporary. In terms of the impact on the local road network and road network within Longniddry, the Council's Macro and Micro models supporting the Transport Appraisal (CD041) highlight no issues in terms of traffic volumes or congestion in this area (see Transport Appraisal paragraph 5.2.4). Advice from the Council's Head of Infrastructure is that road safety is not a concern here, and will be monitored on an on-going basis by the Council. Such matters will also feature within project level assessment. Advice from the Council's Head of has informed the LDP proposals in respect of specific sites, including Proposal PS1, as well as the Draft Development Briefs (CD061) which the Council intends to adopt as supplementary planning guidance. At this stage, the LDP and associated documents highlight key points of principle that will need to be addressed at project level through master plans and applications. This does not mean that these documents identify an exhaustive list of requirements as the Development Management process may identify more detailed matters to be addressed. The Council submits that paragraph 2.58 requires the masterplan for the Longniddry south site to make provision as part of the development for active travel and vehicular routes from the B6363 to the southern platforms of the station. Paragraph 2.59 is also clear that upgrades to the A198 and B6363 junction will be required, including for bus access. It further states that traffic calming and associated environmental works on the A198 through the village will be necessary, including provision of suitable pedestrian crossing points to integrate the development with Longniddry – this is to accommodate movement of pupils as well as between community facilities and to maintain pedestrian and cycle safety. The operational arrangements for bus routing to provide school transport for pupils is not a matter that the LDP can address, but will be considered by the Council as arrangements are put in place. **The Council submits that no modification of the plan is necessary.**

Gullane Community Council (0166/13); Musselburgh & Inveresk Community Council (0245/2)

The Council has undertaken a Transport Appraisal (TA) (CD041) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (CD029) (DPMTAG) methodology. It is focussed on the land use and transport interventions that are directly relevant to the supply and demand for travel to, from and within East Lothian. This includes input from the SEStran multi-modal Regional Model (SRM 12) which covers the entire SDP area (See paragraph 4.2.4 of the LDP Transport Appraisal). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

Core model scenarios Without the LDP and With LDP were modelled up to a forecast year of 2024 with the latter including a worst case scenario of the addition of a full build out of all identified ELLDP sites including those that will extend beyond the lifespan of the LDP to 2038. All road and public transport networks were examined, including Wallyford and Whitecraig, and the models showed that the LDP sites would have a negative transport impact on road and public transport networks in terms of network performance increased congestion, increased delays to buses and general traffic and increased crowding on the rail network. A review of potential interventions to mitigate those impacts was undertaken

and resulted in the LDP section on Infrastructure Resources which in terms of rail transport identifies a range of rail transport measures.

The TA therefore includes transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place.

The East Lothian Transport Appraisal (CD041) identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework (CD063) in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;
- Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify interventions at Meadowmill roundabout to help facilitate this;
- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal (CD041) and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063). Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);

- Proposal T11 seeks to safeguard land for improvement of Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal (CD041) also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework (CD063).

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes. The Council considers that these provide an adequate framework to accommodate the development proposed without unacceptable impacts on local services and infrastructure.

The Area Partnership is right to point out that cycle lane improvements on Pinkie Road have not yet been implemented by developer Taylor Wimpey despite the school extension being open and this matter is currently being addressed by the council Planning Enforcement Officers.

The Council submits that the west of East Lothian is where the best opportunities are to locate new housing and economic development in the most accessible part of the area. This will be particularly so once the mitigation above is delivered in association with new development. Appropriate development sites that are or can be integrated with sustainable transport options are allocated. This is so new development will have good access via sustainable transport modes to existing or new employment locations or community facilities that are or will become available locally or regionally. This will minimise the need to travel by car and associated CO2 emissions.

In terms of the impact on the local road network, the Council's Macro and Micro models supporting the Transport Appraisal (CD041) highlight no issues in terms of traffic volumes or congestion in this area (see Transport Appraisal paragraph 5.2.4). The output from the model does not identify any constraints to the local road network in the Aberlady, Gullane, Ballencrief, Drem or west Fenton areas area. No strategic or cumulative impacts are identified through the modelling exercise. Any improvements necessary at project level will be identified through the assessment of planning applications. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/1)

Comments noted. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/2) - support

Support Welcomed. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/3)

Comments noted, Network Rail is directed to the draft Supplementary Guidance: Developer Contributions Framework (CD063). The Council submits that whilst it can gather contributions for the rail network towards interventions arising as a result of new development that the Council has identified, costed and promoted for delivery, it will be for Network Rail to hold those contributions and to use them to deliver the relevant projects.

**The Council submits that no modification of the plan is necessary.**

Network Rail (0181/4)

Comments noted. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/5)

The Council recognises that development proposals may result in increased use of level crossings. However, the Council notes this is an existing situation, and that the closure of level crossings is a matter being considered across East Lothian and beyond. As a result the Council does not consider it appropriate to include any additional text within the LDP seeking contributions towards the closure of level crossings from developers particularly if this would make development conditional on Network Rail's approach. The Council notes at this stage Network Rail has no projects identified, and that the approach to level crossings is likely to be influenced by proposals to implement a four track section of the East Coast Main Line. As such, there is currently a lack of clarity as to the ability to deliver interventions and their costs. Any decision on the future of level crossings is an operational decision that should be taken by Network Rail when the LDP is operative and as its own plans and strategies develop and as projects emerge over time. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/6)

In respect of Network Rail comments requesting the inclusion of a "designated notification zone" around all operational railway infrastructure within which any development application proposals would be notified to Network Rail, the Council submits that this matter is already adequately addressed through the Development Management process, and there is no need for specific reference to it in the LDP by either a policy or map change on the matter. In accordance with the Town and Country Planning Development Management Procedure (Scotland) Regulations 2008 (Schedule 5 (7)) (CD001), the Council is required to consult Network Rail on relevant planning applications. These regulations state that Network Rail is a statutory consultee on planning applications for built development. The planning authority will impose any appropriate planning conditions on any planning permission as requested by Network Rail. The Council would not approve planning permission if constraints cannot be overcome for development, and it would not allow the proposed development to proceed unless and until any necessary mitigation has been identified and is provided as appropriate. The Council submits that the plan should not be modified in light of this representation. This is particularly the case in view of the pre-existing provisions which would allow matters to be satisfactorily addressed through the Development Management process. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/13)

Support welcomed. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/23)

Support welcomed. **The Council submits that no modification of the plan is necessary.**

East Lothian Liberal Democrat Party (0300/1)

The Council submits that the LDP addresses the public transport issues in the west of the area, including platform lengthening at stations to accommodate longer trains (see Council's answer to representation 0291/3). In terms of traffic movements through Musselburgh, these have been assessed by macro and micro modelling tools (see Council's answer to representation 0291/3). In light of these transport mitigation measures, and improvements to the bus fleet, air quality is anticipated to be at acceptable levels, and the Council is preparing an Air Quality Management Strategy for Musselburgh Town Centre (CD088), linked to the transport models. This has been the subject of a Transport Appraisal (CD041) and the projected demands could be met by such increased capacity. Additional provision is being made for bus access through the west of the area, in particular through the Craighall site where links with surrounding communities and amenities are to be provided for as part of that development. In terms of the four track section of railway line, this is still at the early stages of consideration by Network Rail, and Transport Scotland would need to support the scheme (see Council's answer to representation 0181/14). Further study will also be required before it can become a defined project with funding allocation. The LDP seeks to highlight the opportunity for this to be delivered. **The Council submits that no modification of the plan is necessary.**

Scottish Government/Transport Scotland (0389/15)

The Council acknowledges the Scottish Government's recommendation to encourage the development of one exemplar walking and cycling friendly settlement to demonstrate how active travel networks can be significantly improved. The Council notes that a programme of works at Tranent is being developed to encourage active travel due to its proximity to potential transport hubs, it straddles the proposed Segregated Active Travel Corridor, it has well established core path connections, and it has an active community group and participates through the Area Partnership 'East Lothian On the Move' and is well served by public transport. However, the Council also notes that the Scottish Government considers that LDPs should be as succinct as possible and also that this matter in general is addressed across East Lothian as a whole by Proposal T3, Policy T4, Proposal T5 and Policy T6. **The Council submits that no modification of the plan is necessary.**

**Infrastructure Support**

Network Rail (0181/13) (0181/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/11) (0426/12); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/9) (0438/10)

Support Noted



**Reporter's conclusions:****Preliminary**

1. In order to present my conclusions I have adopted a different heading structure to that set out by the council above. This has enabled me to consider the modifications proposed and the basis for seeking these with greater clarity.
2. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a matter raised in representations which is in support of the provisions of the plan and does not seek modifications. Therefore, unless this relates to an issue which is unresolved, it will not be addressed in my conclusions.

**General transport improvements**

3. In response to Mr and Mrs Hepburn's concerns regarding road and rail capacity, the council's Transport Appraisal has consider scenarios both with and without the development in the proposed plan. It concludes the most significant transport impacts would be consequent from the proposed plan scenario and identifies mitigation measures which are covered by the plan and discussed in detail here and in Issues 18b to 18e. The proposed level of house building is set out in the approved South East Scotland Strategic Development Plan (2013) (SESplan) to which the East Lothian Local Development Plan must conform. I am satisfied that the council has adequately recognised transport capacity issues associated with development in the plan and identified measures to overcome these.
4. The council's Transport Appraisal has considered the impacts of additional traffic on the A1 road and its junctions. This has concluded where improvements are necessary; including the Bankton interchange which is already included in Proposal T17.
5. Matters relating to road closures raised by Longniddry Community Council are highways management issues which are the responsibility of the council and the emergency services. Therefore I cannot recommend any modifications to the plan to respond to these concerns.
6. The independent expert assessment sought by Gullane Community Council has already been carried out in the Transport Appraisal by independent transport consultants. As indicated by the council (above) this has considered the impact on transport demand of scenarios with and without the proposed plan on all roads and the rail network. As noted above it has also explored potential mitigation measures consequent of proposed development. I therefore recommend no modifications.
7. Mr and Mrs HDI Smith raise concerns regarding proposals for 'significant development' in Drem. Whilst paragraph 2.154 mentions this it does so in the context of how, in the longer term, development in Drem could result in the opportunity to realign the road. There are no actual proposals for this in the plan and the council confirms this. Modifications are recommended to this paragraph in Issue 9.
8. The council proposes a suite of measures to overcome air quality issues in Musselburgh; including traffic and parking measures. Policy T19 and Proposals T20 and T21 form part of this response. These measures are designed to alleviate the concerns

raised by East Lothian Liberal Democrat Party and I therefore recommend no modifications.

9. I agree with Wemyss and March Estate that the proposed plan does not explain which organisations are responsible for infrastructure delivery in paragraph 4.2. This is the role of the action programme. The Proposed Action Programme explains for each project that national agencies such as Network Rail and Transport Scotland will form part of a partnership with the council. Therefore I recommend no modifications.

#### **Policy T1: Development Location and Accessibility**

10. The Transport Appraisal does not demonstrate that the perceived traffic problems in Inveresk would be resolved by a 20 miles per hour speed limit. I therefore recommend no modifications.

#### **Policy T2: General Transport Impact**

11. The Transport Appraisal considers scenarios for transport impacts with and without the proposed plan. It concludes that additional travel demand for all modes would be greater under the proposed plan scenario. This includes sites in Dunbar and site MH1. It also includes several transport mitigation measures resultant from this including those around Musselburgh rail station and junction improvements on the A1 road. The draft development briefs for site MH1, and other sites including in Dunbar, also cover proposed access improvements such as footpaths/cycle ways and improvements to local roads. Whilst the draft brief is not being examined it does indicate the council's broader thinking related to these and other sites. The measures identified in the draft briefs are designed to overcome the concerns raised by Musselburgh Area Partnership, Musselburgh Grammar School Parent Council and East Lammermuir Community Council.

#### **Policy T29: Town Centre Parking Strategy**

12. Policy T29 already proposes improvements in the efficient use of the current supply of parking and aims to reduce the negative impacts of parking within settlements. In Musselburgh specifically, the council proposes measures following work on the Musselburgh Town Centre Strategy and Air Quality Management Plan. Notwithstanding representations in Issue 10, the council proposes to adopt town centre strategies as supplementary guidance. I therefore recommend no modifications.

#### **Rail improvements**

13. Wemyss and March Estate, when considering rail proposals, identify the risk of problems where proposed infrastructure improvements do not match the wishes or programmes of the relevant agencies. However, it is clear from its representations that Network Rail does not object to the rail proposals and further information on the Scotland Route Study (2016) Appendix 06 shows that improvements such as the widening of the East Coast Mainline to four tracks (Proposal T13) are currently part of Network Rail's thinking for Control Period 6 (2019-2024). I have also considered detailed matters regarding points raised by Transport Scotland in Issue 18c. I therefore recommend no modifications.

14. East Lothian Liberal Democrat Party points out the need for improved public transport; including rail improvements to the East Coast Main Line. The Transport Appraisal

concludes that rail improvements will be needed as a consequence of development in the proposed plan. These measures are already set out in the plan. There is also no indication from the plan that Network Rail would be expected to pay developer contributions, as suggested in their representation.

15. Network Rail seeks a notification zone around all of its rail infrastructure within which it will be consulted upon development proposals. However, Network Rail does not indicate the extent of this notification zone. I agree with the council that Network Rail is already a statutory consultee in the preparation of local development plans and for planning applications which affect level crossings under the Town and Country Planning Development Management Procedure (Scotland) Regulations 2008. I also agree that the development management process is appropriately equipped to consult Network Rail where appropriate. I therefore recommend no modifications.

16. Mark Holling suggests the provision of additional car parking at North Berwick Station and a new, additional station in North Berwick at Ferrygate. Neither the Transport Appraisal nor other evidence indicates a need for either of these.

17. For Proposal T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge, Proposed Plan Diagram 2 already shows the proposed widening of the East Coast Main Line to four tracks, but there is no detail of the exact route as sought by Network Rail. I agree with the council that it is not possible to determine the exact route prior to carrying out the necessary technical work. There are therefore no modifications I can recommend. These matters are also covered in Issue 18c.

18. This also means there are no detailed costs or sources of funding, as sought by East Lothian Liberal Democrat Party. Network Rail and the Council have supplied the Network Rail Scotland Route Study (2016) as part of a further information request. Page 57 estimates a cost of between £125 to £300 million. However, these costs exclude specific considerations such as impacts on the A199 road junction and do not mention a new station at Blindwells. There are no modifications I can recommend. Similar matters are also covered in Issue 18c.

19. Parts of the Longniddry to Haddington Route Safeguard (Proposal T14) are shown on Inset Maps 20 and 24. To provide clarity the full length of the Longniddry to Haddington Route Safeguard (T14) should be shown. My preference would have been for this to be on Diagram 2, however, I acknowledge the council's point that safeguards are not shown on Diagram 2 and that Proposal T14 is a safeguard. I therefore recommend a modification to include the full length of the Longniddry to Haddington Route Safeguard (T14) on the Proposals Map Inset Map 3, as suggested by the council.

### **Developer contributions approach**

20. The council has used its Transport Appraisal to identify the impacts of both committed development and development in the proposed plan on transport infrastructure capacity. It has concluded which mitigation measures are needed to overcome these capacity issues and identified these in the plan and its associated proposals maps. Those which are consequent (individually or cumulatively) from development and covered in the draft Supplementary Guidance: Developer Contributions Framework are identified in Table DEL1.

21. Circular 6/2013, paragraph 139, explains that the exact levels of developer

contributions or methodologies for their calculation are suitable topics for supplementary guidance provided there is an appropriate context in the plan. The council has considered detailed matters regarding the costs and scale of contributions to be sought in its draft supplementary guidance.

22. The draft supplementary guidance is not subject of this examination and therefore my consideration focuses on whether the plan contains the appropriate information and the principle of seeking developer contributions for infrastructure improvements. I have therefore had regard to the detailed technical evidence that has informed the council's thinking, as set out in the Transport Appraisal, Technical Note 14 and the draft supplementary guidance. I also note that following further information request 17 (FIR17) the council provided conclusions from updated transport modelling work (the updated DPMTAG Report) that was not complete when the proposed plan was published for representations. This more recent document includes updated modelling, costs and proportions of costs for developer contributions.

23. In response to FIR17 the council recommends several consequential modifications to the plan based on this more up to date modelling contained in the updated DPMTAG Report. The council's recommended modifications relate to several proposals for transport improvements within the plan and supporting text. However, I cannot recommend making these modifications since this information did not form part of the material available to interested parties during the period for representations and does not relate to any unresolved issues. The council's response to FIR22 accepts that some of its previously proposed modifications should not be made. The updated DPMTAG Report conclusions regarding works, costs and proportions will, no doubt, inform the finalisation of the supplementary guidance. However, as noted above this is not subject of this examination and therefore I focus on the content of the plan.

24. Based on the detailed technical evidence referenced above, I disregard the information in the table contained in the council's response to the representations within this issue. The table omits Proposal T15: Old Craighall Junction which the council has confirmed in its response to FIR22 was a typographical error. The information it contains is also inconsistent with the technical evidence presented in the Transport Appraisal, Technical Note 14 and the draft supplementary guidance, which is itself consistent across these three documents.

25. Whilst the council considers both sets of information are now superseded by the updated DPMTAG Report I have concluded that this was not before interested parties during the period for representations and that there are no unresolved issues relating to it. However, there is consistency, albeit evolutionary consistency, between the evidence originally presented in the Transport Appraisal, Technical Note 14 and the draft supplementary guidance and that now presented in updated DPMTAG report tables 4.1 and 4.8 (to which the council refers me in FIR22). For example these show the proportions and/or costs to be sought by the council through developer contributions are likely to be the same or lower than previously shown in Technical Note 14 for all proposed mitigation except for Proposal T17: Bankton and A198 road upgrade.

26. Whilst these are detailed matters for the supplementary guidance and not the plan, Technical Note 14 and the draft supplementary guidance should inform my understanding of the plan and that the updated DPMTAG Report provides some additional and updated context.

### Developer contributions towards Rail

27. Several representations sought modifications to remove developer contributions for rail improvements in Proposals T9 and T10 for station car park extensions and platform lengthening (related matters are also considered in Issue 18c and Issue 31). Walker Group questions the principle of seeking developer contributions for rail infrastructure. They consider that these facilities should be provided by Network Rail and that it will receive increased revenues as a result. However, I agree with the council that Network Rail is not a profit making body but a public body responsible for running the railways. The developer contributions are being sought towards new or improved rail infrastructure and not for vehicles/rolling stock or to fund the running of services. Whilst I agree that Network Rail has a duty to maintain, renew and develop the rail network I am not persuaded that its role is to effectively subsidise the transport impacts of new development in the plan.

28. Walker Group also argues that Proposals T9 and T10 fail the tests in Circular 3/2012 and that the conformity statement within Technical Note 14 does not justify this. Walker Group also reasserts these points in its response to FIR16 but does not elaborate further. I therefore consider these matters below with their original points. However, Walker Group has not stated which specific test these proposals fail. I have therefore considered all five tests listed in Circular 3/2012 paragraph 14, which states that a planning obligation made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where it meets all of the following tests:

- It is necessary to make the proposed development acceptable in planning terms
- It serves a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- It relates to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area
- It fairly and reasonably relate in scale and kind to the proposed development
- It should be reasonable in all other respects

29. I find that the council's Transport Appraisal considers scenarios for future travel demand both with and without the proposed local development plan. It concludes that the increase in demand for road, rail and active transport would be most significant as a direct consequence of development in the proposed plan. The Transport Appraisal identifies capacity issues on transport infrastructure and recommends mitigation measures to ameliorate this. Proposals T9 and T10 are amongst these.

30. The updated DPMTAG Report Table 2.1 also provides a clearer picture of the likely financial contributions for rail. This table makes clear that the £638,000 lengthening of platforms to accommodate six car trains will be carried out under the current rail franchise and not through developer contributions. Therefore developer contributions are being sought for the further extension of platforms (Proposal T10) to accommodate eight car trains.

31. Wemyss and March Estate also argue that platform lengthening (Proposal T10) is not justified. In the Transport Appraisal Appendix C section 5.5 and the updated DPMTAG Report, the council considers the additional travel demand arising from the proposed plan and the limited available train paths through East Lothian. It concludes that trains with additional capacity are needed along with longer platforms and more station car parking (this is covered in more detail in Issue 18c). The proposed developer contributions (including for rail) relate only to the impacts which are consequent from the plan. The

evidence does not suggest that the justification for Proposals T9 and T10 is fundamentally wrong and therefore I do not recommend their removal.

32. I agree with the Wemyss and March Estates that there is some lack of clarity in Proposals T9 and T10 regarding what developer contributions are being sought towards. The content of the proposals themselves and the evidence before me suggests that Proposals T9 and T10 are seeking developer contributions to provide the infrastructure and not to safeguard the land. However, their current titles could appear to contradict this. I therefore recommend modifying the titles of both proposals to clarify this.

33. The detailed costs are matters for supplementary guidance that do not affect my consideration of the plan. However, I consider that these factors establish the principle of direct individual and cumulative links between new development and increased travel demand for rail as sought in Circular 3/2012 paragraphs 17 to 19.

34. The plan and Scottish Planning Policy require development to overcome infrastructure capacity issues to make it acceptable in planning terms. They also support a modal shift from car to public transport and active travel. This is directly related to a planning purpose since all new development generates travel demand and also because modal choice has an impact on place quality, accessibility, climate change, air quality and public health – all of which are legitimate concerns of land use planning. Modal choice can also be influenced by the location, design and layout of development. I also consider rail to be a rational part of the transport choice available in this part of Scotland, particularly for travelling to central Edinburgh. These factors therefore demonstrate a planning purpose in principle for seeking rail contributions, as required by Circular 3/2012 paragraph 16.

35. A planning obligation is necessary to ensure that the infrastructure capacity issues are overcome and the objectives of the plan are met by whichever developer(s) /landowner(s) are or become responsible for the land that is proposed for development. This demonstrates that planning obligations are necessary in principle to overcome the identified capacity issues which are individually or cumulatively the direct consequence of the proposed development, as required by Circular 3/2012 paragraph 15.

36. Proposed developer contributions must also relate in scale and kind to the land and development from which they are sought. The recent Elsick case in Aberdeen City and Shire has emphasised the importance of this relationship and these matters are considered in more detail in Issue 31. In response to FIR16 the council provides a commentary on why it considers the East Lothian approach to developer contributions differs from the Aberdeen approach that was subject of the Supreme Court decision (the Elsick case – Reference UKSC 66). This commentary reflects my own conclusions, having considered the plan, the Transport Appraisal, the draft supplementary guidance and Technical Note 14. In particular I agree that the proposed East Lothian approach reflects a scale and kind relationship.

37. This is because the Transport Appraisal, Technical Note 14 and the draft supplementary guidance conclude that some infrastructure mitigation measures relate to individual developments. However, in the case of the rail, numerous sites will have a contributory impact along its route. The Transport Appraisal defines geographic zones, many of which contribute to travel demand for rail. The scale of development (from one or more sites) within each zone and the subsequent modelling determines the magnitude of the contribution to travel demand of each zone. Some zones will make no contributions because they have no impact on a given piece of transport infrastructure.

38. These proportions have been used to share the total cost of Proposals T9 and T10 amongst each of the relevant zones. The cost for each zone is then shared amongst the constituent development on a pro-rata basis. The evidence presented in representations does not demonstrate that the council's identification and use of zones in principle is incorrect or that there is a better alternative. The specific magnitude of contributions to be sought is a matter for supplementary guidance. Overall, however, this demonstrates that establishing a scale and kind relationship between the proposed development and the contributions sought for rail has been a key principle behind the councils thinking; as required by Circular 3/2012 paragraphs 20 to 23. For these reasons I am also persuaded that the East Lothian approach differs from the Aberdeen approach and is not akin to a development levy.

39. Circular 3/2012 also requires planning obligations to be reasonable in all other ways listing four bullets with questions to support this test. Bullets one, three and four have already been covered by matters discussed above. For bullet two; Policy T32: Transport Infrastructure Delivery Fund and supporting text make clear that monies collected through developer contributions will be collated and managed by a fund. The fund will assign contributions to ensure that these monies are directed to the cost of providing necessary facilities required as a consequence of or in connection with the development in the near future.

40. In response to Wemyss and March Estates there is no evidence to suggest that developers would be solely responsible for implementation in all instances. The Transport Infrastructure Delivery Fund (Policy T32) proposes the management by the council of a fund to assign the developer contributions to the delivery of the identified projects. There is no expectation that an individual developer would be asked to undertake the works in Proposals T9 and T10. Policy T32 is considered in more detail in Issue 18f.

41. The evidence in representations does not demonstrate, based on Circular 3/2012, that it would be unreasonable or unacceptable for the plan to seek developer contributions for rail infrastructure to ameliorate the impact of proposed development. For these reasons I am also not persuaded that this represents a 'disconnection' between Proposal T10 and the draft supplementary guidance or Technical Note 14. However, a more detailed analysis may be necessary for any supplementary guidance to satisfactorily demonstrate that the full requirements of the circular are met for each site. I therefore recommend no modifications to the plan.

### **Walking and cycling**

42. Longniddry Community Council raises matters of pedestrian and cycle safety and school bus pick up and drop off, in relation to proposed improvements on the A198 road. The council argues that paragraph 2.59 identifies measures to improve bus and pedestrian movement; including crossing facilities, junction improvements and traffic calming. The council also notes that the routing of school buses is not a matter for the local development plan but will be considered by the council. There are no modifications that I can recommend regarding bus routes and paragraph 2.59 already explains the broad measures the council intends to take to overcome the matters raised by the community council.

43. The plan does not identify any settlement in East Lothian as an exemplar of a walking and cycling friendly settlement, as encouraged by National Planning Framework 3 paragraph 5.14. I note the council's points about Tranent and the outcome resulting from

Policies T4 and T6 along with Proposals T3 and T5. On balance these articulate the intentions of National Planning Framework 3 paragraph 5.14. In particular Proposal T3 proposes to connect new development and existing settlements with each other and with Edinburgh. The draft development briefs also indicate broader thinking about the integration of foot and cycle routes to new development. The provisions of the plan do reflect the principles of National Planning Framework 3 paragraph 5.14 without identifying a specific settlement. However, the representation and evidence does not enable me to identify a specific settlement to become an exemplar. I therefore recommend no modifications.

**Reporter's recommendations:**

Modify the local development plan by:

1. Adding to inset map 3 the full length of the Longniddry to Haddington Route Safeguard (Proposal T14).
2. Deleting the words "Safeguarding of land for" from the title of Proposal T9 so that it reads: "PROP T9: Larger Station Car Parks".
3. Deleting the words "Safeguarding land for" from the title of Proposal T10 so that it reads: "PROP T10: Platform Lengthening".



<b>Issue 18(b)</b>	<b>Transport: Active Travel</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Stewart Milne Homes (0261) Scottish Natural Heritage (0280) Haddington and District Amenity Society (0327) Hallhill Developments (0395) Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438)		
<b>Provision of the development plan to which the issue relates:</b>	Proposal T3: Segregated Active Travel Corridor Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy Proposal T5: Cycle Route Network Policy T6: Reallocation of Road Space and Pedestrian Crossing Points	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Proposal T3: Segregated Active Travel Corridor</b></p> <p><u>Stewart Milne Homes (0261/4)</u></p> <p>The representor does not agree that the need for the Segregated Active Travel Corridor (SATC) arises directly as a result of new development, and requiring developer contributions would therefore be contrary to the test in Circular 2/2012. Rather, the proposal seems to be a Council aspiration to serve the East Lothian community. There does not appear to be any detailed explanation of how the total amount has been calculated or any explanation of the proportion expected to be funded by developers in Technical Note 14. The representor questions whether the actual form of provision will provide value for money and is therefore reasonable, even if it was reasonable to require developer contributions, and doubts that the financial contribution expected from developers is proportionate, at nearly a quarter of the total cost.</p> <p><u>Scottish Natural Heritage (0280/6)</u></p> <p>SNH welcome and support the development of a new segregated active travel corridor within East Lothian. In the absence of further detail and note at this point that the finalised route is unlikely to require HRA beyond screening stage. This caveat may not be required.</p> <p><u>Haddington and District Amenity Society (0327/9)</u></p> <p>Objector seeks amplification of and explanation of Policy T3: Segregated Active Travel Corridor. The concept is not clear.</p> <p><u>Hallhill Developments (0395/6)</u></p> <p>With regards to the SATC there does not appear to be any detailed explanation of how the total amount has been calculated or any explanation of the proportion expected to be</p>		

funded by developers. Therefore, it cannot agree that the needs for the SATC arises directly as a result of new development, and requiring developer contributions would therefore be contrary to the test in Circular 2/2012. It seriously questions whether the actual form of provision will provide value for money and is therefore reasonable. Even if it was reasonable to require developer contributions, the representor doubts that the financial contribution expected from developers is proportionate, at nearly ¼ of the total cost.

**Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Scottish Natural Heritage (0280/7)

As currently drafted, extensions to the overall active travel and recreation network are specific to particular Proposals. SNH therefore consider that Policy T4 should support extension/enhancement of the network beyond these specific Proposals if East Lothian is to continue to contribute towards well-designed, sustainable places.

**Policy T6: Reallocation of Road Space and Pedestrian Crossing Points**

Scottish Natural Heritage (0280/8)

The segregated active travel corridor identified in PROP T3 is likely to require reallocation of road space if it is to be effective. SNH therefore consider it appropriate and necessary for Policy T6 to include reference to PROP T3.

**Active Travel Support**

**Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/13); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/11)

The representor supports Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy which seeks to protect the Council's existing core path and active travel network.

**Proposal T5: Cycle Route Network**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/14); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/12)

The representor supports Policy T5: Cycle Route Network which seeks to protect the Council's existing core path and cycle route network.

**Modifications sought by those submitting representations:**

**Proposal T3: Segregated Active Travel Corridor**

Stewart Milne Homes (0261/4)

No specific modification is identified but objection is raised to the policy suggesting that Technical Note 14 does not provide a detailed explanation of how the total amount has been calculated or proportioned to developers and that the basis for funding may well be

contrary to Circular 2/2012.

Scottish Natural Heritage (0280/6); Haddington and District Amenity Society (0327/9)

No Modification sought

Hallhill Developments (0395/6)

Delete references to the need for developer contribution to the SATC from all LDP policies and proposals and supplementary guidance.

**Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Scottish Natural Heritage (0280/7)

SNH propose an amendment to Policy T4 to read "The Council will protect its existing core path and active travel network and ensure that new development extends and does not undermine them, including the convenience, safety and enjoyment of their use".

**Policy T6: Reallocation of Road Space and Pedestrian Crossing Points**

Scottish Natural Heritage (0280/8)

For clarity SNH suggest that PROP T3 is referenced in Policy T6.

**Active Travel Support**

**Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/13); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/11)

No Modification sought

**Proposal T5: Cycle Route Network**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/14); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/12)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Proposal T3: Segregated Active Travel Corridor**

Hallhill Developments (0395/6); Stewart Milne Homes (0261/4)

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9 (CD039). The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

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

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

The total LDP share of contributions was then calculated as:

$$\frac{\text{LDP development pseudo-hectares within catchment}}{\text{LDP + "Committed+Base" pseudo-hectares within catchment}} = \text{total LDP impact}$$

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal (CD041) Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority. **The Council submits that no modification of the plan is necessary.**

Scottish Natural Heritage (0280/6)

Support welcomed. **The Council submits that no modification of the plan is necessary.**

Haddington and District Amenity Society (0327/9)

The Council submits that the plan adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9 (CD039). **The Council submits that no modification of the plan is necessary.**

**Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Scottish Natural Heritage (0280/7)

The Council submits that SNH comment is addressed by Policy T4 (CD039), since the core path plan itself can be renewed and updated to provide new routes and to extend the network. **The Council submits that no modification of the plan is necessary.**

**Policy T6: Reallocation of Road Space and Pedestrian Crossing Points**

Scottish Natural Heritage (0280/8)

The Council submits that SNH comment is already addressed because the LDP contains Policy T6 (CD039), and because the plan should be read as a whole there is no need to make such a cross-reference. **The Council submits that no modification of the plan is necessary.**

**Active Travel Support**

**Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/13); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/11)

Support Noted.

**Proposal T5: Cycle Route Network**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/14); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/12)

Support Noted.

**Reporter's conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a matter raised in representations which is in support of the provisions of the plan and does not seek modifications. Therefore, unless this relates to an issue which is unresolved, they will not be addressed in my conclusions.

**Proposal T3: Segregated Active Travel Corridor**

2. The segregated active travel corridor is one of several transport infrastructure projects

in the proposed plan. Paragraph 4.8, sentence one, of the plan explains that it promotes a priority route for pedestrians and cyclists from Dunbar to Musselburgh, and onwards to Edinburgh. The broad route is illustrated in Diagram 2. The plan therefore already explains the matter raised by Haddington and District Amenity Society.

3. Scottish Natural Heritage suggest that Proposal T3 is unlikely to need a Habitats Regulations Appraisal. Whilst this may be shown to be the case I find that it is best to allow this to be determined through the screening process since the exact route may not yet have been established. Therefore I recommend no modifications to the current wording.

4. The council has used its Transport Appraisal to identify the impacts of both committed development and development in the proposed plan on transport infrastructure capacity. It has concluded which mitigation measures are needed to overcome these capacity issues and identified these in the plan and its associated proposals maps. Those which are consequent (individually or cumulatively) from development and covered in the draft Supplementary Guidance: Developer Contributions Framework are identified in Table DEL1. Proposal T3 is one of these.

5. Circular 6/2013 paragraph 139 explains that the exact levels of developer contributions or methodologies for their calculation are suitable topics for supplementary guidance provided there is an appropriate context in the plan. The council has considered detailed matters regarding the costs and scale of contributions to be sought in its draft supplementary guidance. Although these detailed matters relating to costs and proportions of funding have assisted me in understanding the council's approach and rationale, I focus on the principle of the plan seeking developer contributions towards Proposal T3.

6. Hallhill Developments and Stewart Milne Homes each contest the principle of seeking contributions towards the segregated active travel corridor (Proposal T3), seeking removal of this requirement. They argue that it fails the tests in Circular 3/2012. I note that some representations refer to Circular 2/2012 and I have treated this as a typographical error. However, neither party has stated which specific test these proposals fail. I have therefore considered all five tests listed in Circular 3/2012 paragraph 14, which states that a planning obligation made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where it meets all of the following tests:

- It is necessary to make the proposed development acceptable in planning terms
- It serves a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- It relates to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area
- It fairly and reasonably relate in scale and kind to the proposed development
- It should be reasonable in all other respects.

7. I find that the council's Transport Appraisal considers scenarios for future travel demand both with and without the proposed plan. It concludes that the increase in travel demand would be most significant as a direct consequence of development in the plan. I consider that these factors establish the principle of direct individual and cumulative links between new development and increased travel demand (including active travel) as sought in Circular 3/2012, paragraphs 17 to 19.

8. The plan and Scottish Planning Policy require development to overcome infrastructure

capacity issues to make it acceptable in planning terms. They also support a modal shift from car to public transport and active travel. This is directly related to a planning purpose since all new development generates travel demand and also because modal choice has an impact on place quality, accessibility, climate change, air quality and public health – all of which are legitimate concerns of land use planning. Modal choice can also be influenced by the location, design and layout of development. I also consider active travel to be a rational part of the transport choice available in this part of Scotland, particularly for travelling within and between settlements, to parts of Edinburgh and also to access public transport. These factors therefore demonstrate a planning purpose in principle, as required by Circular 3/2012 paragraph 16, for seeking contributions towards the segregated active travel corridor.

9. A planning obligation is necessary to ensure that the objectives of the plan are met by whichever developer(s)/ landowner(s) are or become responsible for the land that is proposed for development, as required by Circular 3/2012 paragraph 15.

10. Proposed developer contributions must also relate in scale and kind to the land and development from which they are sought. The recent *Elsick* case in Aberdeen City and Shire has emphasised the importance of this relationship and these matters are considered in more detail in Issue 31. In response to further information request 16 (FIR16) the council provides a commentary on why it considers the East Lothian approach to developer contributions differs from the Aberdeen approach that was subject of the recent Supreme Court decision (the *Elsick* case – reference UKSC 66). This commentary reflects my own conclusions, having considered the plan, the Transport Appraisal, the draft supplementary guidance and Technical Note 14.

11. The Transport Appraisal, Technical Note 14 and the draft supplementary guidance conclude that some infrastructure mitigation measures relate to individual developments. However, for the segregated active travel corridor several development locations will have a contributory impact along its route. The council has established zones within which developer contributions will be sought. The council's updated DPMTAG Report continues to demonstrate this. The scale of development (from one or more sites) within each zone and the subsequent modelling determines the magnitude of the contribution to travel demand of each zone. Many zones will make no contributions because they have no impact on Proposal T3. The evidence presented in representations does not demonstrate that the council's approach of using zones in principle is incorrect or that there is a better alternative.

12. These proportions have been used to share the total cost of Proposal T3 amongst each of the relevant zones. The council also explains how the developer contributions have been calculated. In the case of the segregated active travel corridor updated DPMTAG Report, Appendix C: Developer Contributions Table, shows the total cost is estimated at £23.4 million. This has not changed from the original cost estimate in Technical Note 14 that was seen by interested parties who made representations on the proposed plan.

13. This cost has been shared amongst all development in the respective zones (both committed development and that in the proposed plan). The plan only seeks developer contributions from development in the plan to meet its impact on Proposal T3. Technical Note 14 indicates that this would be £5.33 million (23% of the total cost) from development in the plan within those relevant zones. The updated DPMTAG report indicates that the £23.4 million cost remains the same but that only £3.931 million (16.8%) will be sought

from development in the plan which falls within the respective zones.

14. This shows that the council's approach to proposed developer contributions is based on a scale and kind relationship. The scale and proportion of funding sought also indicates that the relationship between the segregated active travel corridor and proposed development is not trivial.

15. These considerations are relevant given the recent *Elsick Case* (UKSC 66) (See Issue 31).

16. The specific magnitude of contributions to be sought is a matter for supplementary guidance. Overall, however, this demonstrates that establishing a scale and kind relationship between proposed development and the contributions sought for segregated active travel corridor has been a key principle behind the councils thinking; as required by Circular 3/2012 paragraphs 20 to 23. For these reasons I am also persuaded that the East Lothian approach differs from the Aberdeen approach and is not akin to a development levy (see Issue 31).

17. Circular 3/2012 also requires planning obligations to be reasonable in all other ways listing four bullets with questions to support this test. Bullets one, three and four have already been covered by matters discussed above. For bullet two; Policy T32: Transport Infrastructure Delivery Fund and supporting text make clear that monies collected through developer contributions will be collected and managed by a fund. The fund will assign the developer contributions to ensure that these monies are directed to the cost of providing necessary facilities required as a consequence of or in connection with the development in the near future.

18. Overall the evidence from Hallhill Developments and Stewart Milne Homes does not lead me to conclude that the principle of seeking developer contributions for Proposal T3: Segregated Active Travel Corridor fails the tests in Circular 3/2012. However, a more detailed analysis may be necessary for any supplementary guidance to satisfactorily demonstrate that the full requirements of that Circular are met for each site. I find this principle to be acceptable and recommend no modifications.

#### **Proposal T4: Active Travel Routes and Core Paths as part of Green Network Strategy**

19. I agree with the council that Policy T4 already applies to all core paths and active travel networks. As currently written there is nothing which prevents the extension or enhancement of these networks beyond the specific proposals that the council has identified. Therefore there are no modifications I can recommend.

#### **Policy T6: Reallocation of Road Space and Pedestrian Crossing Points**

20. Paragraph 4.12 of the plan sets out the need to improve safety for pedestrians using the principles of 'Designing Streets'. Policy T6 covers all locations and explains how the council will consider the reallocation of road space to support safety. Whilst these principles may also apply to the segregated active travel corridor I see no advantage in making specific mention of Proposal T3 within Policy T6. Reading the plan as a whole, Policy T6 should be expected to apply to Proposal T3 in any case. I therefore recommend no modifications.



**Reporter's recommendations:**

No modifications.

<b>Issue 18(c)</b>	<b>Transport: Public Transport</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Emma Duncan (0075)                  Sharon Hadden (0102)                  Ludo and Alice MacKenzie (0112)                  Longniddry Community Council (0161)                  Gullane Community Council (0166)                  Network Rail (0181)                  James Millar (Kilduff) Ltd (0204)                  Barratt David Wilson Homes (0246)                  Stewart Milne Homes (0261)                  Scottish Natural Heritage (0280)                  Wemyss and March Estate (0295)                  Magnus Thorne (0308)                  Hargreaves Services Ltd (0349)                  Musselburgh Conservation Society (0368)                  Inveresk Village Society (0385)                  Scottish Government / Transport Scotland (0389)                  Hallhill Developments (0395)                  Rural East Lothian Bus Group (0399)                  East Lammermuir Community Council (0414)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Policy T8: Bus Network Improvements                  Proposal T9: Safeguarding Land for Larger Station Car Parks                  Proposal T10: Safeguarding Land for Platform Lengthening                  Proposal T11: Safeguarding Land for Improvements to Musselburgh Station                  Proposal T12: Railway Station Safeguarding at East Linton                  Proposal T13: East Coast Main Line Four Track Section, New Rail Station and Vehicular Overbridge</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Introduction</b></p> <p><u>Network Rail (0181/15)</u></p> <p>Network Rail supports the detailed information set out in the explanatory text which sets both the context and the requirements.</p> <p><b>Policy T8: Bus Network Improvements</b></p> <p><u>Sharon Hadden (0102/2)</u></p> <p>Objects to any increased traffic in Wallyford. Does not consider that traffic from new housing or the stadium has been considered.</p>		

Musselburgh Conservation Society (0368/6)

Supports representation 0399 (below) by RELBUS to Policy T8 to enable buses to adequately serve new developments.

Inveresk Village Society (0385/15); Rural East Lothian Bus Group (0399)

The substantial increase in housing in several East Lothian towns and villages means that public transport, and in particular bus provision, will have to be reviewed. In particular where new housing estates are built which are situated a meaningful distance from the town's shopping centre(s) will require to have some form of public transport provided if the objective of having a bus stop within 400 yards of housing is to be met.

**Proposal T9: Safeguarding Land for Larger Station Car Parks**Emma Duncan (0075)

The proposed building of a car park (Proposal T9) and lengthening of station platform (Proposal T10) would result in a substantial reduction in privacy at objector's property which is opposite the proposed site. Representation also raises the following issues consequent on an expansion of the station car park and platforms associated with increased use of the station: the obstruction of views, the loss of outlook over the rural area, an increase in noise and disturbance, house price devaluation, an increase in parked cars outside objectors home. A reduction in safety and security arising from increase in vehicles and people on the road outside objectors home will generate safety and security issues for the two young children who play in the garden.

Longniddry Community Council (0161/1)

Longniddry Community Council makes a number of representations, including in respect of Proposal PS1: Longniddry South. Representation on Rail Infrastructure: Longniddry Community Council considers that improvement to transport infrastructure is required to cope with overall demand and that generated by proposal PS1, particularly during peak hours and periods of high demand. This includes improvement of the North Berwick branch line. Questionable if a new station at Blindwells can be justified, as this would increase journey times and cause pathing issues, and a bus feeder service to nearby stations should be provided instead, as a minimum in the peak periods, with joint ticketing. Only once the longer term future of the line is known should a new station at Blindwells be considered. The intended introduction of 6 coach trains welcomed but further increases in capacity needed beyond this. Car parking capacity is insufficient, and more spaces need to be provided before new development occurs, which would reduce on-street parking which is not an ideal solution. Access to the southern platform at Longniddry Station is poor, particularly for those with mobility difficulties and buggies etc, and this needs to be resolved. The southern platforms currently only have a drop-off point and, not any parking spaces, and vehicular access to the drop-off is poor.

Gullane Community Council (0166/12)

Proposal T9 as it relates to Drem is totally inadequate especially if sites NK7 and NK8 are included.

Network Rail (0181/16)

Network Rail supports the detailed information set out in the explanatory text which sets both the context and the requirements. Network Rail would like to contribute to the developer Contributions Supplementary Guidance.

James Millar (Kilduff) Ltd (0204/7)

Earlier versions of the plan had sought the provision of additional car parking at Drem railway station to rectify existing deficiencies resulting from previous distribution of development strategies and to facilitate further car based travel to and from it, instead of facilitating development around the train station all of which could be within walking distance. Whilst this designation appears to be retained in the plan (Ref Para 4.20 and PROP T9) it is not clearly indicated on Inset Map 10 for Drem.

Stewart Milne Homes (0261/5)

It is unacceptable and unreasonable to expect developers to fund improvements to the rail network. The proposals are misleading in their titles as in the text it is explained that developers will be required to contribute to these interventions. These facilities should be provided directly by Network Rail and not by developers.

Wemyss and March Estate (0295/7)

The proposed rail related interventions which are included in the Transport Appraisal (which support the LDP) as interventions requiring developer funding are PROP T9 and PROP T10. This 'Rail Package' includes station platform lengthening at Prestonpans, Longniddry, Drem Stations to accommodate eight car train sets and Station Car Park extensions at Drem and Longniddry. The requirement for eight-car train sets serving Longniddry is not justified in any detail within the LDP Transport Appraisal, which only indicates that there is likely to be an impact on journey choice in Musselburgh, Tranent and Wallyford, with not stated significant impact to Longniddry.

Hallhill Developments (0395/7)

It is explained that developers will be required to contribute to these interventions. In our view, these facilities should be provided directly by Network Rail. They seek to make a profit, which they reinvest in the network. Train operators charge passengers with a view to making a profit. An increased number of passengers arising from new developments will logically increase revenues for both operators and Network Rail. It is therefore completely unacceptable and unreasonable to expect developers to fund improvements to the rail network.

**Proposal T10: Safeguarding Land for Platform Lengthening**Ludo and Alice MacKenzie (0112)

Representation notes strong desire to retain trees between the rear property boundaries of homes at Salisbury Walk (opposite the existing platform) and the East Coast Main Rail Line. The representation notes that these trees are important to the amenity of the area and in providing noise attenuation from activities taking place at the rail station or on the railway line.

Network Rail (0181/22)

Proposal T10 reflects the intention to provide a new downside platform at Dunbar, but this should also reflect the need to access it from the station and the text should reflect that an all access bridge is required at Dunbar to link the station platforms.

Stewart Milne Homes (0261/6)

It is unacceptable and unreasonable to expect developers to fund improvements to the rail network. The proposals are misleading in their titles as in the text it is explained that developers will be required to contribute to these interventions. These facilities should be provided directly by Network Rail and not by developers

Scottish Natural Heritage (0280/9)

The nature and location of the platform lengthening works means that connectivity to the Firth of Forth SPA is not likely. To ensure that the Proposed Plan is proportionate, we do not consider this caveat to be required for PROP T10.

Wemyss and March Estate (0295/8)

The proposed rail related interventions which are included in the Transport Appraisal (which support the LDP) as interventions requiring developer funding are PROP T9 and PROP T10. This 'Rail Package' includes station platform lengthening at Prestonpans, Longniddry, Drem Stations to accommodate eight car train sets and Station Car Park extensions at Drem and Longniddry. The requirement for eight-car train sets serving Longniddry is not justified in any detail within the LDP Transport Appraisal, which only indicates that there is likely to be an impact on journey choice in Musselburgh, Tranent and Wallyford, with not stated significant impact to Longniddry. Therefore there is an obvious disconnect between PROP T10 and the Developer Contributions Framework. The safeguarding of land for future platform lengthening is one thing, however, what is actually being requested is developer contributions towards the delivery of platform lengthening and not simply confirmation that land will be safeguarded.

Scottish Government/Transport Scotland (0389/24)

The representation states that Transport Scotland has been consulted on the development of the LDP and transport appraisal, previously requesting further information relating to the rationale for longer platforms given that a new 6 car service has recently been introduced. To date no evidence has been provided to them to demonstrate that consideration has been given to a range of potential operational solutions which has led to a conclusion that platform extensions are required to accommodate longer trains and they have not been made aware of any work undertaken to determine if, along with platform lengthening, there would be additional requirement for extension/expansion of other passenger facilities (such as ticket machines). Furthermore, they haven't seen consideration on the requirement for additional rolling stock, including assessment of whether the current railway line and/or rolling stock is suitable for 8 car running.

Hallhill Developments (0395/8)

It is explained that developers will be required to contribute to these interventions. In our view, these facilities should be provided directly by Network Rail. They seek to make a

profit, which they reinvest in the network. Train operators charge passengers with a view to making a profit. An increased number of passengers arising from new developments will logically increase revenues for both operators and Network Rail. It is therefore completely unacceptable and unreasonable to expect developers to fund improvements to the rail network.

East Lammermuir Community Council (0414/11)

With respect to rail; there is discussion of a new track, platform and bridge at Dunbar station.

**Proposal T12: Railway Station Safeguard at East Linton**

Barratt David Wilson Homes (0246/10)

The reopening of East Linton Station is fully supported, as it the Council's commitment to securing funding. However, the exact funding requirements and sources for this infrastructure provision should be transparent as possible in order to support the identified costs.

Magnus Thorne (0308/5)

Section 4.22 makes no mention of car parking for the future station at East Linton. It would be appreciated if a minimum number of parking spaces were named in the proposed LDP.

**Proposal T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge**

Gullane Community Council (0166/3)

This proposal is entirely aspirational, unfunded and speculative, and its inclusion reduces the credibility of the plan.

Network Rail (0181/20)

Network Rail welcomes the insertion of Diagram 2 and the Policy set out in T13 to set the strategic context for the 4 track railway corridor. However, if this is to be delivered it will require detailed maps and assessment and a safeguarding corridor. It would greatly assist that this map be produced/revised or as part of supplementary guidance showing the route in more detail and making it clear this is a safeguarding zone where development will not be allowed.

Hargreaves Services Ltd (0349/5)

Concerned at any new station at Blindwells forming planning policy within the proposed LDP. This should be delivered through supplementary planning guidance once the viability has been fully assessed.

**Public Transport Support**

**Proposal T10: Safeguarding Land for Platform Lengthening**

Network Rail (0181/17)

Network Rail supports the detailed information set out in the explanatory text for PROP T10: Safeguarding Land for Platform Lengthening, which sets both the context and the requirements.

**Proposal T11: Safeguard Land for improvements to Musselburgh Station**

Network Rail (0181/18)

Network Rail supports the detailed information set out in the explanatory text which sets both the context and the requirements.

**Proposal T12: Railway Station Safeguard at East Linton**

Network Rail (0181/19)

Network Rail supports the detailed information set out in the explanatory text which sets both the context and the proposal.

**Modifications sought by those submitting representations:**

**Introduction**

Network Rail (0181/15)

No Modification sought.

**Policy T8: Bus Network Improvements**

Sharon Hadden (0102/2); Musselburgh Conservation Society (0368/6)

No Modification sought

Inveresk Village Society (0385/15); Rural East Lothian Bus Group (0399)

Policy T8 should be rewritten as follows: 'The council will continue to liaise closely with bus operators to ensure the bus network has adequate coverage and is fit for purpose, including where new development is proposed. Where the need arises as a direct consequence of development, road networks and housing layouts should be designed so as to allow safe and satisfactory bus access and the maximisation of dwellings within 400m of a bus stop....

**Proposal T9: Safeguarding Land for Larger Station Car Parks**

Emma Duncan (0075)

No modification sought, but an objection would suggest the representation seeks that the proposal should be removed from the plan.

Longniddry Community Council (0161/1)

No modification sought

Gullane Community Council (0166/12)

None specified but asks that Proposal T9 it is re-thought.

Network Rail (0181/16)

No Modification sought.

James Millar (Kilduff) Ltd (0204/7)

Clarify the area safeguarded for enhanced car parking provision at Drem Train Station (Ref: PROP T9) and identify an area north and south of the railway as part of a wider safeguarding for the potential Drem Expansion Area.

Stewart Milne Homes (0261/5)

No specific modification is identified but objection is raised to the policy suggesting it is unacceptable and unreasonable.

Wemyss and March Estate (0295/7)

Prop T9 should be modified to clarify which agency will be delivering station car parks and that, where appropriate, developers should contribute towards the cost of station car park extensions.

Hallhill Developments (0395/7)

Delete references to the need for developer contribution to rail linked infrastructure from all LDP policies and proposals and supplementary guidance.

**Proposal T10: Safeguarding Land for Platform Lengthening**

Ludo and Alice MacKenzie (0112)

No modification sought, but the representation would suggest the objection seeks retention of the trees between the rear property boundaries of homes at Salisbury Walk and the East Coast Main Rail Line.

Network Rail (0181/22)

Proposal T10 reflects the intention to provide a new downside platform at Dunbar, but this should also reflect the need to access it from the station and the text should reflect that an all access bridge is required at Dunbar to link the station platforms.

Stewart Milne Homes (0261/6)

No specific modification is identified but objection is raised to the policy suggesting it is unacceptable and unreasonable.

Scottish Natural Heritage (0280/9)

SNH propose removal of reference to need for HRA from PROP 10.



Wemyss and March Estate (0295/8)

Prop T10 should be removed from the PP or alternatively, amended to remove the reference to developer contributions relating to platform lengthening.

Scottish Government/Transport Scotland (0389/24)

Transport Scotland do not consider there is currently a requirement for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry and Drem. Therefore, it is recommended that Policy T10 is removed or reworded to detail that upgrades to the stations may be required as a result of development proposals, the details of which will be determined through further study in consultation with Transport Scotland and Network Rail.

Hallhill Developments (0395/8)

Delete references to the need for developer contribution to rail linked infrastructure from all LDP policies and proposals and supplementary guidance.

East Lammermuir Community Council (0414/11)

No Modification sought

**Proposal T12: Railway Station Safeguard at East Linton**

Barratt David Wilson Homes (0246/10)

Para 4.22 and Proposal T12 Railway Station Safeguarding at East Linton should positively commit to actively progress the reopening of the station through partnership with the Scottish Borders Council and other key agencies. The LDP should be clear on the funding required for this proposal and the funding sources e.g. Scottish Government.

Magnus Thorne (0308/5)

A minimum number of car parking spaces should be named for the proposed East Linton Station.

**Proposal T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge**

Gullane Community Council (0166/3)

Removal of Proposal T13.

Network Rail (0181/20)

Inclusion of detailed maps and assessment which shows the 4 track Railway route and safeguard zone in more detail.

Hargreaves Services Ltd (0349/5)

None specifically suggested, but presumably delete reference to need to safeguard land

for a rail station within pre-amble to BW1 (para 2.67) and explain this in pre-amble to T13.

**Public Transport Support**

**Proposal T10: Safeguarding Land for Platform Lengthening**

Network Rail (0181/17)

No Modification sought

**Proposal T11: Safeguard Land for improvements to Musselburgh Station**

Network Rail (0181/18)

No Modification sought

**Proposal T12: Railway Station Safeguard at East Linton**

Network Rail (0181/19)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Introduction**

Network Rail (0181/15)

Comments noted. **The Council submits that no modification of the plan is necessary.**

**Policy T8: Bus Network Improvements**

Sharon Hadden (0102/2)

The Council submits that it has assessed the travel demand forecasts with full build out of LDP allocations to 2024 and made provision for appropriate interventions. To consider the impacts of housing and employment allocations the Council modelled impacts using a Strategic Regional Model (SRM12), and an s-paramics micro- simulation model and junction modelling tools. These examined road, rail and public transport network impacts to determine the nature and scale of infrastructure mitigation required. The Council is satisfied that all trips generated from all allocations have been taken into account within the modelling work. The Council recognises and accepts that additional trips will be placed on the road network but there will be sufficient junction and link capacity to accommodate these once the mitigation interventions have been delivered. **The Council submits that no modification of the plan is necessary.**

Musselburgh Conservation Society (0368/6); Rural East Lothian Bus Group (0399); Inveresk Village Society (0385/15)

The Council submits that LDP paragraph 4.15 and 4.16 note that the roads authority standard states that, ideally, no house or workplace should be more than 400 metres from the nearest bus stop. Any enhancements to the bus network, including new routes/stops

will be considered at planning application stage in accordance with the Transport assessment for the site. It may not be necessary for a bus route to be provided through a new housing development if the layout is sufficient for walking to existing stops or main roads (where a new bus stop can be accommodated). Any new route, if considered necessary, could be provided by the developer for a fixed period of time as a condition of planning permission and then opened up to the market as a viable commercial route. The taking up and operation of this route would be assessed by private operators whether it is in their interest to maintain this route going forward. Council submit that the current policy wording is sufficient. **The Council submits that no modification of the plan is necessary.**

### **Proposal T9: Safeguarding Land for Larger Station Car Parks**

Emma Duncan (0075)

The Council submits that it has proposed platform lengthening and car park expansions at Drem Station and at other railway stations within East Lothian as part of a package of transport mitigation measures associated with delivering and mitigating the impacts of the development strategy of the proposed LDP. Platform lengthening is proposed to ensure that longer trains can operate on the North Berwick Branch Line and East Coast Main Line to provide an increase in capacity for local services to satisfy future passenger demand. The additional parking bays to be provided within the station car park are necessary to provide additional car parking for future passengers to access the station. The justification for these interventions is addressed in the Council's Transport Appraisal document (CD041).

In terms of the impacts on local amenity, it should be noted that the additional parking bays proposed are to be located within the curtilage of the existing car park, and involve additional line marking to identify the additional 39 potential spaces (previously 12 identified 0166/12), which should help relieve pressure for on-street parking. The lengthening of the station platform would be an extension of the existing platforms within the operational railway station opposite the objector's property. It is not envisaged that a significant loss of privacy or amenity would result, as extended platforms would be on the opposite side of the existing public road and footpath adjacent to the objector's property. Additionally, the existing northern platform is screened by a wooden fence, and similar treatment could be provided in respect of any extension of the platform, which could also screen a southern platform extension. It is not envisaged that the proposed works would increase noise levels beyond existing baseline noise levels. Impact on property values is not a material planning consideration. Any increase in the level of activity arising from the expansion of the station would not be so significant as to generate increased risk to road safety and the Council will undertake road safety audits or other safety investigations as necessary and monitor all measures introduced on the local road network as a consequence of the proposed improvements and take such further measures as necessary to address any road safety risks. It should be noted that the 40 mile per hour speed limit already extends to the east of the objector's property and the settlement. This area is not subject to and Air Quality Management Area or within an area where the Council considers there to be a need for Air Quality Monitoring. Construction impacts would be temporary and considered as part of the assessment of any planning application, including any required mitigation. **The Council submits that no modification of the plan is necessary.**

Longniddry Community Council (0161/1)

The Council submits that the LDP adequately provides for transport infrastructure improvements. It is based on a Transport Appraisal (CD041), which itself is based on Macro and Micro simulation modelling work. These consider a without LDP scenario (includes completed and committed development up to 2024 only) and with LDP scenario (includes the build out of all identified ELLDP development sites). The Transport Appraisal (CD041) assesses the cumulative impact of development and has informed the interventions set out in the LDP. These have been tested for deliverability, based on conceptual designs including costs and no significant issues were identified at this stage (See Transport Appraisal (CD041) Section 6). In respect of strategic transport network interventions, the LDP contains Proposal T3: Active Travel Corridor, which will offer an alternative to other forms of transport.

The LDP also contains Proposal T9: Safeguarding of Land for Larger Station Car Parks and Proposal T10: Safeguarding of Land for Platform Lengthening (Rail Station Package). Consequently, at Longniddry circa 80 additional parking spaces are to be provided and the lengthening of the station platforms there is proposed as well as at various other stations. Presently, negotiations are ongoing with Network Rail and ScotRail to increase parking provision at Longniddry and a feasibility study with various recommendations will be consulted on March 2017. The outcome of this consultation will determine the degree, scope and scale of the parking required but this varies between 51 and 139 additional spaces. It should be noted that the Transport Appraisal (CD041) assumed 6-car trains as the reference case, and that platform lengthening is proposed by the LDP to allow 8-car trains to run on the line (Appendix B para 5.5 of Transport Appraisal). Any works within Longniddry station in terms of improving current provision for access between the station platforms, including for those with mobility difficulties, will be a matter for Network Rail to address. The Council is working with Network Rail and ScotRail to identify such constraints and opportunities along with a programme of works to overcome them over time. In respect of the potential for a new station at Blindwells, the Transport Appraisal has examined this and the LDP response is set out in Proposal T13: East Coast Main Line Four Track Section, New Rail Station and vehicular Overbridge. As such the potential for a new rail station there is subject to further assessment, and is to be considered as part of Network Rail's longer term potential plan for a four track section between Drem and Prestonpans. The provision of a new station on the ECML in the context of a four track section will permit high speed intercity connections as well as local services calling a local stations. This significant investment would substantially increase the capacity of the line and the frequency of local trains, provided the demand for an increase in services was justified. The provision of a new station at Blindwells is entirely predicated on the deliverability of 4 tracking between Drem and Prestonpans on the ECML. There is no capacity to place a new station to serve Blindwells on the current 2 track arrangement with current train paths. The provision of an integrated Bus Service linking to rail stations and / or improved connectivity between a new settlement at Blindwells and existing communities will be considered at the planning application stage in accordance with the Transport assessment of the site. **The Council submits that no modification of the plan is necessary.**

Gullane Community Council (0166/12)

The land referred to in LDP Proposal T9 is that which is currently available within the existing curtilage of the station. However, further development work in conjunction with ScotRail has identified the potential of providing 39 spaces at Drem rail station where the current siding, which is surplus to requirements, exists. Currently, the capacity of the

station car park is 74 spaces - this would equate to a 53% increase in bays. Additionally, an accessibility study of the public transport catchment area for Drem Station shows that the shortest travel times for Drem includes the North Berwick hinterland: Dirleton, Gullane and East Linton. Policy T12: Railway Station Safeguarding at East Linton and the recent confirmation of the provision of a new station there would re-allocate and distribute trips for communities south of Fortoun Bank into the new East Linton station catchment zone. Presently, the rail parking ratio per passenger at Drem is the lowest in East Lothian, however, the additional provision identified above makes this station comparable with North Berwick and with further distribution in favour of East Linton, passenger entries predicted after the opening will make this the second best performing station with respect to spaces to passenger entries. **The Council submits that no modification of the plan is necessary.**

#### Network Rail (0181/16)

Support welcomed and Network Rail is advised that the consultation period in the Supplementary Guidance: Developer Contributions framework has closed. The Council invites further discussion on project delivery. **The Council submits that no modification of the plan is necessary.**

#### James Millar (Kilduff) Ltd (0204/7)

Inset Map 10 shows the safeguards for both the car park safeguard and the area for platform lengthening. There are no park and ride facilities proposed for Drem. **The Council submits that no modification of the plan is necessary.**

#### Stewart Milne Homes (0261/5); Wemyss and March Estate (0295/7); Hallhill Developments (0395/7)

The Council submits that the transport requirements in proposals T9 and T10 to be consistent with the SDP Policy 8 and Action 64 of the SDP Action Programme (CD031). These proposed interventions are justified by the transport appraisal prepared in line with Transport Scotland's guidance. The Council has set out all transport safeguards in East Lothian on the Proposals Map. The LDP states in para 4.2 that it takes the Council's Local Transport Strategy 2015-2025 (CD077) (LTS) into account and seeks to integrate the LTS's vision for how existing transport networks and services will change and be improved in future. The Council submits that it is clear from the text that the LTS is a long term vision and makes no mention of it being a delivery mechanism. The same is true of the development plan as it is for the National Planning Framework 3 (CD011). The Council submits that the LDP seeks to identify projects for which there is support to deliver in the short, medium or longer term, but it is for the service and infrastructure providers themselves to ensure that their capital plans make the necessary provision within the appropriate timeframe. This means that disparate plans and strategies will need to align with the development plan such that these necessary interventions will be delivered. The LDP delivery strategy is set out in the East Lothian Draft Action Programme (CD045), which has been consulted on alongside the LDP. This document sets out who is responsible for delivery along with indicative costs and timing for delivery. In terms of the co-dependency between delivery of interventions and the commencement / occupation of development, the LDP at paragraph 8.11 and the draft Supplementary Guidance: Developer Contributions Framework (CD063) paragraph 1.15 – 1.19 explains the approach that the service or infrastructure providers can follow; commitment to provide developer contributions will be essential in any circumstance.

The East Lothian Transport Appraisal (CD041) and model identifies that the additional passenger trips to and from new developments in the area will increase demand for capacity on the rail network. The justification for measures to mitigate the impacts of additional demand on rail transport as a consequence of housing and other development and to lengthen station platforms is demonstrated in the Councils Transport Appraisal document in support of the LDP. The residential and employment developments within the LDP area result in a considerable number of additional public transport trips placing demands on capacity. The reference case 6 car services show a very high load on services between Wallyford, Musselburgh and Edinburgh and additional LDP allocations create significant additional demands for capacity and create constraints which will require the introduction of 8 car trains and thus platform lengthening over the length of the line. This is because the cumulative impact of new development along the entire line will coalesce down line on the west of East Lothian. This increased demand can be met by longer trains if longer platforms are provided. The appraisal identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. However, as the rail network functions as a single route the increase in demand is conveyed up or down stream and impacts on all stations so all development has an equal proportionate share of the cost on the need for increased platform lengths. Consequently, the interventions to lengthen station platforms needs to be delivered over the whole network as the increased train length stop at all stations. However, it would not appropriate to seek contributions only from sites in the area where 'cumulative' impacts manifest: all relevant developments must make a contribution towards mitigation of its impact on a cumulative basis. It is reasonable for a developer to contribute in scale, kind and proportionate to the mitigation of impacts which is needed as a direct consequence of development. All rail infrastructure in the United Kingdom is the responsibility of Network Rail and as such it manages, maintains and improves the rail network to accommodate present and future demand. Network Rail was renationalised in September 2014 and as a consequence operates as a public body. Accordingly, Network Rail receives funding from the United Kingdom and Scottish Governments to maintain the existing asset base. Network Rail does not make a profit or operate as a private company. In this regard Network Rail should be considered in the same context as Transport Scotland or East Lothian Council as strategic or local roads authorities, and so there is a basis for seeking developer contributions.

### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The

LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel Corridor buffer in the “committed” scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

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

The total LDP share of contributions was then calculated as:

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

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

## Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

## Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

## Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis



Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{Contribution} = \left( \frac{\text{Individual development hectares}}{\text{total development hectares}} \right) \times \text{total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{Proportion} = \frac{\text{LDP select link trips} - \text{committed select link trips}}{\text{LDP select link trips}}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council submits that no modification of the plan is necessary.

**Proposal T10: Safeguarding Land for Platform Lengthening**Ludo and Alice MacKenzie (0112)

By way of background, Network Rail is proposing to provide an additional southern platform at Dunbar Station so trains can stop at the station without having to cross the main line to stop at the northern platform. The intention is that this will improve train pathways and increase capacity on the main line. To deliver the new southern platform it is likely that some trees will be lost, but replacement planting will be provided. An acoustic wall will also be put in place to mitigate noise impacts. At project level the combination of these measures will ensure that the impacts here are appropriately mitigated. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/17)

Comments noted. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/22)

The Council notes the comments and acknowledges that an all access bridge is likely to be required to link any new station platform at Dunbar. At this stage proposal T10 safeguards land for platform lengthening to allow for additional platform capacity for longer carriage trains. The specific details of any proposal will be dealt with at a project level. **The Council submits that no modification of the plan is necessary.**

Stewart Milne Homes (0261/6); Wemyss and March Estate (0295/8); Hallhill Developments (395/8)

See response to Stewart Milne Homes (0261/5); Wemyss and March Estate (0295/7); Hallhill Developments (0395/7) for **Proposal T9: Safeguarding Land for Larger Station Car Parks** above.

Scottish Natural Heritage (0280/9)

The provision of undertaking a HRA to assess the impacts of construction of platforms was to safeguard the interests of the Firth of Forth SPA as recommended by the HRA of the LDP. East Lothian recognise the limited impact platform lengthening may have but has followed the recommendations of the HRA. **The Council submits that no modification of the plan is necessary.**

Scottish Government/Transport Scotland (0389/24)

A meeting was held on 6<sup>th</sup> February 2017 with Transport Scotland Rail Policy Team to explain the modelling undertaken to justify the need for platform lengthening. Transport Scotland accepts and understands the rationale to seek contributions for platform lengthening but seeks that the proposal be qualified to describe the potential for this and that this solution cannot be confirmed until the High Level output specification consultation and subsequent Statement of Funds Available (SoFA) processes conclude in early 2018. However, the Council submits that the transport requirements in proposals T9 and T10 to be consistent with the SDP Policy 8 and Action 64 of the SDP Action Programme (CD031). These proposed interventions are justified by the Transport Appraisal prepared in line with Transport Scotland's guidance. The Council has set out all transport safeguards in East

Lothian on the Proposals Map. The LDP states in para 4.2 that it takes the Council's Local Transport Strategy 2015-2025 (LTS) into account and seeks to integrate the LTS's vision for how existing transport networks and services will change and be improved in future. The Council submits that it is clear from the text that the LTS is a long term vision and makes no mention of it being a delivery mechanism. The same is true of the development plan as it is for the National Planning Framework. The Council submits that the LDP seeks to identify projects for which there is support to deliver in the short, medium or longer term, but it is for the service and infrastructure providers themselves to ensure that their capital plans make the necessary provision within the appropriate timeframe. This means that disparate plans and strategies will need to align with the development plan such that these necessary interventions will be delivered. The LDP delivery strategy is set out in the East Lothian Draft Action Programme, which has been consulted on alongside the LDP (CD045). This document sets out who is responsible for delivery along with indicative costs and timing for delivery. In terms of the co-dependency between delivery of interventions and the commencement/occupation of development, the LDP at paragraph 8.11 and the draft Supplementary Guidance: Developer Contributions Framework paragraph 1.15 – 1.19 explains the approach that the service or infrastructure providers can follow; commitment to provide developer contributions will be essential in any circumstance. The East Lothian Transport Assessment and model identifies that the additional passenger trips to and from new developments in the area will increase demand for capacity on the rail network. The justification for measures to mitigate the impacts of additional demand on rail transport as a consequence of housing and other development and to lengthen station platforms is demonstrated in the Council's Transport Appraisal document in support of the LDP. The residential and employment developments within the LDP area result in a considerable number of additional public transport trips placing demands on capacity. The reference case 6 car services show a very high load on services between Wallyford, Musselburgh and Edinburgh and additional LDP allocations create significant additional demands for capacity and create constraints which will require the introduction of 8 car trains and thus platform lengthening over the length of the line. This is because the cumulative impact of new development along the entire line will coalesce down line on the west of East Lothian. This increased demand can be met by longer trains if longer platforms are provided. The appraisal identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. However, as the rail network functions as a single route the increase in demand is conveyed up or down stream and impacts on all stations so all development has an equal proportionate share of the cost on the need for increased platform lengths. Consequently, the interventions to lengthen station platforms needs to be delivered over the whole network as the increased train length stop at all stations. However, it would not be appropriate to seek contributions only from sites in the area where 'cumulative' impacts manifest: all relevant developments must make a contribution towards mitigation of its impact on a cumulative basis. It is reasonable for a developer to contribute in scale, kind and proportionate to the mitigation of impacts which is needed as a direct consequence of development. All rail infrastructure in the United Kingdom is the responsibility of Network Rail and as such it manages, maintains and improves the rail network to accommodate present and future demand. Network Rail was renationalised in September 2014 and as a consequence operates as a public body. Accordingly, Network Rail receives funding from the United Kingdom and Scottish Governments to maintain the existing asset base. Network Rail does not make a profit or operate as a private company. In this regard Network Rail should be considered in the same context as Transport Scotland or East Lothian Council as strategic or local roads authorities, and so there is a basis for seeking developer contributions. **The Council submits that no modification of the plan is necessary.**

East Lammermuir Community Council (0414/11)

Rail studies commissioned in 2004 (CD080) and 2012 (CD081) by East Lothian and Scottish Borders Councils concluded that a local service to Dunbar is feasible and viable, which could make stops at other stations in the area. The East Lothian Transport Appraisal (CD 000?) and model identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network. A new platform is committed at Dunbar station commencing in Network Rail's control period 5 (CP5) 2014-19.

Construction work is expected to commence in Spring 2018. Proposal T10: Safeguarding Land for Platform Lengthening) (p92) safeguarded land for this. To access the southern platform a DDA compliant footbridge will be required. In discussions with network Rail a southern footpath link onto the platform will also be explored. **The Council submits that no modification of the plan is necessary.**

**Proposal T12: Railway Station Safeguard at East Linton**Barratt David Wilson Homes (0246/10)

The council submits that East Linton Station is not subject to developer contribution requirements and therefore will be wholly publicly funded. As such this is not a matter for the LDP. **The Council submits that no modification of the plan is necessary.**

Magnus Thorne (0308/5)

PROP T12 states 'Land capable of accommodating a new railway station, car park and access is safeguarded adjacent to the East Coast Main line at East Linton'. Land is safeguarded for the above, until such time as proposal full and detailed design comes forward it is not known how much land take for the halt or the car park will be needed. This detailed matter will be addressed at project level. **The Council submits that no modification of the plan is necessary.**

**Proposal T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge**Gullane Community Council (0166/3)

This proposal is aspirational however it reflects the intentions of Network Rail for the improvement of their asset and as such it should be noted in the LDP. A safeguard would be inappropriate at this stage as the area of land required is not known. Yet it is appropriate to include this aspirational proposal in the LDP to raise awareness of it and so that landowners, developers and others can take the potential for this into account. **The Council submits that no modification of the plan is necessary.**

Network Rail (0181/20)

The Council submits that the assessment and safeguard of a four track corridor would be useful, however it also notes that the definition and alignment of such a safeguard is not possible at this stage without further assessment, consultation and option appraisal. If such a corridor were to be established at this stage it may be inaccurate and thus detrimental to the longer term project, including feasibility and viability. It may also generate unnecessary concerns among the community and landowners concerning the future impact on their interests. This is why the proposed LDP identifies an indicative alignment

for this emerging project – it raises awareness pending the necessary detailed technical work. It will be possible for Network Rail, in consultation with East Lothian Council, to review and define a zone for the project at a greater scale in due course. **The Council submits that no modification of the plan is necessary.**

#### Hargreaves Services Ltd (0349/5)

The Council submits that the safeguard for a rail station at Blindwells is justified in light of Network Rails proposals for a four track section and new rail station on the section of the East Coast Main Line. The Council submits that it is reasonable for the LDP to seek to safeguard land for this purpose within the Blindwells site to ensure that feasibility testing can take place. It should be noted that the land to the northern boundary of the allocated site accommodates the former mineral sidings associated with the former open cast mine workings, and it is this land that Proposal BW1 (paragraph 2.67) and Proposal T13 (paragraph 4.24) describe. Confirmation of the area to be set aside for this purpose within any masterplan should be confirmed and agreed with the Council. **The Council submits that no modification of the plan is necessary.**

### **Public Transport Support**

#### **Proposal T10: Safeguarding Land for Platform Lengthening**

##### Network Rail (0181/17)

Support Noted

#### **Proposal T11: Safeguard Land for improvements to Musselburgh Station**

##### Network Rail (0181/18)

Support Noted

#### **Proposal T12: Railway Station Safeguard at East Linton**

##### Network Rail (0181/19)

Support Noted

### **Reporter's conclusions:**

#### **Preliminary**

1. In order to set out my conclusions in a clear manner I have brought together the headings for Proposals T9 and T10 and introduced several subheadings within this section.
2. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above matters raised in representations which are in support of the provisions of the plan and do not seek modifications. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

## Introduction

3. Network Rail are expressing their support and propose no modifications.

### Policy T8: Bus Network Improvements

3. In responses to concerns raised by Sharon Hadden, the Transport Appraisal concludes that, with or without the local development plan, there will be additional traffic in Musselburgh and Wallyford. The council proposes a series of mitigation measures to reduce demand for road space and to support modal shift to rail, bus and active travel. I accept the council's arguments regarding their modelling process and consideration of mitigation measures. Therefore I recommend no modifications.

4. Some representations raise concern that new development may result in people living further than 400 yards from a bus stop, despite associated increases in travel demand. I agree with the council that the design and layout of new development is one method that can be used to improve access to existing facilities rather than requiring the provision of entirely new stops or services. These matters should be considered at the planning application stage although the master planning process offers opportunities to improve this situation where it arises. Policy T8 already explains the process for bus network improvements and for seeking developer contributions. I therefore recommend no modifications.

### Proposal T9: Safeguarding Land for Larger Station Car Parks and Proposal T10: Safeguarding Land for Platform Lengthening

5. The Transport Appraisal shows that the proposed plan will result in an increase in travel demand. Therefore the council proposes improvements to numerous rail stations including car park extensions (Proposal T9) and longer platforms (Proposal T10) to overcome this. Representations cover the proposed developer contributions framework, justification for the proposals, and, site specific design and amenity considerations.

#### Justification for platform extensions

6. Transport Scotland does not consider there to be a requirement for platform lengthening and proposes deletion of Proposal T10. However, Network Rail support Proposal T10. The council argues that these matters are already covered by SESplan Action Programme Action 37, covering improvements to stations through East Lothian (the council refers to Action 64 but I consider this to be a typographical error since Action 64 refers to the Galashiels Waste Facility). Action 37 does not specifically detail Proposals T9 and T10 although these could logically be considered to form part of bullets two and five from that Action, as set out below:

#### **Action 37: Deliver improvements to rail and bus service:**

- *Proposed railway halt at Blindwells new settlement ;*
- *Undertake research to explore apparent lack of capacity on East Coast Mainline in order to help deliver a local rail service between Edinburgh and Newcastle, including new rail station facilities at Reston and East Linton*
- *Public transport to complement Borders Railway Line;*
- *Public transport infrastructure improvements on the Cockburns path - Berwick route;*

- *Improved rail service to North Berwick and intermediate stations in East Lothian; and,*
- *Improved access by public transport to employment centres in West Edinburgh, including cross Edinburgh local rail services.*

7. The council and Transport Scotland agree that meetings took place between them during February 2017. However, they disagree on what was agreed at these meetings and neither has provided sufficient further evidence to allow me to clarify this. I must therefore rely on the evidence before me regarding the justification for Proposal T10.

8. Transport Scotland explains that it has been involved in the preparation of the plan and the Transport Appraisal. However, it says it has not been made aware of whether additional passenger facilities such as ticket machines would be needed along with proposed platform extensions. I find that the local development plan is not the appropriate place to discuss new ticket machines. Transport Appraisal Appendix C identifies additional station car parking for Drem and Longniddry; as reflected in Proposal T9. (I note that the council's response above refers to Appendix B paragraph 5.5 of Transport Appraisal but that this information is in Appendix C. I have therefore treated this as a typographical error). Station buildings/shelters already exist at stations where platform extensions are proposed. The Transport Appraisal does not conclude that expansion of these buildings is required. Were this to change the plan has safeguarded land for the platforms and car park extensions upon which additional facilities, such as ticket machines or station buildings could be provided if necessary, subject to the appropriate processes.

9. Transport Scotland argues that it has sought but not been provided with evidence of the rationale for longer platforms, particularly in light of the recent introduction of a six-car train service. Transport Appraisal paragraphs 4.3.3, 5.2.2 and 5.2.3 and Appendix C Tables 4.1 and 4.2, and, Section 5.5 already consider the operation of six-car trains. This includes current capacity issues and the implications of additional travel demand from the proposed plan. The council concludes that this will result in network capacity issues as a consequence of the proposed plan. The council argues that increases in car parking capacity may also release latent rail demand that was previously restrained. The Scotland Route Study (2016), supplied by the council and Network Rail following a further information request, also concludes that passenger demand will exceed 100% of a six car service by 2023/24. I agree that this is a plausible assumption and that the council has therefore already considered the implications of six car train services sought by Transport Scotland.

10. This is further reinforced by *East Lothian Modelling Framework Developer Contribution Framework: Outline Methodology Technical Note* (part of the Updated DPMTAG Report) submitted by the council following a request for further information. Table 2.1 of this document makes clear that the current franchise holder is already lengthening platforms to accommodate six-car trains. Developer contributions are therefore being sought only to further lengthen platforms under Proposal T10 to accommodate eight car trains.

11. Transport Scotland also argues that it has not seen consideration of the requirement for additional rolling stock, including assessment of whether the current railway line and/or rolling stock is suitable for running eight car trains. Following my further information request Network Rail confirms that there are no issues to prevent the operation of eight car trains on this part of the East Coast Main Line and the North Berwick Line. The detailed matters of rolling stock are for the franchise holder and there are no modifications I can

recommend to the plan with regard to this.

12. Transport Scotland does not consider that work has been carried out to explore alternatives to platform extensions. For example it suggests that other options could include selective door opening, where platforms are shorter than the train length. Transport Scotland suggests that this currently happens on some parts of this route. Network Rail confirms that it cannot comment on rolling stock or matters relating to selective door opening policy as these are for franchise holders. However, in response to a further information request, Network Rail provides information on platform lengths and the considerations for selective door opening.

13. Network Rail's platform length information confirms that four car trains can open all doors directly onto the platform at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and North Berwick stations. Only the Prestonpans down platform and the platforms at North Berwick and Wallyford can currently host six car trains without selective door opening. Considerations for selective door opening include passenger safety and the impact on train performance. Train performance refers to dwell time which may be affected by door sequence and passenger volumes.

14. Overall, this has several implications if one was to accept Transport Scotland's proposed deletion of Proposal T10 and assuming that all platforms are lengthened under the current rail franchise to accommodate six car trains. Any subsequent introduction of eight car trains in these circumstances would require selective door opening for the two of the eight carriages (25% of the train) which are not adjacent to the platform. For trains pulled by a locomotive this could increase to three carriages as the locomotive uses platform space that would otherwise accommodate a passenger carriage.

15. The evidence submitted does not enable me to draw conclusions regarding passenger exit and embarkation times. However, it follows that operating selective door opening for eight car services on platforms designed for six cars, at busy times is likely to increase train dwell time as passengers make their way through crowded carriages whose doors do not open directly onto the platform. I can also see how this could combine with the limited availability of train paths on this stretch of line and could, in such circumstances, lead to wider adverse impacts on the network performance of other services. The council reached similar conclusions and determined that platform lengthening is the most practical and cost effective solution. For these reasons I am persuaded that the council has explored and understands the alternatives to platform extensions and that these alternatives have significant potential to be sub-optimal.

16. The Scotland Route Study (July 2016) and its appendices recognises the anticipated growth of East Lothian and proposes widening the East Coast Main Line to four tracks between Drem and Prestonpans (Proposal T13). Some new services are also proposed to run via East Linton and Reston providing some additional capacity. However, page 57 of the study concludes that, even with line widening and more services, passenger capacity will not significantly increase. This also does not appear to consider the impact of an additional station at Blindwells and the impact of customers using that station. I find that all of this reinforces the council's conclusion that longer trains are the optimal method to increase capacity to meet travel demand from new development, and, that this requires longer platforms and additional car parking at some stations (Proposals T9 and T10 and also T12 and T13). As such I see no dis-benefit in safeguarding this land and therefore see no reason to delete Proposal T10. Matters relating to the principle of seeking developer contributions for Proposals T9 and T10 are considered below.



17. As an alternative to deleting Proposal T10, Transport Scotland proposes a modification explaining that station upgrades will be required as a result of development proposals and the details of this will be determined through further study in consultation with Transport Scotland and Network Rail. I agree that more detailed work will take place for the preparation of the supplementary guidance on developer contributions and with regard to specific infrastructure upgrades. However, I consider that Transport Scotland's proposed modification introduces ambiguity about whether contributions towards platform extensions will be sought at all. Given that the purpose of Proposal T10 is to explain that developer contributions will be sought towards platform extensions I consider that the current wording of Proposal T10 is satisfactory.

#### Developer contributions approach

18. The council has used its Transport Appraisal to identify the impacts of both committed development and development in the proposed plan on transport infrastructure capacity. It has concluded which mitigation measures are needed to overcome these capacity issues and identified these in the plan and its associated proposals maps. Those which are consequent (individually or cumulatively) from development and covered in the draft supplementary guidance are identified in Table DEL1.

19. Circular 6/2013 paragraph 139 explains that the exact levels of developer contributions or methodologies for their calculation are suitable topics for supplementary guidance provided there is an appropriate context in the plan. The council has considered detailed matters regarding the costs and scale of contributions to be sought in its draft supplementary guidance.

20. The draft supplementary guidance is not subject of this examination and therefore my consideration focuses on whether the plan contains the appropriate information and the principle of seeking developer contributions for infrastructure improvements. I have therefore had regard to the detailed technical evidence that has informed the council's thinking, as set out in the Transport Appraisal, Technical Note 14 and the draft supplementary guidance. I also note that following further information request 17 (FIR17) the council provided conclusions from updated transport modelling work (the updated DPMTAG Report) that was not complete when the proposed plan was published for representations. This more recent document includes updated modelling, costs and proportions of costs for developer contributions.

21. In response to FIR17 the council recommended several consequential modifications to the plan based on this more up to date modelling. None of the council's recommended modifications related to proposals T9 or T10. In Issue 18a I have concluded that I cannot recommend making the council's proposed modifications since this information did not form part of the material available to interested parties during the period for representations and does not relate to any unresolved issues. However, I recognise that the updated DPMTAG Report conclusions regarding works, costs and proportions will, no doubt, inform the finalisation of the supplementary guidance. However, as noted above this is not subject of this examination and therefore I focus on the content of the plan.

22. Based on the detailed technical evidence referenced above I disregard the information in the table contained in the council's response to the representations within this issue. This table omits Proposal T15: Old Craighall Junction which, the council has confirmed in its response to FIR22, was a typographical error. The information it contains is also inconsistent with the technical evidence presented in the Transport Appraisal,

Technical Note 14 and the draft supplementary guidance, which is itself consistent across these three documents.

23. Whilst the council considers both sets of information are now superseded by the updated DPMTAG Report I have concluded that this was not before interested parties during the period for representations and that there are no unresolved issues relating to it. However, there is consistency, albeit evolutionary consistency, between the evidence originally presented in the Transport Appraisal, Technical Note 14 and the draft supplementary guidance and that now presented in updated DPMTAG report tables 4.1 and 4.8 (to which the council refers me in FIR22). For example these continue to show that the council will seek developer contributions for 100% of the cost of Proposals T9 and T10. However, it also shows that the costs of delivering Proposals T9 and T10 are likely to be lower than those previously shown in Technical Note 14.

24. Whilst these are detailed matters for the supplementary guidance and not the plan, this contextual evidence persuades me that the Transport Appraisal, Technical Note 14 and the draft supplementary guidance should inform my understanding of the plan and that the updated DPMTAG Report provides some additional and updated context.

#### Developer contributions for Proposals T9 and T10

25. Wemyss and March Estate, Hallhill Developments and Stewart Milne Homes all seek removal of developer contributions for rail improvements in Proposals T9 and T10 (related matters are also considered in Issue 18a and Issue 31). Wemyss and March Estate argue that platform lengthening (Proposal T10) is not justified. These matters have been considered above in paragraphs 6 to 17 (and also in Issue 18a) and I have concluded that the council's justification is satisfactory.

26. Hallhill Developments and Stewart Milne Homes question the principle of seeking developer contributions for rail infrastructure. They consider that these facilities should be provided by Network Rail and that it will receive increased revenues as a result. However, I agree with the council that Network Rail is not a profit making body but a public body responsible for running the railways. The developer contributions are being sought towards new or improved rail infrastructure and not for vehicles/rolling stock or to fund the running of services. Whilst I agree that Network Rail has a duty to maintain, renew and develop the rail network I am not persuaded that its role is to effectively subsidise the transport impacts of new development in the plan.

27. Wemyss and March Estate, Hallhill Developments and Stewart Milne Homes each argue that Proposals T9 and T10 fail the tests in Circular 3/2012 and that the conformity statement within Technical Note 14 does not justify this (similar matters are also considered in Issue 18a). However, they have not stated which specific test these proposals fail. I have therefore considered all five tests listed in Circular 3/2012 paragraph 14, which states that a planning obligation made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) should only be sought where it meets all of the following tests:

- It is necessary to make the proposed development acceptable in planning terms
- It serves a planning purpose and, where it is possible to identify infrastructure provision requirements in advance, should relate to development plans
- It relates to the proposed development either as a direct consequence of the development or arising from the cumulative impact of development in the area

- It fairly and reasonably relate in scale and kind to the proposed development
- It should be reasonable in all other respects.

28. I find that the Transport Appraisal considers scenarios for future travel demand both with and without the proposed local development plan. It concludes that the increase in demand for road, rail and active transport would be most significant as a direct consequence of development in the plan. The Transport Appraisal identifies capacity issues on transport infrastructure and recommends mitigation measures to ameliorate this. Proposals T9 and T10 are amongst these.

29. The updated DPMTAG Report Table 2.1 also provides a clearer picture of the likely financial contributions for rail. This table makes clear that the £638,000 lengthening of platforms to accommodate six car trains will be carried out under the current rail franchise and not through developer contributions. Therefore developer contributions are being sought for the further extension of platforms (Proposal T10) to accommodate eight car trains.

30. The proposed developer contributions for rail relate only to the impacts which are consequent from the plan. The detailed costs are matters for supplementary guidance that do not affect my consideration of the plan. However, I consider that these factors establish the principle of direct individual and cumulative links between new development and increased travel demand for rail as sought in Circular 3/2012 paragraphs 17 to 19. In Issue 18a I have recommended that the titles of these two proposals should be modified in order to reflect the clarity sought by Wemyss and March Estates with regard to whether contributions are sought in Proposals T9 and T10 towards safeguarding the land or delivering the new infrastructure.

31. The plan and Scottish Planning Policy require development to overcome infrastructure capacity issues to make it acceptable in planning terms. They also support a modal shift from car to public transport and active travel. This is directly related to planning purpose since all new development generates travel demand and also because modal choice has an impact on place quality, accessibility, climate change, air quality and public health – all of which are legitimate concerns of land use planning. Modal choice can also be influenced by the location, design and layout of development. I also consider rail to be a rational part of the transport choice available in this part of Scotland, particularly for travelling to central Edinburgh. These factors therefore demonstrate a planning purpose in principle for seeking rail contributions, as required by Circular 3/2012 paragraph 16.

32. A planning obligation is necessary to ensure that the infrastructure capacity issues are overcome and the objectives of the proposed plan are met by whichever developer(s)/ landowner(s) are or become responsible for the land that is proposed for development. This demonstrates that planning obligations are necessary in principle to overcome the identified capacity issues which are individually or cumulatively the direct consequence of the proposed development, as required by Circular 3/2012 paragraph 15.

33. Proposed developer contributions must also relate in scale and kind to the land and development from which they are sought. The recent Elswick case in Aberdeen City and Shire has emphasised the importance of this relationship and these matters are considered in more detail in Issue 31. In response to FIR16 the council provides a commentary on why it considers the East Lothian approach to developer contributions differs from the Aberdeen approach that was subject of the recent Supreme Court decision (the Elswick case – reference UKSC 66). This commentary reflects my own conclusions, having

considered the plan, the Transport Appraisal, the draft supplementary guidance and Technical Note 14.

34. The Transport Appraisal, Technical Note 14 and the draft supplementary guidance conclude that some infrastructure mitigation measures relate to individual developments. However, in the case of the rail, numerous sites will have a contributory impact along its route. The Transport Appraisal defines geographic zones, many of which contribute to travel demand for rail. The scale of development (from one or more sites) within each zone and the subsequent modelling determines the magnitude of the contribution to travel demand of each zone. Some zones will make no contributions because they have no impact on rail.

35. These proportions have been used to share the total cost of Proposals T9 and T10 amongst each of the relevant zones. The cost for each zone is then shared amongst the constituent development on a pro-rata basis. The evidence presented in representations does not demonstrate that the council's identification and use of zones in principle is incorrect or that there is a better alternative. The specific magnitude of contributions to be sought is a matter for supplementary guidance. Overall, however, this demonstrates that establishing a scale and kind relationship between the proposed development and the contributions sought for rail has been a key principle behind the councils thinking; as required by Circular 3/2012 paragraphs 20 to 23. For these reasons I am also persuaded that the East Lothian approach differs from the Aberdeen approach and is not akin a development levy.

36. Circular 3/2012 also requires planning obligations to be reasonable in all other ways listing four bullets with questions to support this test. Bullets one, three and four have already been covered by matters discussed above. For bullet two; Policy T32: Transport Infrastructure Delivery Fund and supporting text make clear that monies collected through developer contributions will be collated and managed by a fund. The fund will assign contributions to ensure that these monies are directed to the cost of providing necessary facilities required as a consequence of or in connection with the development in the near future.

37. The evidence in representations does not demonstrate, based on Circular 3/2012, that it would be unreasonable or unacceptable for the plan to seek developer contributions for rail infrastructure to ameliorate the impact of proposed development. For these reasons I am also not persuaded that this represents a 'disconnection' (suggested by Wemyss and March Estate) between Proposal T10 and the draft supplementary guidance or Technical Note 14. However, a more detailed analysis may be necessary for any supplementary guidance to satisfactorily demonstrate that the full requirements of the circular are met for each site. I therefore recommend no modifications to the plan.

#### Further issues regarding developer contributions

38. In response to FIR16, Wemyss and March Estate has also raised matters regarding their original unresolved issues for rail contributions sought from their site at Longniddry South (PS1). They argue that the evidence they have provided further demonstrates that there is no a scale and kind relationship with regard to the council seeking developer contributions for Proposals T9 and T10. Many of the matters raised are covered by my conclusions above with regard to Circular 3/2012. However, for completeness, I have addressed Wemyss and March Estate's matters below. Some of the matters they raise are also discussed in Issues 18d and 31.

39. In their arguments Wemyss and March Estate refer to the council's updated DPMTAG Report Appendix C (submitted by the council in response to FIR17). Here they argue that other sites have a lower contribution to the rail package (Proposals T9 and T10) than Longniddry South (PS1). However, I do not agree with their analysis. For example they refer to all developments in the Musselburgh Cluster contributing 'only 16% of the total rail package'. However, on my consideration of DPMTAG Report Appendix C, I find that all housing and employment sites for Musselburgh combined would be required to contribute 28.8%. The rail package also excludes Proposal T11, which safeguards 1.5 hectares for a park and ride at Musselburgh train station. I also note that Blindwells private, Blindwells social and Blindwells employment combined would be required to contribute 26.6% of the rail package. This excludes from the rail package Proposal T14, which includes a new station for Blindwells.

40. Despite this, I note the point by Wemyss and March Estate that larger scale projects elsewhere appear to contribute to a smaller share of the rail package. Given that the scale of proposed development in different contribution zones varies and the associated travel demand, capacity of infrastructure and impact upon it also varies I do not find it surprising that the individual per home/per hectare contributions would also vary from zone to zone. I also find it unsurprising that where multiple developments take place within a geographical zone that the cost of any infrastructure upgrade is shared between a larger number of developments (homes/hectares), and, as such, the cost may be lower per home/hectare. This should be expected for a scale and kind relationship as required by the circular.

41. Whilst these are detailed matters for supplementary guidance I also note that Longniddry Station requires a car park extension and a platform extension under Proposals T9 and T10 respectively. Drem is the only other rail station where improvements under both Proposals T9 and T10 are proposed. One would expect that the scale of contribution towards the rail package would be larger for contribution zones where more improvement works are necessary.

42. I also note that Wemyss and March Estate provide its rail study for Longniddry South (PS1) completed in February 2016, in response to FIR16. The conclusions of this study appear to suggest that any capacity on current and proposed services could accommodate the proposed rail demand originating from Longniddry South. However, I find that the council's Transport Appraisal and related work has considered all proposed development in the area and considered how such capacity could be utilised and how further capacity would be needed in future. As such the council proposes to share this existing capacity and the cost for new infrastructure amongst the relevant proposed developments in the way described above (paragraphs 33 to 35 above). I consider this to recognise that any current capacity does not 'belong' to any individual proposed development.

43. I note from updated DPMTAG Report Table 2.1 that the cost of the rail package has fallen compared with the indicative cost in the Transport Appraisal. The cost and apportionment are matters for the council's supplementary guidance and not the plan. Given the points raised in paragraphs 38 and 42 (above) I do not find it surprising that the individual per home/per hectare contributions would also vary from zone to zone. This should be expected for a scale and kind relationship as required by the circular. As such I am not persuaded that the evidence provided by Wemyss and March Estates confirms the absence of a scale and kind relationship or warrants me recommending modifications to the plan.

Drem station proposed expansion

44. Map 10 safeguards land for transport infrastructure to the east of the existing station car park and areas on both sides of the railway line at Drem rail station. This is the area where proposed platform and car park extensions under Proposals T9 and T10 would be accommodated. Therefore Inset Map 10 already covers the matters raised by James Millar (Kilduff) Ltd. The evidence before me does not justify the scale and location for a larger car park extension on the basis of the Transport Appraisal rather it appears to reflect the representation's ambitions for Drem. Broader matters relating to James Millar (Kilduff) Ltd's proposed expansion of Drem are covered in Issue 9.

45. Gullane Community Council imply that the proposed car park extension at Drem station will be inadequate given the proposals for sites NK7 and NK8. The evidence before me is insufficient to oppose the proposed car park extension or to indicate what additional space would be required. No alternative or additional land has been suggested for safeguarding to accommodate a larger extension. Therefore there are no modifications I can recommend.

46. Emma Duncan raises privacy and amenity concerns regarding Proposals T9 and T10 at Drem. The nature of railway platforms means that they are lower in height than most other buildings. As such I agree with the council that it is unlikely this would lead to a significant visual impact. The impact of any proposals on house prices is not a material consideration. Other matters would need to be considered as part of the design and planning application stages. Therefore I do not recommend any modifications.

Longniddry Station

47. Proposals T9 and T10 already seek to resolve issues relating to train capacity and car parking spaces at existing stations, including Longniddry. Specific matters relating to current access at Longniddry station, raised by Longniddry Community Council, are matters for the station operator. I therefore recommend no modifications to the plan.

Dunbar station proposed expansion

48. Network Rail seeks reference to an all access bridge at Dunbar so that the proposed new south platform can be accessed from the existing station. Ludo and Alice MacKenzie are concerned that the proposed south platform at Dunbar station would result in the loss of existing trees north of Salisbury Walk. These trees appear to be behind a wall and within the railway estate. The evidence does not suggest that any of these carry tree preservation orders.

49. It is not necessary for all of these matters to be addressed in a plan since its role is to allocate or safeguard land. A more detailed design stage will follow prior to the submission of any planning application. The plan includes policies to ensure that new development proposals, including transport infrastructure, are well designed. The evidence does not suggest specific amendments that could bring about the outcomes sought by the representations that are not already covered by the proposed design Policies DP1, DP2, DP4 and DP5. I also see no disadvantage in the plan not referring to an all access bridge. Therefore I recommend no modifications.

50. In FIR17 I asked the council to confirm whether the micro-simulation work, referred to in the council's response above, had been completed and if so to provide a summary of

this or to direct me to the relevant part of any report which contained a summary. The council provided its updated DPMTAG report which sets out the work and conclusions of the micro-simulation modelling and also makes recommendations for consequential amendments to the plan.

51. These consequential changes include a proposed extension of the land safeguard at Dunbar Station to include land up to Spott bridge. There is no indication that the evidence from which these conclusions are drawn is inaccurate. However, there is also no detail of the exact extent of the proposed additional safeguard. The related information suggests a south-eastward extension within the existing railway estate to reflect the up to date Network Rail committed scheme. However, as concluded in Issue 18a, besides the matters raised above there are no unresolved issues relating to this specific matter with regard to Dunbar station and the information in the updated DPMTAG Report was not available to interested parties during the period for representations. Therefore I cannot recommend these modifications. In any case, given the likelihood that this proposed additional safeguard would wholly or mostly include the existing railway estate and already forms part of a committed scheme I see little disadvantage from recommending no modifications.

### General

52. I agree that it is sensible for Network Rail to have an input to the preparation of the supplementary guidance on developer contributions. However, there are no changes I can recommend to bring this about, as this is a matter for the council and Network Rail.

53. I note the observations of Scottish Natural Heritage that a proportionate approach is unlikely to require a caveat in Proposal T10 regarding habitats regulations appraisal. However, I consider this is best determined through the screening process and I recommend no modification to the current wording.

### **Proposal T12: Railway Station Safeguard at East Linton**

54. Network Rail supports the proposed new station at East Linton. The *East Lothian Council and Scottish Borders Council – Edinburgh to Berwick Local Rail Study Final Report* (31 May 2004) refers to the choice of Option 2 (page 54) as the preferred station location and design for East Linton. The plan safeguards the necessary land to accommodate this general station layout as shown by the safeguarded transport land on Inset Map 12 for East Linton. This includes an area for car parking accessed from Andrew Meikle Grove. I therefore consider that the plan has already considered the matters identified by Magnus Thorne.

55. In response to Barratt David Wilson Homes the Proposed Action Programme identifies those parties who will be involved in the funding of the proposed new station. I therefore recommend no modifications.

### **Proposal T13: East Coast Main Line: Four Track Section, New Rail Station and Vehicular Overbridge**

56. Paragraph 4.24 of the plan explains that Network Rail is investigating the widening to four tracks of the East Coast Main Line between Prestonpans and Drem stations. This is also included in Network Rail's Scotland Route Study (July 2016). I agree with Gullane Community Council that Proposal T13 is an aspiration but for the reasons above, I do not

agree that it reduces the credibility of the plan.

57. Proposal T13 is shown in Diagram 2, but there is no detail of the route. I agree with the council that it is not possible to determine the exact route prior to carrying out the necessary technical work. This also means there are no detailed costs or sources of funding, as sought by Gullane Community Council. Page 56 of the study estimates a cost of between £125 to 300 million. However, this figure does not include specific considerations such as the impact on the A199 road junction and does not mention a new station at Blindwells and overbridge. There are no modifications I can recommend to identify costs at this stage.

58. The plan envisages a new rail station as part of the delivery of the proposed new settlement at Blindwells (BW1 and BW2). In response to Hargreaves Services Ltd, I consider that the use of supplementary guidance for a new rail station at Blindwells must be based on a 'hook' mentioned in the plan, as is currently the case. I also note that SESplan Action Programme Action 37 includes the proposed new rail station at Blindwells. I therefore recommend no modifications.

59. Longniddry Community Council questions whether Blindwells can be justified and refers to the impact it could have on journey times and pathing issues. The council considers these matters as part of Proposal T13 based on advice from Network Rail. I do not agree that the link between a new station at Blindwells and proposed widening the East Coast Main Line limits the justification for increased travel demand identified in the Transport Appraisal. As discussed above, the Transport Appraisal has considered these matters. Local bus feeder services to nearby stations could provide one option but the evidence before me does not demonstrate that this should replace Proposal T13. I therefore recommend no modifications.

**Reporter's recommendations:**

No modifications.



<b>Issue 18(d)</b>	<b>Transport: Trunk Road Network</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Queen Margaret University (0306) Scottish Government/Transport Scotland (0389) Elaine Edwardson (0363)		
<b>Provision of the development plan to which the issue relates:</b>	Proposal T15: Old Craighall A1(T) Junction Improvements Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange Proposal T18: A1(T) Interchange Improvements	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Proposal T15: Old Craighall A1(T) Junction Improvements</b></p> <p><u>Elaine Edwardson (0363/3)</u></p> <p>The B6415 is inadequate for the amount of traffic the LDP will generate The cumulative traffic impacts will affect tailbacks at Old Craighall especially when there is an incident on the A720. Questions whether the Persimmons proposals for a roundabout and traffic routed to the back of Old Craighall is taken into account. Existing Old Craighall houses should have a safe quiet road.</p> <p><u>Scottish Government/Transport Scotland (0389/21)</u></p> <p>The representation notes that the Council is currently undertaking an appraisal of the Local Development Plan land allocations. The appraisal will determine the cumulative impacts of the preferred spatial strategy in line with the DPMTAG requirements, identifying specific infrastructure required to mitigate impacts and informing a funding mechanism to facilitate delivery of plan allocations. To date, the full appraisal and associated modelling has not been completed by East Lothian Council. The inclusion of this information in the LDP would have enabled the impact of the spatial strategy on the transport network (and therefore the nature and scale of required mitigation measures) to be fully identified which would have provided greater certainty to the development community and stakeholders. The Council is undertaking further appraisal work to provide a greater level of detail on required mitigation measures and are working with all parties to enable a swift completion of this process and review of the outcomes. Given the Proposed Plan and Action Programme detail that infrastructure improvements are required, "as a minimum", it is considered that this approach affords the opportunity for additional scale of improvements to be identified and delivered dependent upon the findings of the micro-simulation modelling, and the completion of the full appraisal of the LDP. Transport Scotland welcomes the Supplementary Guidance which provides further detail and certainty surrounding the delivery of infrastructure for which the improvements at Salters Road, Bankton and Dolphingstone interchanges on the A1 are included.</p>		

**Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange**

Queen Margaret University (0306/2)

In terms of Proposal T16: A1 Junction Improvements at Queen Margaret Drive Interchange, Queen Margaret University object to this on the basis that it has no clear delivery timescale. It should be amended to require completion of the junction before the completion of the 100th house on the overall Craighall site. In addition the reference to connecting the land at Craighall to Musselburgh ‘in combination with PROP T22’ should be deleted, as proposal T22 requires the investigation of the re-opening of a link and this is unacceptable in terms of an LDP proposal.

**Proposal T18: A1(T) Interchange Improvements**

Scottish Government/Transport Scotland (0389/22)

The representation makes comments specifically on paragraphs 4.31 to 4.33 and PROPT18 stating that any such strategy will require to be approved by Transport Scotland and in accordance with paragraph 278 of SPP.

**Modifications sought by those submitting representations:**

**Proposal T15: Old Craighall A1(T) Junction Improvements**

Elaine Edwardson (0363/3)

No Modification sought

Scottish Government/Transport Scotland (0389/21)

As the outcome of the DPMTAG is not yet available it is not possible at this stage to fully endorse the plan, nor request modifications to it. We would reiterate the importance of this work to understand the impact of the plan.

**Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange**

Queen Margaret University (0306/2)

Proposal MH1 should be amended to require completion of the A1 all-ways junction before the completion of the 100th house on the overall Craighall site. The reference to connecting the land at Craighall to Musselburgh ‘in combination with PROP T22’ should be deleted.

**Proposal T18: A1(T) Interchange Improvements**

Scottish Government/Transport Scotland (0389/22)

It is recommended that PROPT18 is reworded to align with SPP paragraph 278 and that reference is made to the point that the access strategy will require approval from Transport Scotland.

**Summary of responses (including reasons) by planning authority:****Proposal T15: Old Craighall A1(T) Junction Improvements**Elaine Edwardson (0363/3)

The Council has undertaken a Transport Appraisal (TA) (CD041) of the proposed Local Development Plan (LDP)(CD039) in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (CD029) (DPMTAG) methodology. There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages. The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the LDP. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road capacity and traffic generation issues to an acceptable level once new development is in place. The Council further submits that the preamble to Proposal MH1 seeks that the developer investigate the realignment of the B6415 away from the existing settlement to ensure that an appropriate environment is created within the local centre and for the community (see LDP paragraph 2.23). The Council submits that the detailed access arrangements will be assessed at project level. In terms of the impact on the local road network the Council's Macro and Micro models supporting the TA highlight no issues in terms of traffic volumes or congestion in this area (see TA paragraph 5.2.4). In terms of emergency closure of roads this is an operational matter and dependant on the circumstances of the case and time. It will be for the emergency services, working with East Lothian Council, to consider how best to address any such eventuality, recognising that if such an event occurred it would be only temporary. **The Council submits that no modification of the plan is necessary.**

Scottish Government/Transport Scotland (0389/21)

The Council submits that the information prepared and provided to Transport Scotland in support of the LDP is adequate and proportionate, and meets the expectations of Transport Scotland's Development Planning and Transport Appraisal Guidance (CD029) (DPMTAG). The Council further submits that there was agreement pre-MIR between East Lothian Council and Transport Scotland to base the LDP Transport Appraisal work on Transport Scotland's own cross boundary modelling (SRM12), the full conclusion and transfer of which to the Council's transport consultants was delayed until June 2016. This placed the Council under some pressure to conclude the model runs, options sifting and technical work before a decision on the Finalised Proposed LDP on the 6<sup>th</sup> of September 2016. This work was concluded and included within the proposed LDP. Staged reporting and regular update meetings have however been held with Transport Scotland and its consultants to seek agreement on the approach as the LDP was developed. This work needs to be drawn together into a final report.

The Council submits that the work done to date follows the stages of DPMTAG – Options Generation and Sifting (see Transport Appraisal paragraph 5.2.1 and Information Note 3), the Appraisal of Remaining Options (Transport Appraisal (CD041) Table 5.1 and table following paragraph 6.1.1). The Council further submits that a Level 3 Assessment has been carried out for the LDP, based on macro modelling work as well as micro modelling work (not a requirement of DPMTAG) see Section 5 of the Transport Appraisal. It has also produced preliminary design work to a level of detail commensurate with the extent of change to, or affect on, the Strategic Transport Network emerging from the LDP

preparation process (see Transport Appraisal). Interventions have been identified and costs and indicative designs for them have been prepared to inform the LDP, the land safeguards and the Council’s draft Supplementary Guidance: Developer Contributions Framework (CD063). The work is also reflected within the Council’s draft LDP Action Programme. **The Council submits that no modification of the plan is necessary.**

**Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange**

Queen Margaret University (0306/2)

In terms of Proposal T16, and the objection to there being no clear delivery timescale for the completion of the junction, the Council submits that this will be a matter for project level solution for the reasons given in respect of its answer to representation 0306/1 (Issue 3: Musselburgh Cluster). The reference to connecting the land at Craighall to Musselburgh ‘in combination with PROP T22’ should not be deleted, as proposal T22 requires the investigation of the re-opening of the link and if the outcome of that investigation is that the link should not be opened, it would continue to operate as it does currently as public transport link and thus connect site MH1 to Musselburgh. PROP T16 continues to be valid even if the investigation required by PROP T22 finds that the link should not be open to two way traffic. The Council submits that investigating the potential for this is the correct approach to follow. **The Council submits that no modification of the plan is necessary.**

**Proposal T18: A1(T) Interchange Improvements**

Scottish Government/Transport Scotland (0389/22)

The Council submits that the pre-amble to Proposal T18 (CD039) makes clear that there ‘may be potential’ for a new trunk road interchange at Adniston and for a Tranent by-pass (paragraph 4.31). The Council further submits that LDP paragraph 4.33 is clear that the Council will continue to investigate the feasibility for this, including further assessment and modelling work. East Lothian Council accepts that any potential proposal to construct a new interchange at Adniston and the provision of an eastern Tranent bypass will be subject to agreement from Transport Scotland as the strategic Roads Authority. **The Council submits that no modification of the plan is necessary.**

**Reporter’s conclusions:**

**Preliminary**

1. The Transport Appraisal concludes that there will be an increase in travel demand for scenarios with or without the local development plan and that improvements to road, rail and active travel infrastructure will be needed. It also concludes that the level of travel demand will be highest under the ‘with the local development plan’ scenario. On the trunk road network the Transport Appraisal identifies mitigation measures including capacity upgrades at several junctions on the A1 road. For clarity I have changed the title for the section covering Proposal T18 (below) to reflect the full title stated in Proposal T18 from the plan.

**Proposal T15: Old Craighall A1(T) Junction Improvements**

2. Proposal T15 covers improvements to the Old Craighall junction between the A1(T) road, the A720 Edinburgh Bypass and the B6415. The draft development briefs for sites

MH1 and MH3 also shows the proposed road layout details for the B6415 road. This includes proposed measures for routing traffic at Old Craighall village. (Sites MH1, MH3 and other matters relating to the Musselburgh cluster are considered in Issue 3).

3. Whilst these proposed changes relate to the local road network they are likely to have some impact on traffic using the A1/A720 road at the Old Craighall junction and the B6415 road. These proposed changes to the road illustrate some of the broader thinking about travel choices and infrastructure provision in this area associated with new development. This is also considered by the Transport Appraisal. I therefore recommend no modifications.

4. Scottish Government/Transport Scotland identify a process issue, namely that the council is still undertaking detailed micro-simulation work. The representation does not criticise the council's work to date but recognises that, in the absence of the detailed work, it is not possible to either endorse the plan or to seek modifications to it. However, following the completion of the micro-simulation work, shown in the DPMTAG report provided by the council a following further information request (FIR 17), Transport Scotland is now satisfied that the work has been completed and agrees with the conclusions regarding proposed improvements. I therefore consider that this issue has been resolved.

5. In its comments to the updated DPMTAG Report, following FIR17, Transport Scotland agrees with the recommended changes set out in Annex 3 of that report. I consider these matters in more detail below under the heading 'Further Information'.

**Proposal T16: A1 Junction Improvements at Queen Margret Drive Interchange**

6. Queen Margaret University supports Proposal T16 but opposes the absence of phasing arrangements. They also oppose Proposal T22 which is considered in Issue 18e. I note that the council's response to this matter was made prior to completion of the micro-simulation work mentioned in paragraph 5 above. The updated DPMTAG Report does not conclude any specific arrangements for phasing.

7. Queen Margaret University propose a modification such that the junction upgrade in Proposal T16 is completed before the completion of the 100<sup>th</sup> house. Although this represents one possible trigger point the evidence does not demonstrate that it is the optimal trigger point. I therefore cannot recommend this modification. I find that any such trigger point is best identified in the drawing up of any planning condition or Section 75 legal agreement following the determination of a planning application.

**Proposal T18: Land Safeguard for Trunk Road Interchange at Adniston and Eastern Tranent By-pass**

8. Proposal T18 is to investigate the potential for a new junction at Blindwells taking advantage of the former minerals tunnel beneath the A1 road at this location. Paragraph 4.33 and Proposal T18 explain that the feasibility of this proposal will be investigated. There is therefore no detailed proposal at present but the land has been safeguarded on the proposals map, as explained in paragraph 4.33 of the plan.

9. Scottish Planning Policy paragraph 278 explains that new junctions on trunk roads are not normally acceptable and that the case for these will be considered where the planning authority considers that significant economic and regeneration benefits can be

demonstrated. It goes on to explain that new junctions will only be considered if they are designed in accordance with the Design Manual for Roads and Bridges (DMRB) and where there is no adverse impact on road safety and operational performance.

10. Notwithstanding Scottish Planning Policy paragraph 278 there is currently no evidence to conclude whether or not the proposed junction could meet the requirements of paragraph 278. It would therefore be necessary to carry out Proposal T18 in order to draw these conclusions. I therefore propose to retain Proposal T18 with no modifications.

11. However, it is not clear from paragraphs 4.31 to 4.33 that the factors described in Scottish Planning Policy paragraph 278 will form part of the council's consideration of this proposal. Whilst Scottish Planning Policy should not be repeated, the plan gives the impression that the only matter in question is whether a new junction could be physically accommodated at this location. I therefore recommend modifications to the end of paragraph 4.33 to resolve this.

**Further Information**

12. In response to FIR17 the council provided its updated DPMTAG Report which includes the council's recommendations for consequential modifications to the plan. In its response to FIR16 Wemyss and March Estate argue their proposal at Longniddry South (PS1) should not contribute to the proposed Meadowmill Roundabout and dualling of the A198 road to Bankton interchange that are identified in the updated DPMTAG Report provided under FIR17. The evidence for the council's proposed consequential modifications was not available to interested parties during the period for representations and consequently there are no unresolved issues relating to these. Therefore I cannot recommend making these modifications to the plan. I have also drawn these conclusions in Issues 18a and 18c. I have also noted that the updated DPMTAG Report may inform the finalisation of the draft Supplementary Guidance: Developer Contributions Framework, which is not covered by this examination.

13. Wemyss and March Estate also raise several other matters with regard to roads at Longniddry South (PS1) in response to FIR16 and the updated DPMTAG Report. However, these matters did not form unresolved issues covered in Issues 18a to 18f following the period for representations. These are therefore new issues which I have no remit to consider as part of this examination.

**Reporter's recommendations:**

Modify the local development plan by:

1. In paragraph 4.33, adding the following text as a new sentence at the end:

“As part of Proposal T18 the council will explore the economic and regeneration case for a new junction, how this would need to be designed and its resultant impacts on safety and operational performance of the A1(T).”



<b>Issue 18(e)</b>	<b>Transport: Local Road Network</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Musselburgh &amp; Inveresk Community Council (0245)  Queen Margaret University (0306)  Musselburgh Grammar School Parent Council (0317)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops  Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive/Whitehill Farm Road</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops</b></p> <p><u>Musselburgh &amp; Inveresk Community Council (0245/3)</u></p> <p>Air pollution in Musselburgh is a current problem and measures to improve the overall traffic situation and lower pollution are required. 20 mph speed restrictions in residential areas are required to make roads safer.</p> <p><u>Musselburgh Grammar School Parent Council (0317/8)</u></p> <p>No mention of how to combat pollution problems in our town centre.</p> <p><b>Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive / Whitehill Farm Road</b></p> <p><u>Queen Margaret University (0306/3)</u></p> <p>In terms of Proposal T22: Reopen link to Vehicular Access at Queen Margaret Drive/Whitehill farm Road, QMU objects to any proposal to reopen this link. A number of reasons are provided, including the cost to upgrade, public objection, transport strategy, level of use, Green travel Plan, QMU parking in station car park, Impact of more vehicles on the bridge traffic.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops</b></p> <p><u>Musselburgh &amp; Inveresk Community Council (0245/3); Musselburgh Grammar School Parent Council (0317/8)</u></p> <p>No Modification sought</p>		

**Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive / Whitehill Farm Road**

Queen Margaret University (0306/3)

Delete Proposal T22.

**Summary of responses (including reasons) by planning authority:**

**Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops**

Musselburgh & Inveresk Community Council (0245/3)

The Council submits that Local Development Plan (LDP) Policy T19: Transport Improvements at Musselburgh Town Centre (CD039) specifically encourages a programme of transport improvements at Musselburgh town centre to improve traffic flow and air quality. LDP Proposal T20 Transport Related Air Quality Measures: Relocation of Bus stops and Proposals T21 Musselburgh Urban Traffic Control System as well as Proposal T22: Reopen link to Vehicle Access at Queen Margaret Drive/Whitehill Farm Road, are all relevant to transport infrastructure. Associated Supplementary Guidance: Developer Contributions Framework (CD063) will provide the basis to collect developer contributions towards the relevant supporting facilities and infrastructure as set out within the LDP. The Council considers that these provide an adequate framework to accommodate the development proposed at Musselburgh without unacceptable impacts on local services and infrastructure. Associated interventions that that are promoted by LDP Policy T19 and Proposals 20 – 21 at this stage include the consolidation of the pedestrian crossings between Bridge Street and Kilwinning Street; moving westbound the bus layby into the car parking spaces at the police station and remove parking and traffic obstructions on the High Street; extending the east bound bus layby to remove bus dwell obstructions on the High Street before Shorthope Street; adding a bus layby westbound on the A198 Linkfield road opposite Loretto Senior school; providing a right filter lane on the High Street Kilwinning Street junction; the provision of 3 new signalised junctions at New Street/ A199 Edinburgh Road junction; Millhill/A199 Linkfield junction; Newbigging/A6124 Inveresk road with a barred turn into Inveresk Road from north Newbigging and the introduction of bus lanes and parking management solutions. In addition to the above the Council has made commitments through its Air Quality Management Plan (CD088) to improve air quality by improving links to the Local Transport Strategy and Local Development Plan; modelling the effects of traffic growth and testing appropriate mitigations and measures to reduce traffic growth; to enforce vehicle idling under The Road Traffic (Vehicle emission) (Fixed Penalty) (Scotland) regulations 2003; to support the electrification and introduction of Lothian Buses and other operators; to encourage operators (via the Eco star) to recognise best practice in running and operating a fleet of public transport vehicles; to monitor and amend the SCOOT traffic management operating system; to work with partner organisations to lobby and support platform lengthening for longer train sets and/or more frequent services; to provide Air Quality Management Area signage and to work in partnership with Midlothian, West Lothian and Falkirk Councils to provide a voluntary vehicle emissions testing programme. The mitigation measures proposed do not include any proposals for 20 mph speed restrictions in residential areas. The Council has made provision for the introduction of 20mph speed limits as an approved policy 'East Lothian Council Speed Limit Policy' dated 9<sup>th</sup> December 2010 (CD078). The Council will consider any application for the introduction of speed limits on a case by case basis. The Council will consider applications for residential areas and other situations where there is a risk to vulnerable



users and meets the criterion of guidance SEDD Circular No. 6/2001 – “20mph Speed Limits”. **The Council submits that no modification of the plan is necessary.**

Musselburgh Grammar School Parent Council (0317/8)

The Council submits that the LDP refers to air quality issues in Musselburgh town centre and ensures that in each proposed development site that mitigation of air quality impacts caused by the development will be required on a cumulative basis. Paras 4.36 of the LDP (CD039) notes that Musselburgh has been a designated Air Quality Management Area since 2013 and notes that additional development related traffic from new development will exacerbate these issues unless further mitigation is provided. Policy T19: Transport Improvements at Musselburgh Town Centre, PROP T20: Transport Related Air Quality Measures: Relocation of Bus Stops and PROP T21: Musselburgh Urban Traffic Control System respond appropriately to the air quality issue. Policy NH12: Air Quality ensures that impact on air quality will be taken into account in assessing development proposals. See also the Council’s response to representation (0245/3). **The Council submits that no modification of the plan is necessary.**

**Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive / Whitehill Farm Road**

Queen Margaret University (0306/3)

In terms of Proposal T22 (CD039), firstly this is part of the local road network, so the Council will decide if and how the local road network will be modified in the interests of improving connections and the performance of the network whilst maintaining road safety. This is why the Council has sought that the potential to improve accessibility for different modes of transport in this area should be investigated. This is particularly true since a) circumstances have changed since the University was developed, most notably the proposals contained within the emerging LDP, b) there is a need to maximise connections between the Craighall area and Musselburgh, and c) the introduction of the all-ways junction at Queen Margaret Drive could improve connections for Musselburgh to the trunk and local road network as well as to cross local authority boundary regional facilities and public transport options, such as the Edinburgh Royal Infirmary and rail stations on the Scottish Borders railway line. It could have the same benefits for the University as well as the marketability and potential success of the proposed employment land too. The Council submits that investigating the potential for this connection is the correct approach to follow. The Council acknowledges that the current bridge width acts as a constraint to two way flows and consequently may have limited capacity to provide additional car based trips. In this regard the fall back position is the continuation and practice of a bus gate providing an essential public transport connection for the reasons above. **The Council submits that no modification of the plan is necessary.**

**Reporter’s conclusions:**

**Proposal T20: Transport Related Air Quality Measures: Relocation of Bus Stops**

1. The council has prepared an air quality strategy and a town centre strategy for Musselburgh. Both set out measures to improve traffic flow. This is a major cause of air pollution in the Musselburgh air quality management area, which covers the town centre. The council lists many of these proposals in its response (above). Matters of air quality are also considered in Issue 28: Water, Flood Risk, Air Quality and Noise.

2. The council points out that 20 miles per hour speed limits do not form part of the measures set out to resolve air quality matters. The evidence does not demonstrate that this would improve air quality, particularly in the Musselburgh air quality management area. I therefore recommend no modifications.

**Proposal T22: Reopen Link to vehicular Access at Queen Margaret Drive / Whitehill Farm Road**

3. Issue 18d also briefly covers Proposal T22. The evidence does not indicate significant public objection, as suggested by Queen Margaret’s University. The only public objection seeking modification to Proposal T22 is from Queen Margaret’s University.

4. If the current bridge was shown to be unsuitable for two-way vehicle traffic then any new or improved bridge would bring additional costs. Proposal T22 currently explains that the developer would be required to carry out the initial investigation work.

5. I note the points regarding the foundation of the university campus on sustainable transport principles, the role of the University’s green travel plan and the proximity of bus stops and Musselburgh railway station. However, Proposal T22 is to investigate the possible re-opening/opening of the bridge to two-way traffic related to site MH1 and Proposal T16, not the current university campus. It is rational to at least consider these matters given the wider development of the area.

6. Proposal T22 identifies the possible need for signalised access for any two-way road across the railway. The evidence presented does not demonstrate whether opening this link to two-way traffic would be beneficial or not and does not explain what effects it might have on student use of Musselburgh station car park or pedestrian and cycle safety.

7. As currently worded, Proposal T22 is to investigate the possibility of opening the bridge to two-way traffic to an adoptable standard that provides additional network capacity and route choice. The existing pedestrian and cycle movements as well as other activities would need to be considered as part of this process. As such it seems reasonable to allow the exploration of these matters through Proposal T22 before drawing any conclusion as to whether the reopening of the road to two-way traffic is or is not an appropriate solution. This is also necessary to determine what, if any, engineering options and solutions are necessary to overcome any matters raised as a result of this work. I therefore recommend no modifications.

**Reporter’s recommendations:**

No modifications.

<b>Issue 18(f)</b>	<b>Transport: Transport Infrastructure Delivery Fund</b>	
<b>Development plan reference:</b>	Our Infrastructure & Resources	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Musselburgh Conservation Society (0368) The Scottish Government/Transport Scotland (0389)		
<b>Provision of the development plan to which the issue relates:</b>	Policy T32: Transport Infrastructure Delivery Fund	
<b>Planning authority's summary of the representation(s):</b>		
<p><u>Musselburgh Conservation Society (0368/9)</u></p> <p>The increase in rail capacity on the East Coast Main Line is vital to enable more local trains to run but the LDP makes no reference to developer contributions to this, and it should.</p> <p><u>The Scottish Government/Transport Scotland (0389/20)</u></p> <p>Transport Scotland has consistently stated to the Council in both formal and informal consultation that it is the responsibility of the planning authority to identify the nature, scale and cost of mitigation required to support delivery of the proposed Plan allocations. The Planning Authority should then define the required funding mechanism, including who is required to contribute, and the scale of developer contributions; and finally define how, when, and by whom such mitigation will be delivered. Transport Scotland is not responsible for delivering transport improvements required to support the delivery of the LDP spatial strategy unless these are also committed infrastructure schemes within Scottish Government investment programmes. As stated within SPP this is the responsibility of the planning authority, East Lothian Council. The Council has developed a Developer Contribution mechanism outlined within Supplementary Guidance accompanying the Proposed Plan, which is referred to within Policy T32. It details the LDP allocations which will have to contribute towards the delivery of infrastructure necessary as a consequence of the cumulative impact of development. The contributions collected by the Council from developers will be used to provide new and improved infrastructure when they are identified as being required. This has been a Council led appraisal in consultation from Transport Scotland. The infrastructure included within the LDP which is required as a consequence of development shall be paid for by developers and delivered by the Council, at present the Policy makes reference to Transport Scotland being involved in this process which should not be the case.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><u>Musselburgh Conservation Society (0368/9)</u></p> <p>Developer contributions should be made to improve local rail services.</p>		

The Scottish Government/Transport Scotland (0389/20)

It is recommended that reference to Transport Scotland being party to the formal creation of, monitoring, or managing of East Lothian Council's Transport Infrastructure Delivery Fund, as currently detailed within Policy T32, is removed.

**Summary of responses (including reasons) by planning authority:**Musselburgh Conservation Society (0368/9)

The Council submits that the transport requirements in Local Development Plan (LDP) Proposals T9 and T10 address the point raised in representation. These are consistent with the SDP (CD030) Policy 8 and Action 64 of the SDP Action Programme (CD031). These proposed interventions are justified by the Transport Appraisal (CDCD041) prepared in line with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (CD029). The Council has set out all transport safeguards in East Lothian on the Proposals Map. The LDP states in para 4.2 (CD039) that it takes the Council's Local Transport Strategy 2015-2025 (CD077) (LTS) into account and seeks to integrate the LTS's vision for how existing transport networks and services will change and be improved in future. The Council submits that the LDP seeks to identify projects for which there is support to deliver in the short, medium or longer term, but it is for the service and infrastructure providers themselves to ensure that their capital plans make the necessary provision within the appropriate timeframe. The LDP delivery strategy is set out in the East Lothian Draft Action Programme (CD045), which has been consulted on alongside the LDP. This document sets out who is responsible for delivery along with indicative costs and timing for delivery. In terms of the co-dependency between delivery of interventions and the commencement / occupation of development, the LDP at paragraph 8.11 and the draft Supplementary Guidance: Developer Contributions Framework (CD063) paragraph 1.15 – 1.19 explains the approach that the service or infrastructure providers can follow; commitment to provide developer contributions will be essential in any circumstance. Provision of train sets is not the responsibility of East Lothian Council and lies outwith the control of the Council and is a Scottish Government and commercial operator responsibility. **The Council submits that no modification of the plan is necessary.**

The Scottish Government/Transport Scotland (0389/20)

The Council submits that it has undertaken a Transport Appraisal (CD041) (TA) of the proposed LDP in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (CD029) (DPMTAG). There has been liaison with Transport Scotland throughout the Appraisal work to agree the approach at various stages.

The TA included transport modelling work, preliminary feasibility and design work to identify adequate technical solutions and realistic options necessary to support the Local Development Plan. This has resulted in the identification of appropriate interventions that will enable the Council and Transport Scotland to manage road and rail capacity and traffic generation issues to an acceptable level once new development is in place.

The Council submits that the information prepared and provided to Transport Scotland in support of the LDP is adequate and proportionate, and meets the expectations of Scottish Planning Policy (2014) (CD013) and Transport Scotland's Development Planning and

Transport Appraisal Guidance (DPMTAG). The Council further submits that there was agreement pre-MIR between East Lothian Council and Transport Scotland to base the LDP Transport Appraisal work on Transport Scotland's own cross boundary modelling (SRM12), the full conclusion and transfer of which to the Council's transport consultants was delayed until June 2016. This placed the Council under some pressure to conclude the model runs, options sifting and technical work before decision on the Finalised Proposed LDP on the 6<sup>th</sup> of September 2016. This work was concluded and included within the proposed LDP. Staged reporting and regular update meetings have however been held with Transport Scotland and its consultants to seek agreement on the approach as the LDP was developed. This work is to be drawn together into a final report.

As such, the Council submits that the work done to date follows the stages of DPMTAG – Options Generation and Sifting (see Transport Appraisal paragraph 5.2.1 and Information Note 3), the Appraisal of Remaining Options (Transport Appraisal Table 5.1 and table following paragraph 6.1.1). The Council further submits that a Level 3 Assessment has been carried out for the LDP, based on macro modelling work as well as micro modelling work (not a requirement of DPMTAG) see Section 5 of the Transport Appraisal. It has also produced preliminary design work to a level of detail commensurate with the extent of change to, or affect on, the Strategic Transport Network emerging from the LDP preparation process (see Transport Appraisal). Interventions have been identified and costs and indicative designs for them have been prepared to inform the LDP, the land safeguards and the Council's draft Supplementary Guidance: Developer Contributions Framework (CD063). The work is also reflected within the Council's draft LDP Action Programme (CD045).

The East Lothian Transport Appraisal (CD041) identifies that the additional trips to and from new development in the area will increase demand for capacity for travel, including on the trunk road network. It identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. Provision for the interventions must be made by developments that generate a need for them as set out in the draft Supplementary Guidance: Developer Contributions Framework in accordance with Policy T32 and Policy DEL1. Associated trunk road interventions are as follows:

- Junction improvements at Old Craighall, Queen Margaret Interchange, Salters Road, Dolphingston, Bankton and Gladsmuir;
- Land is also safeguarded for a potential new trunk road interchange at Adniston and a potential spur for a potential eastern Tranent By-pass.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the local road network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated local road network interventions are as follows:

- Policy T19 supports a programme of improvements at Musselburgh Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T20-T21 identify interventions at Musselburgh Town centre to help facilitate this;  
Policy T23 supports a programme of improvements at Meadowmill, the A198 and Bankton Interchange to facilitate improved traffic flow and other matters to accommodate development within the LDP area and Proposal T24-T25 identify

interventions at Meadowmill roundabout to help facilitate this;

- Policy T26 supports a programme of improvements at Tranent Town centre to facilitate improved traffic flow and other matters to accommodate development within the LDP area, whilst Proposals T227-T28 identify interventions at Tranent Town centre to help facilitate this.

The East Lothian Transport Appraisal and model also identifies that the additional trips to and from new development in the area will increase demand for capacity on the rail network, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework. Associated rail network interventions are as follows:

- Proposal T9 seeks to safeguard land for larger station car parks at Musselburgh, Longniddry and Drem, and Proposal T10 seeks to safeguard land for platform lengthening at Musselburgh, Wallyford, Prestonpans, Longniddry, Drem and Dunbar (North Berwick station platform has already been lengthened);
- Proposal T11 seeks to safeguard land for improvement at Musselburgh Station, Proposal T12 safeguards land for the re-opening of East Linton Railway Station, and Proposal T13 seeks to safeguard land for a new four track section of the east coast main line and for a potential new station and vehicular overbridge of the east coast main line.

The East Lothian Transport Appraisal also identifies a need to provide for additional active travel trips to and from new development in the area and supports the provision of a Segregated Active Travel Corridor across East Lothian, towards which developer contributions will be sought in accordance with the draft Supplementary Guidance: Developer Contributions Framework.

The Council also submits that there are a series of other plan wide policies in the LDP that support the integration of land use and transport in decision making, including prioritisation of an appropriate modal hierarchy. These include T1 and T2 as well as T4 – T5 and T6 – T8 and T29 – 32. The Council submits that this is an appropriate policy framework to manage, secure and deliver integrated and positive transportation and planning outcomes.

East Lothian Council notes Transport Scotland's comments on the delivery of interventions to the strategic transport network. The Council submits that it has identified the nature, scale and cost of the various interventions needed as a consequence of the LDP allocations. However, it does not agree that the development and delivery of these interventions should be the responsibility of the Council, particularly where Transport Scotland's strategic transport network and road and rail infrastructure is concerned.

The Council submits that the work that it has done complies with SPP (2014) paragraphs 274 – 275. The Council notes that SPP (2014) does not require local authorities to deliver strategic transport network interventions, only to identify which agency will do this – i.e. Transport Scotland working with other parties. The Council submits that this is addressed within the LDP Action Programme.

The Council submits that national agencies must take responsibility for the delivery of improvements to their own assets and infrastructure. East Lothian Council considers that there is no difference between road or rail based infrastructure delivery in this regard and in the case of rail improvements, whilst Network Rail will deliver interventions Transport Scotland can manage developer contribution intake for this.



The Council is willing to help gather developer contributions for this, if necessary using a Section 75 legal agreement under the Town and Country Planning (Scotland) Act 1997 (as amended) (CD002). However, Circular 3/2012 (CD021) is clear that this should not be the first or only route used to secure such contributions. For example, the Council submits that Transport Scotland can gather contributions by itself under the Road Scotland Act 1984 (s48) (CD009). There have been situations where it has done this within East Lothian already.

The delivery of relevant improvements to the strategic transport network must be done by Transport Scotland, not East Lothian Council. **The Council submits that no modification of the plan is necessary.**

**Reporter’s conclusions:**

**Developer contributions**

1. The plan already seeks developer contributions towards rail improvements (Proposals T9 to T13) as explained in paragraph 4.19. Developer contributions for rail are covered in Issues 18a: Transport General, 18c: Transport: Public Transport and 31: Delivery.

**The role of Transport Scotland**

2. Scottish Government/Transport Scotland considers that Policy T32 refers to Transport Scotland in circumstances where this should not.

3. Policy T32 sentence one explains that the council has prepared a package of transport mitigation measures in consultation with Transport Scotland. Notwithstanding separate comments by Scottish Government/Transport Scotland it is reasonable for the council to make this clear given the important role that Transport Scotland plays in contributing to development plans. I therefore recommend no modification to Policy T32 sentence one.

4. Policy T32 sentence three suggests Transport Scotland will have a direct role in the creation, monitoring and management of the Transport Infrastructure Delivery Fund. However, I consider that Transport Scotland will play no part in this and I recommend deletion of this reference.

5. Policy T32 sentence four explains that developer contributions will be used by the council or Transport Scotland. Transport Scotland may have a role as an authorising body but the funding will come from developer contributions that are used by the Council. Policy T32 sentence four is therefore inaccurate and I recommend that this reference to Transport Scotland is deleted.

**Reporter’s recommendations:**

Modify the local development plan by:

1. In Policy T32, deleting reference to Transport Scotland in sentences three and four so that these sentences read:  
 “Within this overall Transport Infrastructure Delivery Fund separate funds and accounts will be created, monitored and managed by the Council as appropriate for each of the infrastructure projects. Developer contributions will always be used by the Council as relevant to deliver the mitigation for which they were originally intended.”

<b>Issue 19</b>	<b>Digital Communication Networks</b>	
<b>Development plan reference:</b>	Digital Communication Networks (pg 99)	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>East Lammermuir Community Council (0414)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy DCN1: Digital Communications Networks Policy DCN2: Provision for Broadband Connectivity in New Development	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DCN1: Digital Communications Networks</b></p> <p><u>East Lammermuir Community Council (0414/14)</u></p> <p>More emphasis should be given to supporting infrastructure for employers and businesses in rural settings. This may be as simple as high speed broadband for people working at home, through to an emphasis on providing for flexible office and workshop space in community facilities in the villages and surrounding countryside. Only by shifting more employment nearer to the villages can we reduce our reliance on transport and therefore reduce our energy consumption and increase sustainability of these relatively fragile communities.</p> <p><b>Digital Communications Networks Support</b></p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/15); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438/13)</u></p> <p>The representor supports this policy which proposes that development of 5 or more homes, or proposals for employment generating uses with a floor area of 100sqm or larger, shall as part of the development make provision for deliverable opportunities for digital infrastructure to the proposed new homes or business premises.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>Policy DCN1: Digital Communications Networks</b></p> <p><u>East Lammermuir Community Council(0414/14)</u></p> <p>No Modification sought.</p>		



**Digital Communications Networks Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/15); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/13)

No Modification sought.

**Summary of responses (including reasons) by planning authority:**

**Policy DCN1: Digital Communications Networks**

East Lammermuir Community Council (0414/14)

Access to affordable broadband is a key Council priority and is in direct support of the Council Plan, Economic Development Strategy, Single Outcome Agreement and Digital Inclusion objectives. The East Lothian Next Generation Internet Connectivity Strategy (CD 082) defines priorities to improve the provision of internet connectivity across the Council area. The Council submits that the LDP would support these wider Council objectives as far as it reasonably can. **The Council submits that no modification is necessary.**

**Digital Communications Networks Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/15); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/13)

Support noted.

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a matter raised in representations which is in support of the provisions of the plan and does not seek modifications. Therefore, unless this relates to an issue which is unresolved, it will not be addressed in my conclusions.

**Policy DCN1: Digital Communications Networks**

2. Paragraphs 4.53 to 4.55 of the plan describe the role that digital infrastructure will play in the council’s broadband strategy. Policy DCN1 is principally concerned with ensuring that the digital infrastructure needed to deliver improved connectivity across urban and rural parts of East Lothian does not result in unintended, adverse consequences. The policy supports digital communications infrastructure in principle on this basis. For new connectivity, the policy states that consideration will be given to the benefits for communities and the local economy. Therefore I recommend no modifications to this policy. Comments relating to the location of employment development are considered in Issue 11: Planning for Employment and Tourism.

**Reporter's recommendations:**

No modifications.

<b>Issue 20</b>	<b>Sustainable Energy and Heat</b>	
<b>Development plan reference:</b>	Sustainable Use of Energy and Heat in New Development (pg 101-102)	<b>Reporter:</b> Malcolm Mahony
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Walker Group (0138)                  Scottish Environment Protection Agency (0252)                  Stewart Milne Homes Ltd (0261)                  Scottish Natural Heritage (0280)                  East Lothian Liberal Democrat Party (0300)                  Midlothian Council (0348)                  Homes for Scotland (0353)                  The Scottish Government/Transport Scotland (0389)                  East Lammermuir Community Council (0414)                  Francis Ogilvy (0419)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy SEH1: Sustainable Energy and Heat Policy SEH2: Low and Zero Carbon Generating Technologies	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy SEH1: Sustainable Energy and Heat</b></p> <p><u>Scottish Environment Protection Agency (0252/8)</u></p> <p>SEPA support the inclusion and principle of policy SEH1. SEPA consider, however, that the wording of the policy does not provide a fully positive or supportive requirement for new development to plan for district heating that is consistent with the guidance contained within Scottish Planning Policy.</p> <p>The representation notes paragraph 4.68: "The Council will support the principle of proposals for district heating networks based on low carbon or renewable sources, or that facilitate the more efficient use of waste heat from existing or committed heat generators..." This message is not explicitly clear in policy SEH1 and that the text omits reference to locations for proposals for district heating networks apart from those named in policy SEH1. SEPA consider that this omission weakens the opportunity for East Lothian Council to require district heating as part of large scale new developments not identified by name in SEH1 (Millerhill/Craighall, Oxwellmains and Cockenzie).</p> <p>The representation states that Policy SEH1 is not fully consistent with, and does not fulfil, the approach contained in page 190 of the MIR. In our response to the Main Issues Report, we strongly supported this Preferred Option which also included the promotion of "district heating and combined heat and power facilities in large scale development sites as well as the use of heat from renewable sources and waste heat;" a position which we consider has not been adequately promoted or clarified in policy SEH1.</p>		

Scottish Natural Heritage (0280/10)

Co-location of heat networks and green networks may be an effective way to deliver infrastructure. SNH look forward to the opportunity to advise further either through consultation on supplementary guidance or review of the LDP, as discussed at paragraph 4.71 of the Proposed Plan.

Midlothian Council (0348/7)

Midlothian Council considers that Policy SEH1: Sustainable Energy and Heat would be enhanced if there were a presumption that community heating is provided in the Millerhill/Craighall area unless shown not to be feasible and viable, much as Policy NRG6 in the Proposed Midlothian LDP does for Newton Farm; the feasibility and viability of such would be enhanced on both sides of the boundary if this approach is followed.

The Scottish Government/Transport Scotland (0389/5)

The first sentence of paragraph 4.73 refers to text in a previous version of Scottish Planning Policy. Reference could be made to the Scottish Government's Annual Report on the Operation of Section 72 of the Climate Change (Scotland) Act 2009 as published on the Scottish Government's website which provides information on how the legislative requirements can and have been implemented.

Francis Ogilvy (0419/2)

The emphasis within Policy SEH1: Sustainable Energy And Heat for community heat schemes is welcomed. Can this be strengthened and applied to many existing public buildings also which are likely to be the largest users of heat with lesser standards of insulation.

**Policy SEH2: Low and Zero Carbon Generating Technologies**Walker Group (0138/12)

The use of planning policy to reduce carbon footprint is inappropriate in its application to new house building. All new dwellings required to meet standards imposed through Building Regulations. The mandatory requirement for Zero Carbon Generating Technologies does not guarantee continued maintenance of low carbon standards in the case of private housing since the ongoing performance of such technology cannot be enforced. It is therefore ineffective in the long term. Scottish Planning Policy recommends that such policies accord with the standards, guidance and methodologies of the building regulations however this policy goes further than is supported therefore it should be deleted. Delete Policy SEH2 - Low and Zero Carbon Generating Technologies.

Stewart Milne Homes Ltd (0261/2); Homes for Scotland (0353/9)

The representation does not consider that planning has a role to prescribe the technology in a building that is for Building Standards to do. The representor does not argue with the statement that new buildings should meet the energy requirements of Scottish Building Standards, however they do not consider that this LDP policy should be imposing a more aspirational standard. Minimal climate change gains can be made on an individual planning authority basis through this kind of policy expectation, and suggest it would be far more

beneficial to look at this from central government level across Scotland as a whole, perhaps through the Planning Review or any review of Building Standards, than on an individual authority by authority basis.

The housebuilding industry maintains that a “fabric first” approach should be adopted ahead of the requirement to install low and zero carbon generating technologies.

Low and zero carbon generating technologies are complex, as are the legislative issues regarding their implementation. These are beyond the scope of planning control and in particular, the Local Development Plan process.

East Lothian Liberal Democrat Party (0300/11)

Greater consideration need to be given to the building standards and in particular to the obligatory rigorous green/eco-friendly requirements.

East Lammermuir Community Council (0414/6)

How can we influence future building to be of a really high quality, with a low carbon impact e.g. Passivhaus standard?

**Modifications sought by those submitting representations:**

**Policy SEH1: Sustainable Energy and Heat**

Scottish Environment Protection Agency (0252/8)

The representation suggests amended wording for Policy SEH1:

“The Council supports the principles of the “energy hierarchy” and promotes energy-efficient design in new development. The Council encourages the development of Community or district heating schemes for all new major developments and applicants are encouraged to submit an Energy Statement evaluating the feasibility of delivering district heating, connecting to any existing schemes and the potential to extend such a system to adjacent uses/sites. The energy statement should also outline how the scheme would not harm amenity and co-exists satisfactorily with existing and/or proposed uses in the area.

Where a district heat network exists or is planned, new developments should include appropriate infrastructure to allow connection to the network or safeguards to allow future connection.

The Council has identified Millerhill/Craighall, Oxwellmains and Cockenzie as three locations where district heat networks can be established, subject to the Energy Statement and justification outlining they would not harm amenity and could co-exist satisfactorily with existing or proposed uses in the area. Proposals in areas identified as appropriate for district heating must not prejudice the potential for heat networks to be developed.”

Midlothian Council (0348); Scottish Natural Heritage (0280)

No Modification sought

The Scottish Government/Transport Scotland (0389/5)

Page 102, paragraph 4.73 - remove the first sentence.

Francis Ogilvy (0419/2)

Make Policy SEH1 apply to exiting public buildings.

**Policy SEH2: Low and Zero Carbon Generating Technologies**

Walker Group (0138/12)

Delete Policy SEH2 - Low and Zero Carbon Generating Technologies

Stewart Milne Homes Ltd (0261/2)

Policy SEH2 should be substantially re-written to focus only on those matters that can be directly influenced or delivered by the planning system. Specifically, the targets set for CO2 reduction achieved by installing low and carbon generating technologies in new developments should be removed.

Homes for Scotland (0353/9)

Remove reference to enhanced Building Standard – ‘active’ sustainability level within this policy.

East Lothian Liberal Democrat Party (0300/11)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

**Summary of responses (including reasons) by planning authority:**

**Policy SEH1: Sustainable Energy and Heat**

Scottish Environment Protection Agency (0252/8)

Overall, Policy SEH1 supports the energy hierarchy (explained at para 4.67 of the Local Development Plan (LDP)(CD039)) which includes energy generation from renewable or low carbon sources as well as the creation of heat networks. It specifically encourages the creation of community heating schemes as expected by Scottish Planning Policy (SPP) para 158 (CD013), and since there is known potential for this within East Lothian it is set out within the policy (including as a consequence of cross boundary considerations). The Council submits that paragraph 155 – 160 of SPP (2014) expects the LDP to promote a supportive policy context for the creation of energy centres and heat networks, but does not require such networks to be installed as part of new developments. Yet Policy SEH1 requires that new development does not prejudice the ability to create such networks in future, for example by safeguarding routes for pipe runs etc (as explained at paragraph 4.70 of the LDP) (CD039). The Council further submits that in this respect there is also intended to be a read-across with Policy SEH2, including paragraph 4.76 (CD039). This policy encourages low and zero carbon generating technologies as part of new development and is where the nature of these are described and encouraged, including

within Advice Box 4. As such, the Council submits that a modification of the LDP is not necessary whilst acknowledging that a minor modification to the second sentence of Policy SEH1 might bring further clarity to the LDP and the read-across between Policy SEH1 and SEH2. **The Council submits that no modification is necessary.**

Scottish Natural Heritage (0280/10)

Comments noted. **The Council submits that no modification is necessary.**

Midlothian Council (0348/7)

Council notes Midlothian Council's comments in relation to Policy SEH1, but submits that has gone as far as it reasonably can given the guidance provided in SPP (2014)(CD013) at paragraph 158 – 159. The proposed LDP recognises the potential for co-locating developments with high heat demand with sources of heat supply, including at Millerhill/Craighall, at Oxwellmains and at Cockenzie. The proposed LDP supports and encourages the establishment of heat networks in such locations, including the submission of an Energy Statement with proposals. Proposals in these areas must not prejudice the potential for heat networks to be developed. **The Council submits that no modification is necessary.**

The Scottish Government/Transport Scotland (0389/5)

The Council submits that the inclusion of this sentence does not undermine the plan so does not propose to modify the LDP in response to this representation. However, should the Reporter see merit in this representation, the Council would not object to the removal of that sentence from the LDP. **The Council submits that no modification is necessary.**

Francis Ogilvy (0419/2)

Policy SEH1 applies in situations where there is new development, but the pre-ambule to the policy is clear that in a broader sense the Council supports the principles of the 'energy hierarchy'. This is also embedded within wider Council policies other than the land use plan. For example, in terms of reducing demand the Council when refurbishing and upgrading existing premises seeks to enhance the thermal envelop of the building and also replace electrical and heating installations with more efficient controls, lighting and plant etc; the Council has installed solar arrays at six sites, for example Dunbar Primary School and the Council continues to look at the business case for extending this provision; the Council has also established an Energy Project Board and its remit is to explore and develop a policy and programme for energy generation including community generation, district heating schemes, and potentially the establishment of Energy Generation / Supply Companies (ESCOS). **The Council submits that no modification is necessary.**

### **Policy SEH2: Low and Zero Carbon Generating Technologies**

Walker Group (0138/12) Stewart Milne Homes Ltd (0261/2); East Lothian Liberal Democrat Party (0300/11); Homes for Scotland (0353/9); East Lammermuir Community Council (0414/6)

The Town and Country Planning (Scotland) Act 1997 (as amended), Section 3F (CD002), requires LDPs to include policies that require all new development to be designed to ensure new buildings avoid a specified and rising proportion of the projected greenhouse



gas emissions through use of low and zero-carbon generating technologies (LZCGT). The Scottish Government expects an LDP policy to cover three main points: a proportion of emissions to be saved; at least one increase in the proportion of emissions to be saved; and a requirement that the savings should be achieved through the use of LZCGT (rather than energy efficiency measures). To provide a basis to measure any degree of carbon emissions savings, the Scottish Government has suggested that such policies could align with the standards, guidance and methodologies of the building regulations. However, Building Standards promote a ‘fabric first’ approach for new construction and do not mandate the use of LZCGT.

Sustainability labelling was introduced to the Scottish Building Standards in 2011, requiring all new buildings submitted for building warrant to achieve a sustainability label. A ‘Bronze’ label indicates compliance with the mandatory standards, while ‘Bronze Active’ indicates that these have been met partly through the use of LZCGT. There are further optional labels with rising sustainability requirements. Whilst the Scottish Government has suggested that planning authorities may want to link their Section 3F policies to the sustainability labelling scheme, an ‘active’ label would only demonstrate that LZCGT have been used. There is currently no scope via sustainability labelling to demonstrate that a ‘specified proportion’ of emissions are avoided through use of LZCGT as required by Section 3F of the Planning Act (CD002). This proportion would need to be specified by the LDP, as would the timescale for and extent to which it should rise over time. An initial proportion of 10%, rising to 15% on or after the 1st of April 2019 is considered by the Council to be a reasonable approach.

There are two broad planning policy options in response to Section 3F, either to require emissions savings that are additional to Scottish Building Standards, or to only require that the emissions savings from LZCGT are part of the way in which these standards are met. The latter approach has been followed by the LDP. It may not achieve any emissions reductions in itself (and may result in less energy efficient building fabric) it would, however, promote the use of LZCGT as required by Section 3F of the Town and Country Planning (Scotland) Act 1997 (as amended) (CD002). The Council submits that Policy SEH2 is reasonable and legislatively compliant, and notes the comments on the enforceability of the Policy in the longer term.

The policy approach proposed is also one that can be delivered since it is measurable and related to another consenting regime which must be passed before construction can commence. The manner in which this requirement would be secured is by way of suspensive planning condition, as explained at paragraph 4.74 of the LDP (CD039). Subject to the provision of ‘active’ label and associated calculations demonstrating that the necessary reductions in carbon dioxide emission will be achieved by the use of Low and Zero Carbon generating Technologies, the discharge of such conditions can be agreed in writing by the Council prior to the commencement of development. The Council submits that this approach is clear for applicants. The planning authority could impose a condition on a planning permission that satisfies the tests of Circular 4/1998: The Use of Conditions in Planning Permissions (CD020). **The Council submits that no modification is necessary.**

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved



issues which have been raised in representations. The council has referred to a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

### **Policy SEH1: Sustainable Energy and Heat**

2. Scottish Environment Protection Agency (SEPA) considers that the policy is expressed in terms which are insufficiently positive and therefore does not reflect Scottish Planning Policy. Also that it fails to name enough large scale new development locations where district heating would be expected. However, I consider that the policy is broadly in line with Scottish Planning Policy and when the policy is read in conjunction with the supporting text it can be seen to be generally supportive. The named locations for district heating are identified as particular examples with the greatest potential, not as an exhaustive list.

3. Midlothian Council wishes support to be expressed as a presumption that community heating would be provided at Millerhall/Craighall, but East Lothian is unwilling to do so. That is their prerogative; their stance is not inconsistent with Scottish Planning Policy.

4. SEPA wishes to see Policy SEH1 continue the support expressed in the Main Issues Report for promoting combined heat and power schemes and the use of heat from renewable resources and waste heat. Reference to these initiatives can be found in the supporting text, but not the policy itself. As the policy summarises the council's position on other aspects of sustainable energy and heat, it would be anomalous to omit the elements mentioned by SEPA. I therefore recommend an additional sentence to cover this matter.

5. Francis Ogilvy wants the policy to apply to existing public buildings, but this would not be appropriate in a policy designed to apply only to new development. The council's approach is to address matters of sustainable energy and heat in its own premises through other (non-land use) policies.

### **Policy SEH2: Low and Zero Carbon Generating Technologies**

6. The first sentence of paragraph 4.73 refers to a superseded version of Scottish Planning Policy and therefore I recommend that it is deleted.

7. Policy SEH2 is the council's approach to fulfilling the requirements of Section 3F of the Town and Country Planning (Scotland) Act (1997), as amended, as introduced by Section 72 of the Climate Change (Scotland) Act 2009.

8. Section 3F requires that: "A planning authority, in any local development plan prepared by them, must include policies requiring all developments in the local development plan area to be designed so as to ensure that all new buildings avoid a specified and rising proportion of the projected greenhouse gas emissions from their use, calculated on the basis of the approved design and plans for the specific development, through the installation and operation of low and zero-carbon generating technologies."

9. Omitting Policy SEH2 and relying solely on building regulations, as some representations urge, would be contrary to the terms of the legislation. So would failing to

require that a specified and rising proportion of the projected greenhouse emissions from new buildings be avoided. There are therefore no grounds for deleting this policy.

10. I consider that representation 0185/8 from the Royal Society for the Protection of Birds better considered under this heading rather than Issue 22a. The RSPB consider that all new public build (notably schools) should include solar panels and other appropriate renewable forms of energy. They wish to see the plan include a more affirmative statement in that regard. Policy SEH2 promotes technologies which would include solar panels as well as other forms of low and zero carbon generation, and I have no basis for recommending more specific requirements in the policy.

**Reporter's recommendations:**

Modify the local development plan by:

1. Adding the following sentence to the end of Policy SEH1: Sustainable Energy and Heat:

“The council supports the principle of combined heat and power schemes and energy generation from renewable or low carbon sources.”

2. In paragraph 4.73, deleting the first sentence and deleting “However” from the following sentence.

<b>Issue 21</b>	<b>Wind Farm and Wind Turbine Development</b>	
<b>Development plan reference:</b>	Chapter 4 Infrastructure and Resources: Wind Turbines (pages 103 – 107)	<b>Reporter:</b> Malcolm Mahony
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>E Macdonald (0176)                  Royal Society for the Protection of Birds (0185)                  Scottish Natural Heritage (0280)                  Fred Olsen Renewables Ltd (0313)                  Scottish Renewables (0346)                  Midlothian Council (0348)                  Community Wind Power (0336)                  The Scottish Government (0389)                  Francis Ogilvy (0419)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Energy Generation, Distribution and Transmission – Wind pages 103 - 108	
<b>Planning authority’s summary of the representation(s):</b>		
<p><b>Spatial Framework, Locational Guide for Wind Turbines</b></p> <p><u>Fred Olsen Renewables Ltd (0313/2)</u></p> <p>The representation notes that LDP Paragraph 4.79 states that the “boundaries of designations informing the extent of Group 2 areas may change during the lifetime of the plan, and any such change would be taken into account”. Any such change should be directed by national policy and undergo appropriate consultation.</p> <p><u>Community Wind Power (0336/2)</u></p> <p>Paragraph 4.81 states that “it is considered there is no capacity for turbines over 42m to be accommodated in the lowland landscapes of East Lothian without adverse landscape and visual impact. The study [not stated which one] mentions tip heights of 42m in lowland areas but effectively rules anything higher out of the entire region. This takes landscape in isolation and does not consider changes to larger turbine heights that are likely to become standard. It is contrary to good planning to impose a blanket ban on certain turbine heights, which should be assessed through EIA. The representation makes reference to other parts of the plan, but with no discussion on them.</p> <p><b>Policy WD1: Wind Farms</b></p> <p><u>E Macdonald (0176/13)</u></p> <p>Objects to Policy WD1 - to include land alongside the B1377 as Wind Farm development which conflicts with ELC objective of encouraging tourism.</p>		

Royal Society for the Protection of Birds (0185/9)

The reference to 'Habitats Directive' should be changed to 'Birds and Habitats Directives'. This applies throughout this section.

Fred Olsen Renewables Ltd (0313/1)

It is not considered appropriate to expect legal agreements to be entered into with the Council for securing decommissioning and restoration costs prior to planning consent being granted, as noted in paragraph 4.80. Suspensive planning conditions should be used for this instead. The policy should be clear that the provision of the financial interest should be done so the developer is not burdened with providing duplicate arrangements for both owner and Council. Requirements should not undermine what may be best environmental practice e.g. leaving trenched cable in situ. The representation generally welcomes the approach of WD1.

**Policy WD2: Smaller Scale Wind Turbine Development**Scottish Government (0389/6)

In order to ensure consistency with Section 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 the page 103 paragraph 4.81 should set out the matters that will be addressed in the Wind Energy Supplementary Guidance.

Francis Ogilvy (0419/4)

In respect of Policy WD2: Smaller Scale Wind Turbine Development, the restriction on small scale wind turbines to below 12m in height would seem to ignore intelligence from the industry and the need to work towards a low carbon economy. This would generally result in turbines of at least 100kw, or greater than 22m in height. Some of these can be seen around the county, but generally there is room for many more.

**Policy WD3: All Wind Turbines**Fred Olsen Renewables Ltd (0313/3)

In general the representation supports Policy WD3: All wind turbines but seeks a number of changes.

**Policy WD4: Access Tracks**Scottish Natural Heritage (0280/11)

Ancillary development is a key component of wind farms and SNH consider it is not fully addressed in either policy or supporting text at present. With minor modification, Policy WD4 could also usefully cover other non-turbine ancillary aspects of wind farm development that may have significant environmental effects: such as construction compounds, borrow pits, crane pads, substation, cables and connections. This may allow fuller definition between and linkage to, Policy WD3. SNH are aware of growing interest and applications for energy storage proposals, including on site within wind energy projects. Policy reference to energy storage infrastructure could be usefully accommodated within a modified Policy WD4.

Fred Olsen Renewables Ltd (0313/4)

Requests that Policy WD4: Access Tracks be deleted as it is already covered implicitly in WD3.

**Policy WD5: Re-powering**Scottish Natural Heritage (0280/12)

Given the age of certain wind energy developments within and adjacent to East Lothian, we highlight the potential within the plan period for repowering to become a key issue. It may therefore be pragmatic to allow scope within Policy WD5 to develop further planning guidance on repowering, potentially through joint working with neighbouring Local Authorities on the two strategically important cross boundary development clusters (1.Aikengall/ Crystal Rig phases; 2; Dun Law/ Pogbie/ Keith Hill).

Fred Olsen Renewables Ltd (0313/5)

Requests that Policy WD5: Re-powering be reworded to include a wide description of what may constitute a repowering proposal, and to reduce the scope of any necessary assessment in support of such proposals.

**Policy WD6: Decommissioning and Site Restoration**Fred Olsen Renewables Ltd (0313/6)

Suggests that Policy WD6: Decommissioning and restoration be modified to allow 12 months turbine down time to allow a suitable time period. It is not clear if the council expects financial guarantees to be made with the Council, or just between the applicant and the landowner; this should not be required prior to issue of consent but forced by an appropriately worded suspensive condition.

Scottish Renewables (0346)

In terms of Policy WD6, not considered reasonable to expect a legal agreement to be entered in to with the Council for securing decommissioning and restoration costs prior to planning consent being granted (see also para 4.80). This should be in place before the date of the commencement of development.

Whilst legal agreements can be used to secure this, so too can planning conditions. Model condition 30 set out in the 'Applications under Section 36 of the Electricity Acts 1989 is an example also promoted by HoPS. Suggested that Policy WD6 is modified to take account of this position.

**Wind Miscellaneous**Midlothian Council (0348/6)

Midlothian Council would wish to liaise with East Lothian Council on wind energy applications in western East Lothian that may have an effect on Midlothian, noting particularly the areas identified at the Midlothian boundary at Pathhead and Cousland where East Lothian may support turbines of up to 42m whereas Midlothian would only

support turbines of up to 30m. Midlothian considers that this difference in turbine height may lead to adverse impacts on Midlothian from turbines in East Lothian.

**Wind Support**

**Policy WD1: Wind Farms**

Scottish Natural Heritage (0280/27)

Scottish Natural Heritage note and support the content of Policy WD1 and the supporting Technical Note 4.

**Policy WD2: Smaller Scale Wind Turbine Development**

Scottish Natural Heritage (0280/28)

Support

**Policy WD3: All Wind Turbines**

Scottish Natural Heritage (0280/29)

Support

**Modifications sought by those submitting representations:**

**Spatial Framework, Locational Guide for Wind Turbines**

Fred Olsen Renewables Ltd (0313/2); Community Wind Power (0336/2)

No Modification sought

**Policy WD1: Wind Farms**

E Macdonald (0176/13)

No Modification sought

Royal Society for the Protection of Birds (0185/9)

Replace text “Habitats Directive” with “Birds and Habitats Directive” in WD1 and throughout of this section.

Fred Olsen Renewables Ltd (0313/1)

1. Reword start of paragraph 4.80 to ‘Prior to the start of construction, the Council will require...’
2. The reference of ‘complete decommissioning and restoration of the site’ in the policy should be replaced with ‘relevant decommissioning and restoration’ [this sentence is contained in paragraph 4.80 rather than LDP policy].
3. Reword last sentence of Policy WD1: ‘Appropriate provision will be required post-consent through an appropriately worded suspensive planning condition to secure financial provision for decommissioning and restoration’.

**Policy WD2: Smaller Scale Wind Turbine Development**

Scottish Government (0389/6)

Page 103 paragraph 4.81 should set out the matters that will be addressed in the Wind Energy Supplementary Guidance.

Francis Ogilvy (0419/4)

No specific modification suggested, but the implication is that policy WD2 should not limit smaller scale wind turbine development to less than 12m.

**Policy WD3: All Wind Turbines**

Fred Olsen Renewables Ltd (0313/3)

Change policy WD3 as follows:

1. In first sentence delete the word 'freestanding'.
2. In criterion (a) add 'similar' between 'other' and 'development'.
3. In criterion (b) delete 'or individual dwellings'.
4. Amend criterion (e) to read 'impact on the economy including tourism and recreation'.
5. Delete criterion (f).
6. In criterion (n) delete 'of integrity'.

**Policy WD4: Access Tracks**

Scottish Natural Heritage (0280/11)

Amend policy WD4 to include ancillary development such as crane pads, grid connections and energy storage.

Fred Olsen Renewables Ltd (0313/4)

Delete Policy WD4: Access Tracks.

**Policy WD5: Re-powering**

Scottish Natural Heritage (0280/12)

Amend to allow scope within Policy WD5 to develop further planning guidance on repowering.

Fred Olsen Renewables Ltd (0313/5)

Reword Policy WD5: 'Proposals for repowering will be considered favourably subject to consideration against relevant provisions of Policy WD1 and WD3. Repowering may include, but not be limited to energy storage, wind turbine upgrades such as blade tip extensions and other forms of complementary generating technologies. Re-powering proposals should demonstrate the use of existing infrastructure where possible. Given the existing use of the site for renewable energy, the scope of the assessments required is

likely to be less than that for a new proposal and should be agreed with the council in advance of an application being submitted.'

**Policy WD6: Decommissioning and Site Restoration**

Fred Olsen Renewables Ltd (0313/6)

Reword the relevant part of Policy WD6: Decommissioning and site restoration to alter the time period of failure of a wind turbine to produce electricity so triggering decommissioning to be altered from 6 months to 12 months.

On paragraph 2 of this policy, no specific modification is requested but the implication is that reference to the requirement for developers to enter into a legal agreement prior to the issue of planning consent should be removed, and reference to the use of suspensive planning conditions to secure appropriate decommissioning and restoration should be inserted.

Scottish Renewables (0346)

Suggests that changes are made to Policy WD6 and paragraph 4.80 of the Plan to allow suspensive planning conditions to be used and for bonds / financial guarantee / legal agreements to be in place prior to the commencement of development.

**Wind Miscellaneous**

Midlothian Council (0348/6)

No Modification sought.

**Wind Support**

Scottish Natural Heritage (0280/27)(0280/28)(0280/29)

No Modification sought.

**Summary of responses (including reasons) by planning authority:**

**Spatial Framework, Locational Guide for Wind Turbines**

Fred Olsen Renewables Ltd (0313/2)

Some areas that are included in Group 2 are included because of their designation as a particular type of site, for example a Natura Site or a site included in the Inventory of Gardens and Designed Landscapes is automatically included within Group 2. From time to time, the boundaries of these designated areas change, or sites are added or deleted. The purpose of the statement in paragraph 4.79 of the LDP (CD039) is to note that where the boundaries of designated sites used to identify the areas included Group 2 areas themselves change, this change of status will be taken into account in considering applications in those areas. So if an area which was not previously on the Inventory of Gardens and Designed Landscapes is added to the Inventory this change of status will be taken into account should a wind turbine development proposal come forward in that area. The purpose of the spatial framework is to signpost those areas where there is likely to be



more or less potential for windfarm development. As it is largely designation driven, it is appropriate to take these designations into account when they change. Although the mapping of the spatial framework is frozen at a point in time, in the case of designated sites whether an area would fall into a particular Group by reason of that designation is clear. The planning authority is capable of taking this into account, and the ability to do so helps keep the plan current. The national policy is already set by the requirement in SPP (CD013) that different types of designated areas should be included in different groups. Changes to the designation applied (e.g. Natura Sites) would undergo consultation as considered appropriate by the designating authority. **The Council submits that no modification is necessary.**

#### Community Wind Power (0336/2)

Paragraph 4.81 of the LDP (CD039) gives the Council's view that there is no capacity for wind turbines over 42m to be accommodated in the lowland landscapes of East Lothian without adverse landscape and visual impact. This, as the representation notes, takes the landscape in isolation: it sets out the Council's view on landscape issues alone, deriving from the study of landscape sensitivity and capacity, the Landscape Capacity Guide for Wind Turbine Development in East Lothian 2005 (as supplemented) (CD090, CD091 and CD092). It is not a planning assessment of the acceptability of larger wind turbines overall.

The purpose of including the statement in paragraph 4.81 is to indicate the Council's view on where adverse landscape and visual impacts are likely to occur, as supported by study of landscape capacity. All proposals are assessed on their merits, and it may be that following an assessment of the planning balance for any given proposal an adverse landscape and visual impact would be accepted in order to achieve other planning aims, as provided for in Policy WD3 (CD039). The purpose of this statement and the inclusion of the Locational Guide on page 105 of the LDP (CD039) is to show where adverse landscape and/or visual impacts are likely to occur, and therefore where the Council is more likely to support proposals of a certain height. This sentence is considered useful for developers. **The Council submits that no modification is necessary.**

#### **Policy WD1: Wind Farms**

##### E Macdonald (0176/13)

SPP (CD013) requires planning authorities to set out a Spatial Framework in the LDP identifying those areas that are likely to be most and less appropriate for onshore windfarms following a set approach. The approach is designation driven, and sets out which types of designation area and other interest should be included in one of three Groups: Group 1: Areas where wind farms will not be acceptable; Group 2: Areas of Significant Protection, or Group 3: Areas with Potential for Wind Farm Development.

SESplan (paragraph 124) (CD030) states that LDPs should promote the use of renewable energy and should encourage development that will contribute to national targets. SESplan Policy 10 (P49): Sustainable Energy Technologies states that the SDP seeks to promote sustainable energy sources and instructs LDPs to "set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for energy and heat taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply".

The B1377 road runs from Longniddry via Drem and East Fortune to East Linton. Some parts of the land alongside this road fall within Group 3 of on the Spatial Framework. Group 3 areas comprise land outwith areas where windfarm development is unacceptable or which require significant protection. The Group 3 areas which are best interpreted as being 'alongside' the B1377 are:

- (a) between Spittal, through Ballencrieff to west of Mungoswells. From the B1377 the part of land within the Group 3 area is on ground rising to the Garleton hills, with a generally very open aspect towards the East Lothian coastal plain and the Firth of Forth and Fife. Part of this area is within the proposed Garleton Hills Special Landscape Area, and a very small part within the proposed Garden County Special Landscape Area (CD054g). Windfarm development here could be expected to have wide visibility in the north of East Lothian, as well as being visible from Edinburgh City and Fife Council areas. The original Landscape Capacity Study 2005 (CD090) stated that there was scope to locate limited small typology development (2 - 5 turbines 42m - 65m) at the lower band of turbine height (42m). Part of this area is within an area that the Supplementary Study (CD091 and CD092) identifies as capable of accommodating turbines up to 42m. The remainder is in an area considered suitable only for turbines up to 12m in association with existing buildings.
- (b) a small area to the east of this first area between Kamehill and Redside to the east of East Fortune. A further, smaller area close to the B1377 is found to the east of this first area between Kamehill and Redside, to the east of East Fortune on generally flat and open land rising gently to the north. Part of this Group 3 area is within the proposed Balgone and Whitekirk Outcrops Special Landscape Area (CD054f). Windfarm development here would likewise be expected to be widely visible over the northern East Lothian plain. The original Landscape Capacity Study 2005 (CD090) stated that there was scope to locate limited small typology development (2 - 5 turbines 42m - 65m) at the lower band of turbine height (42m). Part of this area is within an area the Supplementary Landscape Capacity Study (CD091 and CD092) found suitable for turbines between 12m - 20m, and partly within an area found suitable for turbines up to 30m.

The remainder of the area alongside the B1377 is within Group 2; areas which require significant protection but nonetheless may be suitable for windfarm development.

Windfarm development in the areas mentioned would not accord with the Landscape Capacity Studies carried out for this area, which find at most capacity for wind turbines of up to 42m.

Research for the Scottish Government published in 2008 (CD028) suggests a small drop in visitor intentions to return due to windfarm development. However more recent research (not commissioned by Scottish Government) suggests there may not be an effect (CD125) The Council considers it uncertain as to whether wind turbines in these locations would affect tourism in the area.

East Lothian Council will consider all proposals on their merits however it is considered unlikely that windfarms would be supported in locations alongside the B1377. It is probable there would be unacceptable landscape impacts due to the sensitivities which led to the conclusions of the Landscape Capacity Studies, in addition to impacts on the receptors which led to inclusion in Group 2. The Council would prefer not to include areas within Group 3 as potentially suitable for windfarms where such proposals are very unlikely to

succeed as this is potentially misleading for developers and communities. However, Scottish Planning Policy (CD013) sets out a strict procedure for producing Spatial Frameworks to ensure national consistency, and the Spatial Framework has been produced following this procedure. **The Council submits that no modification is necessary.**

Royal Society for the Protection of Birds (0185/9)

The Council does not consider it essential to modify the LDP (CD039) as suggested as the proposed LDP Policy NH1 sets out policy which will meet the legislative requirements of protection of Natura 2000 sites. The Council acknowledges that a modification to delete the words “Habitats Directive” and insert “Habitats Regulations” where they occur in Policies WD1, WD2, WD3 and EGT3 could be held to add clarity but is not necessary. An amendment to the Glossary definition of ‘Habitats Regulations’ inserting “Birds and” between “EU” and “Habitats” to indicate that this legislation covers sites designated under either Directive is similarly regarded. **The Council submits that no modification is necessary.**

Fred Olsen Renewables Ltd (0313/1)

The concern of the Council addressed by the requirement in WD1 (and later WD6) for appropriate provision for decommissioning and restoration (and discussed in paragraph 4.80 (CD039)) is that provision for this is secured. There must be no risk whatsoever of costs of this falling to the Council.

It is not entirely clear from the representation whether the intention is that a suspensive condition for windfarms be used (a) to require a legal agreement prior to the ‘start of construction’; or (b) to replace the need for legal agreement i.e. itself would cover decommissioning.

With regard to (a) above: the Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites (CD127) states that it is important that a legal agreement is in place before any development commences on site. The Council agrees that it is prior to the commencement of development rather than the date of issue of planning consent that is the critical time by which secure agreement on restoration and costs is required. On this point, the Council notes the provision of Circular 4/1998 (CD020) paragraph 11 which states that “it is *ultra vires* to impose a condition in a planning permission requiring an applicant to enter into an agreement”. The Council therefore has concerns at the use of a suspensive planning conditions to secure legal agreements prior to the commencement of development rather than prior to the issue of planning consent and therefore is of the view that the policy remain as worded.

The Council does not agree with the latter: (b) above. The Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites states in the first sentence of Section 2 that the Working Group agreed that if a financial guarantee is necessary it should be secured and controlled by a legal agreement. The Working Group considered that it could not endorse use of planning conditions as an appropriate or suitable means to fully secure, control and monitor such financial mechanisms. The Council considers this to be the precautionary approach to avoid costs falling to the Council, in line with the approach being taken nationally. It should be noted that Policy WD6 requires legal agreement only for

larger turbines, not all turbines.

The Council considers the suggested amendment through representation to WD1 leaves room for the argument that provision should rely entirely on a suspensive planning condition which is not in line with practice nationally or the provisions of WD6. The Council is therefore of the view that Policy WD1 should not be amended, considering that the wording given allows for the use of suspensive conditions, and does not exclude the use of a legal agreement as set out in Policy WD6.

The representation also seeks a change in the wording of the first sentence of paragraph 4.80 to replace the word 'complete' in respect of decommissioning and restoration to 'relevant'. Decommissioning and restoration are covered in LDP Policy WD6. Policy WD6 requires that all wind turbines must be decommissioned and the site restored to an appropriate condition. The word 'complete' in the context of paragraph 4.80 was intended to refer to the whole of the decommissioning and restoration required, rather than necessarily the removal of items that would be better left in situ. The point is the legal agreement should cover the whole of the decommissioning and restoration that is required by condition. The Council considers that no amendment paragraph 4.80 is necessary.

The representation requests that financial provisions with landowners and the Council are not duplicated. The arrangements that wind turbine developers make with landowners is a matter for them, and serve a different purpose from those the Council requires, although the terms may be similar. Where developers are concerned to avoid duplication of provision for landowner and Council, this could be addressed through negotiation of an appropriate legal and financial arrangement. It is not considered an appropriate subject to address through LDP planning policy and the Council does not propose to modify the plan in response. **The Council submits that no modification is necessary.**

### **Policy WD2: Smaller Scale Wind Turbine Development**

#### Scottish Government (0389/6)

Section 27(2) of the Town and Country Planning (Development Planning) (Scotland) Regulations 2008 (CD001) refers to statutory Supplementary Guidance. As set out in the legislation, such Supplementary Guidance "may only deal with the provision of further information or detail in respect of the policies or proposals set out in that plan and then only provided that those are matters which are expressly identified in a statement contained in the plan as matters which are to be dealt with in supplementary guidance".

The Council is not minded to include further detail on this within the Plan. The legislation is concerned with statutory Supplementary Guidance. The text in Paragraph 4.81 of the Plan (CD039) refers to the production of supplementary planning guidance, which is non-statutory. There is no requirement to include details in the Plan of what is intended to be covered in this type of guidance. Even if the spirit of the legislation were to be applied equally to supplementary planning guidance as to Supplementary Guidance, the legislation is not specific on how much detail is to be provided as to which matters are to be covered. Paragraph 4.81 states that guidance on wind energy proposals is the matter to be covered and this is considered sufficient. **The Council submits that no modification is necessary.**

Francis Ogilvy (0419/4)

The Council recognises that, as the representation notes, that turbines higher than 12m generally produce more power and therefore contribute more in working towards a low carbon economy. The Council also recognises that some turbines higher than 12m have been installed into the East Lothian landscape without significant adverse impacts, and considers it likely that there is some capacity for further turbines of this size. This is reflected in Policy WD2 (CD039), which allows for development of wind turbines over 12m where they meet specified criteria.

The representation seems to be based on a mis-reading of Policy WD2. The representation refers to a restriction on all small scale wind turbines to below 12m in height. Policy WD2 does not restrict wind turbines to below 12m in height. This is clear as the first sentence states "Smaller scale wind turbine development includes all non-windfarm development". The scale of development that is considered as a 'windfarm' is set out in Policy WD1 and refers to a windfarm as 4 or more turbines over 42m in height. Smaller scale development thus includes any wind turbine development of a smaller scale than that. Policy WD2 then sets out the circumstances in which development of turbines not considered part of a windfarm would be acceptable. Policy WD2 supports non-windfarm wind turbines of over 12m subject to specified criteria, and below 12m where they visually relate to dwellings, farm buildings or other similar development, or are related to land drainage.

SPP (CD013) paragraph 169 sets out criteria that are expected to be relevant for consideration of energy infrastructure developments, including landscape and visual impacts. SESPLAN Policy 10 (CD030) requires Local Development Plans to set a framework for encouragement of renewable energy proposals taking into account economic, environmental and transport considerations. The LDP has taken the environmental consideration of the landscape into account by looking to its commissioned study Landscape Capacity for Wind Turbines in East Lothian (as supplemented) (CD090, CD091 and CD092) and reflecting this in the WD2. **The Council submits that no modification is necessary.**

**Policy WD3: All Wind Turbines**Fred Olsen Renewables Ltd (0313/3)

With regard to the proposed changes:

1. The reference to 'freestanding' wind turbines is to differentiate between roof mounted and stand alone turbines. Roof or wall mounted turbines are not intended to be covered by this policy, but will instead be considered against provisions of the plan on protection of residential amenity, conservation and any others relevant to a particular proposal.
2. The Council considers that adding 'similar' to this criteria might lead to confusion as this could be read as meaning only other wind turbine development. It is recognised development covers a very wide variety of possible interventions, most of which are not likely to be important in the determination of a wind turbine application. Cumulative issues will indeed arise with developments that have some similarity to the proposal in terms of their impact and are in that sense 'similar'. However, it is thought possible that cumulative issues could arise with other development that would not be considered in the normal interpretation of the word 'similar'; although it might be similar in some aspects of impact.

To put it the other way round: an unacceptable impact caused by the cumulative effect of two developments would not become acceptable because it was caused by two developments that were *dis*-similar. Therefore, the word 'similar' should not be included.

3. The Council considers there is a need to assess impact on individual dwellings. SPP Paragraph 164 (CD013) states that "individual properties and those settlements not identified within the development plan will be protected by the safeguards set out in the local development plan criteria for determining windfarms and the development management considerations accounted for when determining individual applications." Paragraph 169 on Development Management notes that considerations will vary relative to the scale of the proposal but are likely to include impacts on communities and individual dwellings, including visual impact, residential amenity, noise and shadow flicker. It is important that residential amenity is protected, and that houses are not abandoned due to unacceptable impacts.

4. SPP paragraph 29 on the planning system states that policies and decisions should be guided by giving "due weight to net economic benefit". This is already reflected in paragraph 1.48 'due weight is to be given to net economic benefit'. It therefore not necessary to repeat this in this policy. The purpose of this criterion is to ensure that adverse impacts on tourism and recreation are taken into account as these interests in particular are suspected of being potentially impacted by windfarm development.

5. The Council considers that the impact on the recreational value of public access routes is a matter that should be taken into account when assessing proposals (although this in its own right might not be a reason for refusal). SPP paragraph 169 notes that public access is likely to be a development management consideration for energy infrastructure developments.

6. In respect of criterion n) the duplication is noted, but does not affect the interpretation of the plan so change not essential.

In terms of compromising areas of strategic capacity, this is a general statement but could apply to proposals that would take up landscape and visual capacity while providing little energy (such as very small scale wind turbines in an area potentially suitable for much larger turbines). Areas of strategic capacity are required by SPP (paragraph 162). Comments on treatment outwith areas of strategic capacity are noted, but the Council has identified such an area as the one to be prioritised for wind farm development. All new wind turbine proposals inside or outside the Area of Strategic Capacity will be assessed against WD1 or WD2, and WD3 (CD039) and other policies as appropriate. **The Council submits that no modification is necessary.**

#### **Policy WD4: Access Tracks**

##### Scottish Natural Heritage (0280/11)

Policy WD4 was included to address the particular issues that have arisen with regard to access tracks. The council does not propose to amend the plan as the criteria included in WD3 (which applies to both tracks and ancillary development) and policies on design are thought sufficient to control ancillary development. The Council considers that criteria (b) as regards road-related earthworks, and (e) would not be appropriate to all ancillary development. The Council notes the views of SNH however and if the Reporter considers there to be merit in adjusting the wording of this policy to include "ancillary development"



would not oppose this. **The Council submits that no modification is necessary.**

Fred Olsen Renewables Ltd (0313/4)

Policy WD3 (CD039) does explicitly provide criteria for wind development which also covers access tracks. However, Policy WD4 is intended to give additional criteria recognising that access tracks can have particular impacts and are often proposed to be left in place following de-commissioning.

Criteria (a) are that tracks must be successfully integrated into the landscape. The Council considers that for both access tracks and wind turbines themselves as set out in WD3, the impact on landscape must be acceptable. However, it may not be possible to completely integrate wind turbines into the landscape from all angles as they are often higher than surrounding features and topography, as well as having movement which draws the eye. Despite some lack of integration, the impact may be acceptable, given the benefits of renewable energy. With tracks however, it is expected to be possible through good design and use of materials, to integrate them into the landscape, and it is therefore reasonable that development should be required to do so.

Criteria (b) covers engineering and road related earthworks. This was not included in Policy WD3 as it is an issue that has mainly arisen with regard to tracks. Access tracks can often be formed in sensitive, visible locations on hill slopes. For wind turbines, the main choice of detailed location (once constraints such as ground conditions and considerations such as, for example, scheduled monuments have been taken into consideration) is the landscape and visual impact of the turbine itself. For the turbine itself, it is generally preferable to guide the location of the turbine by minimising landscape impact rather than minimising earthworks, which will have a more local impact. For this reason it was not considered appropriate to put this in WD3. Similar considerations applied to criteria (c).

Criteria (d) are particularly relevant to access tracks, which can affect the route and experience of existing paths through physically changing them as well as by confusion for users over where the route lies.

Criteria (e) require a maintenance programme to control the upkeep of the track. The main impact considered was drainage, where lack of maintenance could lead to alterations to the hydrology of the area, which could in particular affect upland areas of the Lammermuirs and ground water dependent terrestrial ecosystems. There are also potential issues with the visual impact of the track and there may also be situations where a track follows the route of an existing path, where lack of maintenance could render what was previously a useable functional route dangerous or unpleasant to use.

The Council submits there are good reasons for retention of this policy and that a modification of the LDP is not desirable. **The Council submits that no modification is necessary.**

**Policy WD5: Re-powering**

Scottish Natural Heritage (0280/12)

It is considered unlikely that windfarm development within East Lothian will come forward for re-powering during the lifetime of the plan. Crystal Rig 2 is the oldest windfarm in East

Lothian, and that was commissioned in 2010, with consent for 25 years of operation. The first phase of Crystal Rig, in Scottish Borders Council area but bounding East Lothian, was completed in 2004, with a 25 year consent running until 2029. Re-powering applications would be considered likely from 2025 onwards, beyond the likely life of the Plan. However, given improvements to turbines since the original Crystal Rig turbines were installed, it is possible that re-powering of this site may be considered earlier, and this might include the later Crystal Rig 2 turbines within East Lothian. This was the main reason for inclusion of this policy.

Re-powering issues are most likely to arise through consultation from Scottish Borders Council over Dun Law and the original Crystal Rig windfarm, which bound East Lothian and became operational in 2000 and 2004 respectively. Consideration of how a re-powered windfarm on these sites would interact with the existing developments within East Lothian at Crystal Rig and Pogie/Keith Hill would have to be considered, along with the potential for re-powering on these East Lothian sites.

Paragraph 4.81 of the LDP (CD039) states that the Council may publish supplementary planning guidance for wind energy proposals, and if it is thought useful at the time it is prepared, this could include further guidance on re-powering. **The Council submits that no modification is necessary.**

Fred Olsen Renewables Ltd (0313/5)

Policy WD5 of the LDP (CD039) refers to re-powering of “existing wind turbine and windfarm sites”. This is a wide description in that it includes both existing wind turbines and existing windfarm sites, i.e. it includes all proposals on existing sites rather than restricting the definition to the existing turbine heights or locations. It is hard to see how the definition could be any wider.

Planning permission or consent under Section 36 of the Electricity Act 1989 (CD005) is normally issued for wind turbines for a period of 25 years. At the time consent is given, assessment is made taking into consideration the benefits and impacts of the proposal for that 25 year period.

Although future environmental legislation cannot be certain, at present many wind turbine proposals would be subject to Environmental Impact Assessment. The fact that a proposal constitutes re-powering does not alter these legislative requirements for assessment, nor the impacts of the development which require to be considered. SPP (CD013) now requires that for windfarms, sites should be suitable for use in perpetuity, and this may reduce the amount of assessment deemed to be required as the sites that have been considered against this requirement may be in less sensitive locations per se. However, the level of assessment required would have to be judged on a case by case basis, and it is not considered appropriate to have a general clause reducing the scope of assessment contained within the Plan. No other type of re-development is subject to a reduced assessment because it is replacing a similar type of development that was there previously, and it would not be appropriate to introduce this for wind development. **The Council submits that no modification is necessary.**

**Policy WD6: Decommissioning and Site Restoration**

Fred Olsen Renewables Ltd (0313/6)



At the time of writing the Plan, it was Council's understanding that 6 months down time would be adequate to secure and install replacement components, even during winter. However, the Council recognises that the Scottish Government/Heads of Planning Scotland Energy and Resources Sub-committee Model Conditions for Applications (CD127) under Section 36 of the Electricity Act (CD005) refer to a 12 month period.

If the Reporter is so minded the Council would not object to this period being extended to 12 months in line with the representation, though this is not seen as necessary.

The representation notes that it is not clear if it is the intention that the Council is a party to the legal agreement. The Council agrees it is not specified, which is because it was considered preferable to leave this to be decided on a case by case basis. However the plan sets out the purpose of any legal agreement which is clear, namely to secure appropriate decommissioning and restoration of the site such that no decommissioning or restoration costs risk falling to the Council.

The Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites (CD127) consultation process looked at whether it would be feasible to rely upon a financial/commercial arrangement between the developer and the landowner as a financial guarantee to secure the restoration and aftercare of a development site. The conclusion was that the planning authority would need to be satisfied that this arrangement was in place and sufficient to meet its objectives. Due to the complexities of ensuring that such arrangements would meet the Council's needs, at that time the working group continued to advise that planning authorities be a party to legal agreements. At present, it is expected that the only way of guaranteeing that costs will not fall to the Council is for the Council to be a party to the legal agreement as recommended. However, this may evolve during the lifetime of the plan and it may be that other means of achieving the purpose are in fact possible, and if so the Council would be open to this. The policy does not seek to be overly restrictive and therefore leaves open whether the Council requires to be a party or not by wording of the policy in terms of purpose rather than process. The agreement must however be such that it secures the stated aim of securing the complete decommissioning and restoration of the site and any relevant offsite works, and that no costs fall to the Council. The Council intends to follow its legal advice at the time of application on whether it is required to be a party to the legal agreement or not.

The representation refers to comments previously made on WD1 and paragraph 4.80 (CD039) that the financial guarantee should not be a requirement prior to issue of consent, but subject to suspensive planning conditions. The Council has responded to this: see under WD1: WD1 0313/1 above. **The Council submits that no modification is necessary.**

#### Scottish Renewables (0346)

The concern of the Council addressed by the requirement in WD6 for appropriate provision for decommissioning and restoration, and discussed in paragraph 4.80 (CD039), is that provision for decommissioning and restoration is secured, and that there is no risk whatsoever of costs of this falling to the Council.

The Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites (CD127) states that it is important that legal agreement is in place before any development commences on

site. The Council agrees that it is prior to the commencement of development rather than the date of issue of planning consent that is the critical time by which secure agreement on restoration and costs is required. On this point, the Council notes the provision of Circular 4/1998 (CD020) paragraph 11 which states that “it is *ultra vires* to impose a condition in a planning permission requiring an applicant to enter into an agreement”. The Council therefore has concerns at the use of a suspensive planning conditions to secure legal agreements prior to the commencement of development rather than prior to the issue of planning consent and therefore is of the view that the policy remain as worded.

The Council considers that legal agreement rather than reliance on conditions alone to secure guarantees of decommissioning is required for larger turbines. The Heads of Planning Position Statement on the Operation of Financial Mechanisms to Secure Decommissioning, Restoration and Aftercare of Development Sites states in the first sentence of Section 2 that the Working Group agreed that if a financial guarantee is necessary it should be secured and controlled by a legal agreement. The Working Group considered that it could not endorse use of planning conditions as appropriate or suitable means to fully secure, control and monitor such financial mechanisms. The Council considers this to be the prudent approach to avoid costs falling to the Council, in line with the approach being taken nationally. It should be noted that Policy WD6 requires legal agreement only for turbines over 42m, not smaller turbines for which use of conditions more appropriate. **The Council submits that no modification is necessary.**

### **Wind, Miscellaneous**

#### Midlothian Council (Officer Comments) (0348/6)

East Lothian Council notes Midlothian Councils’ concerns. The Locational Guidance indicates areas which have ‘potential’ for wind turbines up to the height shown. The heights set out in the Locational Guide are based on a comprehensive study carried out for the whole of the East Lothian area - the Supplementary Landscape Capacity Study by Carol Anderson and Alison Grant (CD091 and CD092). This was subsequently incorporated into East Lothian’s Planning Guidance for Lowland Wind Turbines (CD108g), approved by the Council in June 2013 and referred to in determining planning applications for wind turbines since then. Midlothian Council was consulted on this Guidance prior to its approval, but made no comment.

It is Council’s understanding that the Landscape Capacity Study for wind turbines in Midlothian Council (CD093) was carried out by the same consultants. Although the method was slightly different, it is to be expected that the broad conclusions based on their professional judgement of the capacity of different landscape character areas would be similar. The study in East Lothian (CD090, CD091 and CD092) of the boundary gives the key landscape and visual sensitivities taken into account, which were not limited to those on the East Lothian side of the boundary. The landscape character areas studied are shown as extending into Midlothian. It is therefore believed that the key interests and landscape character within Midlothian were taken into account in the conclusions on sensitivity and capacity and that the Locational Guide reflects sensitivities and landscape character there.

All wind turbine development would need to comply with Policy WD3: All Wind Turbines. Where proposals are considered to affect land within Midlothian Council area, they will be consulted on the planning application, and can consider project level impacts at that stage, and seek to ensure appropriate mitigation is justified and provided. **The Council submits**

**that no modification is necessary.**

### **Wind Support**

Scottish Natural Heritage (0280/27) (0280/28) (0280/29)

Support noted and welcomed.

### **Reporter's conclusions:**

#### **Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has referred to a number of matters raised in representations which are in support of provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

#### **Spatial Framework for Wind Farms**

2. As the council explains, the extent and boundaries of Group 2 areas (Areas of Significant Protection) are largely determined by designated areas such as the Inventory of Gardens and Designed Landscapes and Natura sites. The external bodies responsible for those designations may review them from time to time and will conduct consultation exercises as appropriate. Paragraph 4.79 simply recognises that such changes will need to be taken into account when assessing wind farm proposals.

3. Community Wind Power takes issue with the comment in paragraph 4.81 that "there is no capacity for turbines over 42 metres to be accommodated in the lowland landscapes of East Lothian without adverse landscape and visual impact." The council states that it intends the comment to relate to landscape and visual issues only and for that to form one element of the overall planning assessment. I recommend that this should be clarified in the text. Moreover, paragraph 4.81 relates to Policy WD2: Smaller Scale Wind Turbine Development and it is evident from the terms of Policy WD1: Wind Farms, that turbines over 42 metres in height are contemplated as part of wind farms (as defined in the plan).

#### **Policy WD1: Wind Farms**

##### Impact on tourism

4. Ms E Macdonald objects to the inclusion of land alongside the B1377 road for wind farm development. She argues that this conflicts with the council's objective of encouraging tourism.

5. This locality lies partly within a Group 3 area (Area with Potential for Wind Farm Development) and partly within a Group 2 area (Area of Significant Protection). Neither of these group areas indicates that wind farms would not be acceptable; that level of protection can only be given within national parks and National Scenic Areas.

6. The interests of tourism are promoted by other policies in the plan and would be balanced against wind farm policies in the event of any application for development.

Birds Directive

7. As pointed out by the RSPB, the reference to the Habitats Directive should read “Birds and Habitats Directives” in this policy and throughout the Energy Generation, Distribution and Transmission section of the plan. To do so would add clarity, as the council acknowledges. Therefore, I recommend making this modification.

Decommissioning, restoration and financial provisions

8. The topics of decommissioning, restoration and associated financial provisions are addressed twice in the plan: at paragraph 4.80 and later at paragraph 4.86 and in Policy WD6. This results in confusion regarding the scale of proposal to which the various requirements would apply. Paragraph 4.80 applies the requirements to any wind farm and to some smaller scale wind developments; Policy WD6 applies the requirements, including financial provisions, to wind turbines over 42 metres in height only. To achieve consistency, I therefore recommend amalgamating these sections by deleting paragraph 4.80 and revising Policy WD6. My discussion of this topic is found under Policy WD6 below.

Extent of decommissioning and restoration

9. As Fred Olsen Renewables point out, the word “complete” in paragraph 4.80, describing decommissioning and restoration of the site, could imply the removal of every trace of a wind farm above and below ground, even where that was generally accepted to be environmentally or otherwise not the best solution. They suggest using the word “relevant” instead. The council are concerned that the proposed legal agreements should cover the whole of the decommissioning and restoration as required by planning condition, rather than the removal of items that would be better left in situ. I consider that the existing wording is ambiguous. However, since I recommend that paragraph 4.80 is deleted and effectively amalgamated into a revised Policy WD6, this will remove the ambiguity.

**Policy WD2: Smaller Scale Wind Turbine Development**

10. The council states that the “supplementary planning guidance” it may publish would be non-statutory. Consequently, the plan would not need to set out the matters to be covered in that guidance in order to be consistent with the Development Planning Regulations. That is acceptable and I recommend no modifications in response to this representation.

11. The council considers it likely that there is some capacity for further turbines over 12 metres in height and that this is already reflected in Policy WD2 providing such proposals meet specified criteria. The council acknowledges that the representation seems to be based on a misreading of Policy WD2. To provide further clarity, I recommend additional explanation is added to Policy WD2.

**Policy WD3: All Wind Turbines**

13. The policy states that wind turbine developments must be acceptable in relation to a list of considerations. Fred Olsen Renewables request amendments to several of these.

14. In the introductory sentence, I agree that the lack of clarity over the meaning of

“freestanding” turbines should be rectified, using the council’s explanation. Therefore, I recommend a modification to that effect.

15. In (a), no justification is given for restricting consideration of cumulative impacts to “similar” development, as the representation suggests. Moreover, that word is too vague for reliable interpretation.

16. Regarding (b), Scottish Planning Policy (SPP) includes impacts on individual dwellings as a relevant consideration in assessing wind farms, and I see no reason why it should not be taken into account in this policy.

16. In (e), the wording in SPP is used. Reference to the economy is made later in this policy; there is no need to repeat it here.

17. The wording of (f) is similar to SPP and there seems no reason to ignore the recreational value of public access routes.

18. I recommend that the typographical error in (n) should be corrected.

#### **Policy WD4: Access tracks**

19. Access tracks are already covered under Policy WD3, as is other development ancillary to wind farms, but the council has chosen to introduce an additional policy specifically aimed at access tracks to cover matters which arise specifically in relation to tracks.

20. Fred Olsen Renewables consider that access tracks for wind farms should not be singled out for policy control. However, such tracks can be extensive and can require particular attention regarding potential prominence compared to other types of development. I therefore consider that a separate policy is justifiable.

21. As the considerations listed in the policy differ from those in Policy WD3 there is no duplication.

22. Scottish Natural Heritage wishes to see the policy expanded to deal with other ancillary development, including energy storage infrastructure. However, the council is satisfied that the terms of Policy WD3 are sufficient. I have no basis to introduce such additional policy coverage.

#### **Policy WD5: Re-powering**

23. In response to Scottish Natural Heritage’s comments, the council argues that there is scope for introducing supplementary planning guidance on re-powering based on the reference in paragraph 4.81. But that paragraph relates to smaller scale wind development, whereas, as the council points out, repowering issues are most likely to arise in relation to possible extensions to Dun Law Wind Farm and the original Crystal Rig Wind Farm, which lie on the Scottish Borders side of the council boundary. Any such extensions would fall outwith the definition of smaller scale wind turbine development. It would therefore be appropriate for the supporting text of Policy WD5 to refer to the possibility of preparing further guidance in the form of (non-statutory) supplementary planning guidance. I recommend a modification to reflect this.

24. The policy does not duplicate other policies on wind energy as Fred Olsen Renewables claim. It covers the use of existing infrastructure and restoration of parts of the site, neither of which overlaps with other policies.

25. Fred Olsen Renewables wish to see reduced assessment requirements for re-powering proposals. However, Environmental Impact Assessment will, necessarily, be required for the larger schemes. Nor does any other class of development receive reduced assessment where it replaces a development of the same type. For these reasons, I see no reason to reduce the amount of assessment as a matter of policy.

26. As to comparing the assessments required for re-powering proposals to those for Cockszie in Proposal EGT1, the latter is a national development for which there is specific support in NPF3. That does not compare with re-powering of wind farms. The terms of Proposal EGT1 do not, in any case, address the detail of assessment requirements.

### **Policy WD6: Decommissioning and Site Restoration**

27. Policy WD6 requires that, prior to the issue of consent for wind turbines over 42 metres in height, parties enter a legal agreement to secure decommissioning and restoration of the development at the end of its life, together with an associated financial guarantee.

28. The council explains that legal agreement would have to be sought prior to planning consent because it would be ultra vires to require an applicant to enter a legal agreement through a suspensive, or any other, condition for an agreement to be made at a later stage.

29. In support of this approach, the council cites a position statement from a working group of the Heads of Planning Scotland regarding the use of legal agreements to secure and control financial guarantees in relation to wind farm, mineral, landfill and coal extraction sites. The authors stated that they could not endorse, at that time, the use of planning conditions as an appropriate or suitable means to fully secure, control and monitor such financial mechanisms, but accepted that further research should be carried out. However, I am not aware that this statement has any official status.

30. More significantly, I note that SPP, at paragraph 169, states that considerations in the assessment of energy infrastructure development proposals are likely to include “the need for a robust planning obligation to ensure that operators achieve site restoration.”

31. That said, requiring a legal obligation in advance of planning permission, as a matter of policy, has the potential to delay consents and to discourage suitable projects. Moreover, as explained in Circular 3/2012: Planning Obligations and Good Neighbour Agreements, the Scottish Ministers prefer planning conditions to be used where possible.

32. The standard approach in Section 36 of the Electricity Act wind energy cases, and commonly applied in delegated cases, is to use a suspensive condition to secure, prior to the commencement of development, the submission of an outline strategy for decommissioning and restoration together with the delivery of a bond or financial guarantee in relation to those works. Indeed, a model condition on these lines has been prepared by Heads of Planning Scotland based on work by the Scottish Government.

33. I therefore consider that it would not be appropriate to insist on the legal agreement route as a matter of policy, and I recommend amendment of Policy WD6 to that end.

34. As mentioned above, the topics of decommissioning, restoration and associated financial provisions require to be addressed consistently in the plan. Paragraph 4.80 applies the requirements to any wind farm and to some smaller scale wind developments (whose definition in the plan allows for 3 or fewer turbines of any height), whereas Policy WD6 applies the requirements including financial provisions to wind turbines over 42 metres in height only. The plan appears to assume, not unreasonably, that wind farm proposals will normally comprise turbines over 42 metres in height, even though this does not form part of the definition. For these reasons, I recommend combining the two criteria in the interest of clarity.

35. The council concedes that national model conditions for applications under Section 36 of the Electricity Act recommend a 12 month down time for a turbine before decommissioning and restoration is required, compared with 6 months as proposed in the plan. I recommend that the policy should be brought into line with the national model.

36. The council explains that the position regarding whether councils need to be party to any legal agreement to secure decommissioning and site restoration might change in the future. It has therefore left this matter open in the policy statement. I am satisfied that the terms of the policy are sufficiently clear as they stand.

#### **Locational Guide for Smaller Scale Wind Energy Proposals (Wind Miscellaneous)**

37. The locational guide shows an area adjacent to the Midlothian boundary, in the vicinity of Cousland and Pathhead, as having potential for wind turbines up to 42 metres in height. Midlothian Council is concerned that, as the policy on its side of that boundary would support turbines of up to 30 metres only, it could be adversely affected should East Lothian approve taller turbines.

38. However, the East Lothian guidance derives from a landscape assessment study by the same consultants as Midlothian used, and as that study took account of the landscape within Midlothian as well as East Lothian, I am satisfied that there is no basis for adjusting the guidance. Moreover, Midlothian would normally be consulted on any applications for wind power development close to the boundary.

#### **Reporter's recommendations:**

Modify the local development plan by:

1. In the Energy Generation, Distribution and Transmission section of the plan, changing references to the "Habitats Directive" to "Habitats and Birds Directives".
2. Deleting paragraph 4.80.
3. In paragraph 4.81, replacing the third sentence with the following:

"The study finds that turbines over 42 metres in height to blade tip would have adverse landscape and visual impacts within the lowland landscapes of East Lothian. This consideration would form part of an overall planning assessment of any proposal."

4. Replacing the first sentence of Policy WD2 with the following:

“Smaller scale wind turbine development includes all non-windfarm development, namely developments of 1 to 3 turbines of any height and developments of 4 or more turbines under 42 metres in height to blade tip.”

5. Amending the first sentence of Policy WD3 as follows:

“Applications for freestanding (as against roof-mounted or wall-mounted) wind turbine development ...”

6. Deleting the repeated phrase “integrity of” in criterion (n) of Policy WD3.

7. In paragraph 4.85, adding the following sentence at the end:

“The council may publish supplementary planning guidance on re-powering.”

8. Replacing the first sentence of Policy WD6 with the following:

“All wind turbines must be decommissioned and the site restored to an appropriate condition within an agreed timescale after the earliest of: (a) expiry of planning consent; or (b) the failure of the wind turbine to produce electricity for a continuous period of 12 months, unless otherwise agreed in writing by the planning authority.”

9. Replacing the fourth sentence of Policy WD6 with the following:

“For any wind farm or development of wind turbines over 42 metres in height to blade tip, before works commence, the council will require the submission for its prior written approval of an outline strategy for appropriate decommissioning and restoration of the site and any relevant offsite works, together with the delivery of a sufficient bond or other financial guarantee to secure their implementation, to avoid the risk of decommissioning and restoration costs falling to the council.”



<b>Issue 22a</b>	<b>Energy Generation and Transmission: Proposal EGT1: Land at Former Cockenzie Power Station</b>	
<b>Development plan reference:</b>	Our Infrastructure and Resources	<b>Reporter:</b> Malcolm Mahony
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Alan Eeles (0002) Nicola and Barry Spence (0115) Bourne Leisure Ltd (0155) Yvonne Addison (0168) Martine Robertson (0169) Colin Addison (0171) E Macdonald (0176) Forth Ports Ltd (0180) Royal Society for the Protection of Birds (0185) Inch Cape Offshore Limited (0212) Scottish Environment Protection Agency (0252) Scottish Natural Heritage (0280)	Fred Olsen Renewables Ltd (0313) Brian Hall (0314) Coastal Regeneration Alliance (0331) Shona Brash (0335) Margaret Reid (0364) Ross Glanville (0371) Sarah Lindsay (0373) The Scottish Government / Transport Scotland (0389) Scottish Power Generation (0391) E Dickson (0404) Ed Bethune (0406) Gail Scott (0410) Yvonne Addison (0417) Peter Wilson (0441)	
<b>Provision of the development plan to which the issue relates:</b>	Proposal EGT1: Land at Former Cockenzie Power Station (page 108) Paragraphs 4.62 – 4.66/4.67 (page 101) Paragraphs 4.88 (pg 107) and 4.96 (pg 108)	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>The Council has responded within this Schedule 4 form in the normal way to each of the representations raised. However, the Council has also prepared a Cockenzie Position Statement, which it has lodged to the Examination as a Core Document (CD064). The Cockenzie Position Statement should be read together with this Schedule 4 form as it fully explains the background and chronology of activity at the Cockenzie site. In that context it also sets out and how and why the Council has interpreted the aspirations of NPF3 in the way that it has. The Cockenzie Position Statement allows these considerations to be drawn together in a way not possible within the format of the Schedule 4 form itself. It therefore sets the Council's answers to the individual representations within the wider context that is necessary to fully understand how and why the Council's policy position has developed in respect of the Cockenzie site.</b></p> <p><b>Proposal EGT1: Land at Former Cockenzie Power Station</b></p> <p><u>Alan Eeles (0002)</u></p> <p>The representation acknowledges that site of former Cockenzie Power Station is safeguarded for thermal energy generation, in line with National Development 3. Representation suggests that the Public Inquiry into Scottish Power Proposals inadequate. Representation raises concern about the adequacy of the Strategic Environmental</p>		

Assessment Environmental Report that accompanies the proposed LDP, in particular with regard to the assessments impact of noise, traffic movement, toxic gasses or smoke, health and safety or other dangers. Representation also notes that the owners / occupiers of the site should acknowledge that their responsibilities extend outwith the site to the communities that surround it.

Nicola and Barry Spence (0115)

This representation comprises a standard pro-forma letter, which has within it a section where the respondent can add any additional points not covered by the standard letter. Standard Letter The standard letter objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans. The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with the current National Plan. The representation also raises additional points, namely that 1) a green belt is required between Prestonpans and Cockenzie, and 2) the area has been industrial for many years and another area should be the focus for this now, not this local area.

Bourne Leisure Ltd (0155/1)

The representation suggests an amendment to policy EGT1: Land at Former Cockenzie Power Station by introducing additional text at the final paragraph "Proposals must not cause an unacceptable impact upon the amenity of existing residential and tourism / leisure development in the local area." The justification for the suggested alterations is the need to protect the amenity of existing residential / tourism leisure development in East Lothian and the economic benefits associated.

Yvonne Addison (0168)

This representation comprises a standard pro-forma letter, which has within it a section

where the respondent can add any additional points not covered by the standard letter. The standard letter objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans. The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with the current National Plan.

Martine Robertson (0169)

This representation comprises a standard pro-forma letter, which has within it a section where the respondent can add any additional points not covered by the standard letter. The standard letter objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway

(Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans. The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with the current National Plan. The representation also raises an additional point, stating that the character and amenity of the land would be seriously changed for the worse making the area an unattractive place to live.

Colin Addison (0171)

This representation comprises a standard pro-forma letter, which has within it a section where the respondent can add any additional points not covered by the standard letter. The standard letter objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans. The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with the current National Plan.

E Macdonald (0176/14)

Opposed to Cockenzie Power Station Site being developed for heavy industry as proposed by ELC/Scottish Power. This area not suitable for construction/repair of wind turbines. The Health and well being of residents must be considered.

Forth Ports Ltd (0180/2)

Paragraph 4.88 of the proposed Plan notes the opportunities for renewable energy-related investment contained within NPF3. NPF3's support for port facilities specifically relates to the marine renewable energy industry and not port related development which implies support for a broader range of port operations. The requirements of NPF3 need to be

accurately reflected. Paragraph 4.96 of the proposed Plan makes reference to the provisions of NPF3 in relation to port-related development. This should be amended to “marine renewable energy related port development” to accurately reflect the requirements of NPF3.

Forth Ports Ltd (0180/3)

The representation states that deep water capabilities do not exist at Cockenzie, indeed Admiralty Chart ref: 0734 notes that water of a suitable depth lies between ¼ and 2 nautical miles from the former Power Station (5m depth contour located at ¼ nautical miles and 10m depth contour located at 2 nautical miles). To create the deep water required to support marine renewable energy requirements there will be a need to undertake a significant capital dredge which will require ongoing maintenance. Both the initial capital and ongoing maintenance dredge will be a costly exercise. Ecologically, the necessary dredging will have the potential to create a significant impact on the existing Firth of Forth SPA and the proposed marine SPA - Outer Firth of Forth and St Andrews Bay Complex.

Forth Ports Ltd (0180/4)

The representation states that the site lies in a location which is exposed to poor weather conditions. Loading and unloading and other port related activities and especially those related to the movement of heavy items will be challenging and is likely to prove unattractive to potential operators.

Inch Cape Offshore Limited (0212/3)

Proposal EGT1 misinterprets NPF3 and leaves Inch Cape Offshore Limited with significant uncertainty about how future planning applications within the PROP EGT1 site will be treated by ELC. Objector notes that planning permission was approved for the Onshore Transmission Works under NPF3, and the report to planning committee accepted that there was an operational requirement for the facility there; that the proposals would not undermine the then consented power station proposals or the use of the remaining land for an Energy Park. Proposal EGT1 should therefore be modified to be consistent with NPF3 as suggested by the objector. Objector also points to inconsistencies between EGT3 and EGT1, where EGT3 seeks to prioritise connection to existing infrastructure at Cockenzie and Torness but this is not allowed for by EGT1. Objector also points to SESplan’s second proposed SDP as adding further weight to their view and suggested modifications.

Fred Olsen Renewables Ltd (0313/7)

Proposals EGT1 should be modified to require the same degree of assessment as wind farms.

Brian Hall (0314/1)

Objects to Proposal EGT1: Former Cockenzie Power Station Site. As a former industrial site the objector has suffered noise and dirt pollution consequent on the previous use of the site. Site of former Cockenzie power station should be used to provide non-industrial uses, such as leisure, education and tourism. The coastal area should be exploited to generate revenues and employment via businesses such as leisure, education and tourism.

Coastal Regeneration Alliance (0331)

The Coastal Regeneration Alliance objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. The loss of countryside and open space here would reduce amenity and divide the existing settlements. Areas of particular concern relate to the 'Greenhills', public footpaths, cycle route 76, core paths, countryside, part of Scotland's first railway (Tranent to Cockenzie Wagonway) and a substantial part of the remaining undeveloped and core site of the Battle of Prestonpans.

The representation proposes that appropriate mixed employment should be allowed within the existing industrial footprint at the former power station site at Cockenzie, so long as it takes into consideration the residential areas adjacent to the site as well as the environment. This would be in accordance with NPF3 and SPP (2014).

The Coastal Regeneration Alliance requests to be represented and heard at the examination.

Shona Brash (0335)

Objection is made to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Margaret Reid (0364)

The objector objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans/Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Ross Glanville (0371)

Objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. The area should be made available for community use. There is a community orchard gifted to the community by Scottish Power some years ago. The site is also part of the Battle of Prestonpans site. There are ample opportunities for the community to think big. Training opportunities, educational uses and community space. Overdevelopment of the land will take away from the enjoyment of living in this part of East Lothian.

Sarah Lindsay (0373)

The objector objects to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current

boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

The Scottish Government/Transport Scotland (0389/8)

Prop ETG1: Land at former Cockenzie power station does not allow for other uses of the site beyond thermal generation in the life time of NPF3 or until a thermal plant is developed and surplus land identified. This does not accord fully with the aspiration of National Planning Framework 3 for the area.

Scottish Power Generation (0391/4)

Scottish Power Generation seeks to modify paragraph 2.51 by deleting the sentence which reads: "To avoid prejudicing the National Development status safeguarding the Cockenzie site for thermal generation proposals and carbon capture and storage facilities, other forms of development cannot be supported at the site until such time as a thermal generation proposal is implemented or unless or until its National Development Status is reviewed in any revision of NPF3." Scottish Power Generation considers that this text misrepresents NPF3. Scottish Power Generation considers that NPF3 anticipates a situation where forms of development other than National Development 3 can be supported within the EGT1 site. Scottish Power Generation quote page 39 of NPF3, which states that Cockenzie: '... may present significant opportunities for renewable energy-related investment. We expect developers, East Lothian Council and the key agencies, including Scottish Enterprise to work together to ensure that the best use is made of the existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, we would wish to see priority given to those which make the best use of this location's assets and which bring the greatest economic benefits.' Scottish Power Generation considers that to resist proposals for development other than that which is specifically compliant with national development number three would be inconsistent with NPF3's more general aspiration that the economic potential of the site be realised, and would risk the non-delivery of development consistent with such aspirations and which could contribute positively on both macro and micro levels.

Scottish Power Generation (0391/8)

Scottish Power Generation seeks changes to paragraph 4.92 and Proposal EGT1 that, in its view, would bring the plan in line with NPF3 in respect of the Cockenzie site.

E Dickson (0404/2)

The objection is to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building,



coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

#### Ed Bethune (0406)

The objection is to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

#### Gail Scott (0410)

The objection is to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with

the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Yvonne Addison (0417)

The objection is to Proposal EGT1: Land at Former Cockenzie Power Station. It notes that the land proposed to be allocated by proposal EGT1 relates to a wider area of land than the site of the former power station as defined by the adopted East Lothian Local Plan 2008 (see East Lothian Local Plan 2008 Inset Map: Prestonpans / Cockenzie and proposed LDP Proposals Map 32). In the current local plan the area safeguarded by policy NRG1: Electricity Generating Stations is limited to the former main power station building, coal plant and coal conveyor buildings, whereas the land beyond this is allocated as countryside and open space; the inclusion of the open space and countryside areas within proposal EGT1 is not supported. These changes in policy designation are not a requirement of NPF3, and would extend the power station site beyond the current boundaries of local plan Policy NRG1. Policy EGT1 should be applied to the former power station site only, and the current open space and countryside designations should be retained as such. In terms of the spatial strategy, the compact approach risks removing much of the public amenity land from existing communities. At Cockenzie and Prestonpans, the proposed extent of Proposal EGT1 that provides for energy related uses, manufacturing, servicing and potentially port related development, is not compatible with the dense residential strategy or with the rural and residential character of the area in which it is situated. A Countryside Around Town Designation should apply.

Peter Wilson (0441)

The representee would like information on the effect of this proposal on his business unit (Unit 17 Whin Park Industrial Estate) and in particular the extent of any proposed demolitions and what impact this will have on passing business.

### **Proposal EGT1 Miscellaneous**

Royal Society for the Protection of Birds (0185/6)

RSPB commend the inclusion of targets for energy generation by renewables to address climate change. RSPB also welcome the section on heat and would like to see the Council's heat map published as soon as possible.

Royal Society for the Protection of Birds (0185/7)

4.63, and 4.88-92 and Prop EGT1. Clarification of the future use of the site of the Cockenzie Power Station will be required. Future development here will require consideration of potential impacts on the adjacent Firth of Forth SPA and a Habitats Regulations Appraisal (HRA) should be undertaken at an early stage.

Royal Society for the Protection of Birds (0185/8)

All new public build (notably schools) should include solar panels and other appropriate renewable forms of energy generation. A more affirmative statement by the Council in this section is required in this regard. Reduced travel remains a separate issue in reducing energy demand, but one that we would support.

**Proposal EGT1 Support**

Scottish Environment Protection Agency (0252/39)

Scottish Environment Protection Agency supports the inclusion of a requirement for a Flood Risk Assessment (FRA) to accompany planning applications at this site. The predicted 200 year still water level is 3.96mAOD. A FRA was undertaken for residential development off Avenue Road which was at risk of surface water flooding. The level of detailed required in the FRA will depend on the location of any proposed development.

Scottish Natural Heritage (0280/13)

SNH note and welcome the redrafting of the Proposal to include a Natura caveat. SNH note and welcome the intention to prepare SG.

**Modifications sought by those submitting representations:**

**Proposal EGT1: Land at Former Cockenzie Power Station**

Alan Eeles (0002)

No modification sought.

Nicola and Barry Spence (0115)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

Bourne Leisure Ltd (0155/1)

Amendment to Policy EGT1: Land at Former Cockenzie Power Station to include additional text: "Proposals must not cause an unacceptable impact upon the amenity of existing residential and tourism / leisure development in the local area."

Yvonne Addison (0168)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

Martine Robertson (0169)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

Colin Addison (0171)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

E Macdonald (0176/12)

No modification sought.

Forth Ports Ltd (0180/2)

Representation seeks amendment of paragraphs 4.88 and 4.96 by replacing the phrase "port related development" with "marine renewable energy related port development."

Forth Ports Ltd (0180/3)(0180/4)

No modification sought.

Inch Cape Offshore Limited (0212/3)

PROP EGT1 should be modified as follows: "The site of the former Cockenzie Power Station is safeguarded as a site for future thermal power generation and carbon capture and storage and is also identified as a site of importance for renewable-energy related investment, consistent with National Development 3 and 4 in the Scottish government's National Planning Framework 3, recognising extant planning permissions within the site at present. The Council will support in principle applications for such uses on the site and will not support other forms of development during the lifetime of NPF3 to avoid prejudicing use of the site for these national developments. If competing proposals emerge for the site and there is insufficient land to accommodate these proposals, priority will be given to those which make the best use of the locations assets and which bring the greatest economic benefits, consistent with National Planning Framework 3."

Fred Olsen Renewables Ltd (0313/7)

Reword PROP EGT1 to ensure that such developments are subject to the very same assessment that wind farm developments are subject to.

Brian Hall (0314/1)

No modification sought

Coastal Regeneration Alliance (0331)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment.

Shona Brash (0335)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments

Margaret Reid (0364)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

Ross Glanville (0371)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote training opportunities, educational uses and community space.

Sarah Lindsay (0373)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

The Scottish Government/Transport Scotland (0389/8)

PROP ETG1 should be re drafted to include the arrangements for Cockenzie as set out on page 39 of National Planning Framework 3 reflecting that there may be insufficient land for competing proposals and that priority should go to those that make best use of the location's assets and which bring the greatest economic benefits.

Scottish Power Generation (0391/4)

In paragraph 2.51 delete the sentence: "To avoid prejudicing the National Development status safeguarding the Cockenzie site for thermal generation proposals and carbon capture and storage facilities, other forms of development cannot be supported at the site until such time as a thermal generation proposal is implemented or unless or until its National Development Status is reviewed in any revision of NPF3."

Scottish Power Generation (0391/8)

Point (a) Scottish Power Generation supports para 4.88 and reserves the right to make further representations in the event that third parties propose amendments to this paragraph as it relates to its assets. (b) In paragraph 4.92 from 'in such circumstances...' amend paragraph 4.92 to read as follows: "... notwithstanding, the existing drafting of NPF3 recognises that the Cockenzie site may present significant opportunities for renewable energy related investment. We expect developers, East Lothian Council and the key agencies, including Scottish Enterprise to work together to ensure that best use is made of existing land and infrastructure in this area. Given the particular assets of Cockenzie, if there is insufficient land for competing proposals, we wish to see priority given to those that make the best use of the locations assets and which will bring the greatest economic benefits. In such circumstances it would be appropriate for the Council to prepare Supplementary Guidance (in accordance with Policy PS3: Development Briefs) during the lifetime of this Plan to guide the redevelopment of the site for other purposes, in consultation with landowners, stakeholders and the community. It would also be appropriate to prepare Supplementary Guidance in the event that a thermal power generation proposal is implemented on the site during the lifetime of this plan to address the redevelopment of any surplus land." (c) In paragraph 4.93 amend second sentence to read as follows: "These assets will be considered as part of the aforementioned Supplementary Guidance for the wider EGT1 site, however, the Council would wish to resist built development that would adversely affect these assets. (d) PROP EGT1: Land at Former Cockenzie power station should be amended as follows: 'The site of the former Cockenzie Power Station is safeguarded as a site for future power generation and carbon capture and storage, consistent with National Development 3 in the Scottish Governments National Planning Framework 3. The Council will support, in principle, development consistent with national Development 3. Alternatively, NFF3 recognises: (i) the site's potential for renewable energy-related investment; and (ii) development which makes best use of the locational assets and which will ring the greatest economic benefits. In the event of there being no proposals for development consistent with National Development 3, proposals for development consistent with (i) and/or (ii) will be supported, in principle and in accordance with Policy EMP1, by the Council. (c) In the event that the National Planning Framework is updated or replaced during the lifetime of this Plan, the Council will support, in principle, proposals for development which are consistent with the updated NPF. (d) Any proposals for the site will be expected to: (i) be considered through Supplementary Guidance prepared in accordance with Policy PS3: Development Briefs; (ii) make best use of the location's assets and bring significant economic benefits; and (iii) be subject to a Habitats Regulations Appraisal, and if necessary, an appropriate Assessment under the Habitats Regulations."

E Dickson (0404/2)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

Ed Bethune (0406)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

Gail Scott (0410)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments

Yvonne Addison (0417)

Modify Proposal EGT1 to reduce the area of land that it relates to by emulating the area of land defined by the East Lothian local Plan 2008 Proposal NRG1. Modify proposal EGT1 to promote within that area appropriate mixed employment uses, so long as these take into consideration adjacent residential areas and the environment. Modify paragraph 2.49 to accommodate the dispersed spatial strategy rather than the compact spatial strategy. At paragraph 2.51 port related developments should be removed from the potential developments.

Peter Wilson (0441)

No Modification sought

**Proposal EGT1 Miscellaneous**

Royal Society for the Protection of Birds (0185/6) (0185/7) (0185/8)

No Modification sought

**Proposal EGT1 Support**

Scottish Environment Protection Agency (0252/39); Scottish Natural Heritage (0280/13)

No modification sought

**Summary of responses (including reasons) by planning authority:**

**Proposal EGT1: Land at Former Cockenzie Power Station**

Alan Eeles (0002)

The Council notes that the representation acknowledges that the site of former Cockenzie Power Station is safeguarded for thermal energy generation, in line with the Scottish Government's National Planning Framework 3 (CD011), National Development 3. The Council submits that the Public Inquiry into Scottish Power's proposals is beyond the scope of this Examination. The Council notes the concerns raised within the representation in terms of scope and level of detail set out in the Council's Draft Strategic Environmental Assessment (SEA) Environmental Report (CD060) (ER) that accompanies the proposed LDP. This Draft Environmental Report, including the associated site assessments, has been prepared by the Council in consultation with the Consultation Authorities (SEPA/HES/SNH). The Council submits that the SEA ER provides the necessary 'strategic' environmental assessment of the proposed LDP strategy, policies and sites. The Scottish Government's expectation that the SEA and ER is to be proportionate and focus on 'significant environmental effects of the plan' (PAN 1/2010 para 3.1 bullet 2) (CD016); it is not to be a detailed assessment of project level impacts, as would be expected through a project level Environmental Impact Assessment (PAN 1/2010 para 6.5) (CD016). If and when any proposals are advanced for the former Cockenzie Power Station site, they will be subject to the necessary screening and if necessary scoping procedures that need to be followed to determine whether or not a proposal should be accompanied by an Environmental Impact Assessment, in line with the Town and County Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 (CD010a). The assessment of any such proposal against these regulations is only possible once the nature and scale of a project level proposal is known in sufficient detail to make such an assessment, which is not possible at LDP stage. Similarly, the proposed LDP within Proposal EGT1 identifies that a Habitats Regulation Appraisal would be required to accompany any specific development proposals for the site, but does not anticipate the scope or outcome of that assessment. Such environmental and ecological assessments will consider the impact of any proposed development on the environment and any relevant receptors within and outwith the site boundary. However, the Reporter may see merit in a modification to the proposed LDP that requires the impacts of development associated with Proposal EGT1 on adjoining communities and the environment to be assessed and appropriate mitigation provided as part of any proposals (See ELC response to representation 0441 elsewhere in this schedule 4 form). **The Council submits that a modification of the LDP is not necessary.**

Nicola and Barry Spence (0115)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the



Cockenzie site and the uses that are to be supported in principle within the area.

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out in National Planning Framework 3 (NPF3) (CD011), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces and connections between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 (CD013) and SDP (CD030) para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. This could provide the opportunity to seek targeted enchantments of green network assets in the area, such as footpaths and / or green spaces. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Borne Leisure Ltd (0155/1)

The Council submits that impact on the environment and infrastructure in the local area, as well as on the health and wellbeing of communities is a matter that would be considered in the assessment of any planning application for this site at project level, if necessary including submission of an Environmental Impact Assessment. The Council submits that paragraph 4.93 of the LDP adequately addresses this point in that context. **The Council submits that a modification of the LDP is not necessary.**

Yvonne Addison (0168)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. **The Council submits that a modification of the LDP is not necessary.**

Martine Robertson (0169)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be

considered 'non-conforming' uses (SPP (CD013) para 52 and SDP (CD030) para 131). This is one reason why the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopt as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Colin Addison (0171)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has

defined the Cockenzie site for the purposes of the proposed Local Development Plan. **The Council submits that a modification of the LDP is not necessary.**

E Macdonald (0176/12)

The Council submits that the Cockenzie site is not specifically identified for wind turbine repair or manufacturing, it is safeguarded for National Development 3. Only if there is residual land remaining after National Development 3 is delivered, could the possibility of other such development of the nature described within the representation be considered there. However, this would also need to be considered both in the context of National Planning Framework 3's (CD 011) other Scottish Government aspirations for the site as well as the impact on the environment and infrastructure in the local area, as well as on the health and wellbeing of communities. The Council submits that paragraph 4.93 of the LDP adequately addressed this point. **The Council submits that a modification of the LDP is not necessary.**

Forth Ports Ltd (0180/2)(0180/4)

National Planning Framework 3 (NPF3) (CD011) (at page 37 para 3.34) refers to major infrastructure investment providing the marine renewable energy industry with upgraded and new build port and harbour facilities. Manufacturing commitments from major inward investors are expected, and planning is to enable development in key locations. The expectation is that future infrastructure provision, **combined with** new business and industrial development, will reinforce Cockenzie as a key location. Accordingly, NPF3 could be envisaging a situation where new infrastructure provision in the form of a new thermal power generating station at Cockenzie, combined with other business opportunities such as the construction and/or servicing of off-shore wind farms, could justify new build port or harbour at Cockenzie. For example, the construction of any power station, new port / harbour at Cockenzie would avoid transporting large plant and materials overland very close to existing communities. As such, the Council is of the view that the potential for new build port or harbour facilities at Cockenzie should relate to 'energy' development, and not be restricted only to 'marine renewable energy related development'. Operational matters are not a matter for the Council to consider, but for any operator. **The Council submits that a modification of the LDP is not necessary.**

Forth Ports Ltd (0180/3)

National Planning Framework 3 (NPF3) (CD011) (at page 37 para 3.34) refers to major infrastructure investment providing the marine renewable energy industry with upgraded and new build port and harbour facilities. Manufacturing commitments from major inward investors are expected, and planning is to enable development in key locations. The expectation is that future infrastructure provision, **combined with** new business and industrial development, will reinforce Cockenzie as a key location. A coordinated approach is expected to guide development in these locations to make the most efficient use of resources, reduce environmental impacts and support high quality development. In terms of the ecological impacts of such a port development, this would need to be assessed fully at project level, potentially through an Environmental Impact Assessment if necessary. If acceptable the matter of on-going management and maintenance of any dredge, including its ongoing costs, is not a matter for the Council to consider, but for any operator. **The Council submits that a modification of the LDP is not necessary.**

Inch Cape Offshore Limited (0212/3)

The Council submits that because previous decisions in respect of the Cockenzie site were taken in an appropriate sequence it could be demonstrated that the National Planning Framework 3 (NPF3) (CD011) priority for a power station safeguard at Cockenzie would not be undermined by subsequent proposals. This is because the consent and land take for the power station was known before the Inch Cape Interconnector was approved. These proposals were not competing at that stage because the land take for each was known. Importantly, there is no mechanism that would require or allow 'competing proposals' to be assessed against one another unless they come forward and are determined at the same time (e.g. to establish if they compete with one another for land and what each of their economic benefits would be relative to the other); otherwise each proposal would be assessed on its own merits at the point it is made. As such, unless there is a clear planning policy framework that sets out the priority for the Cockenzie site, it is possible that piecemeal decisions within the Proposal EGT1 site could undermine the ability to deliver National Development 3. Accordingly, in the circumstances, the Council submits that proposed LDP Proposal EGT1 provides appropriate controls and clarity. The Council submits that the LDP recognises at paragraph 4.89 the extant planning permission in principle for the Inch Cape Interconnector (Ref: 14/00456/PPM) (CD143), and in the circumstances this is as far as the plan can go in offering support of that proposal. The Council further submits the planning permission in principle could be followed up by an Approval of Matters Specifies in Condition application. The Council should limit its consideration of such an AMSC application to the approval of matters specified in conditions; it should not revisit the principle of development already approved. In respect of a renewal application however, the principle of such a proposed development would need to be reconsidered, in particular given that circumstances have changed over time. A significant material consideration in this would be that deemed planning permission for National Development 3 at the Cockenzie site no longer exists, and so the site boundaries needed to deliver such a new proposal there are not now known. As such, it is not known whether a renewal of planning permission 14/00456/PPM (CD143) would undermine the safeguard for National Development 3 at Cockenzie. In this respect the Council notes the terms of representation 0391/3 (dealt with at Issue 22b) from Scottish Power Generation in respect of Strategy Diagram 3/extent of the Cockenzie site which suggests part of the application site for planning permission 14/00456/PPM (CD144) crosses the 'Greenhills', which is an area that would have been 'key for infrastructure to support the development of the main site and thus a thermal generating power station at Cockenzie; it is also there where underground cabling would be routed for the Inch Cape Interconnector proposal 14/00456/PPM. Although the original thermal power station proposal was to use the 'Greenhills' area for temporary constructions works and car parking, it is not clear what role this land may need to have in respect of any new power station proposal. In terms of there being inconsistencies between Proposal EGT3 and Proposal EGT1, the Council submits that Proposal EGT3 seeks to prioritise connection to existing infrastructure at Cockenzie and Torness but this is to be considered in the context of the provisions of the location specific Proposal EGT1— i.e. only if and when there is known to be any residual land for a proposal within the EGT1 site beyond that needed there for National Development 3. LDP proposals EGT1 and EGT3 can therefore be read together and do complement one another. It should also be noted that Proposal EGT3 refers to existing infrastructure at Cockenzie, not extant planning permissions – i.e this statement is not specific to permission 14/00456/PPM. The Council submits that SESplan's SDP2 (CD038) is at proposed plan stage, but East Lothian's proposed LDP1 is to 'be consistent' with SESplan's SDP1. The Council submits that its proposed LDP1 is consistent with SESplan's SDP1 in respect of the Cockenzie site. Whilst SESplan's proposed SDP2 changes the

SDP1 (CD030) approach, and reflects the settled view of the SESPlan authorities on the next development plan in relation to the Cockenzie site, it may not reflect the view of Scottish Ministers. SESplan's SDP2 once approved will provide the statutory basis to review the policy approach in respect of the Cockenzie site at a more local level. **The Council submits that a modification of the LDP is not necessary.**

Fred Olsen Renewables Ltd (0313/7)

EGT1 will be subject to Section 36 consents under the Electricity Act (1989), and whilst the development plan is normally taken into account in such cases, these decisions are for Scottish Ministers. This is not the case for all wind farms. However, the suggestion made in the representation may have merit. Proposals EGT1 in particular could refer to mitigating impacts on communities and character of the local area and ensure that this is considered in respect of proposals for decommissioning of any thermal power station at the site (see ELC response to representations 0155/1 and 0441 dealt with at Issue 22a). **The Council submits that a modification of the LDP is not necessary.**

Brian Hall (0314/1)

In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. The Scottish Government's intentions for the site is a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the uses that can be accommodated within the Cockenzie site for the purposes of the proposed Local Development Plan. **The Council submits that a modification of the LDP is not necessary.**

Coastal Regeneration Alliance (0331)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the

preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. **The Council submits that a modification of the LDP is not necessary.**

Shona Brash (0335)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian



Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie/Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP (CD013) para 52 and SDP (CD 030) para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Margaret Reid (0364)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations

reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockszie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockszie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockszie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockszie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockszie. In respect of the Cockszie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and built development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockszie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identity of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP (CD013) para 52 and SDP (CD030) para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopt as Supplementary Planning

Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Ross Glanville (0371)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's aspiration for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. The Council notes the objector's comments in respect of the potential for community uses here, but submits that the NPF3 priority aspiration for the site include National Development 3 and potentially National Development 4 as well as potentially new business, manufacturing and industrial development and potentially energy related port development. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's aspirations for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council notes the objector's comments in respect of the community orchard, which remains in Scottish Power's ownership. Nonetheless, the Council submits that paragraph 4.93 of the plan seeks to safeguard such assets from built development. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to

the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. **The Council submits that a modification of the LDP is not necessary.**

Sarah Lindsay (0373)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the

land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP (CD013) para 52 and SDP (CD030) para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

The Scottish Government/Transport Scotland (0389/8)

The Council submits that the representation does not acknowledge the 'safeguarded' status of the Cockenzie site within NPF3 (CD011) for National Development 3. The Council has explained in its Cockenzie Position Statement (CD064) how it has interpreted the provisions of NPF3 in this regard, and how this has shaped the policy position set out in Proposal EGT1. The Council submits that the suggested changes to the plan would be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

Scottish Power Generation (0391/4)

The Council submits that the representation does not acknowledge the 'safeguarded' status of the Cockenzie site within NPF3 (CD011) for National Development 3. The Council has explained in its Cockenzie Position Statement (CD064) how it has interpreted the provisions of NPF3 in this regard, and how this has shaped the policy position set out in Proposal EGT1. The Council submits that the suggested changes to the plan would be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

Scottish Power Generation (0391/8)

In respect of point (a) the Council submits that the suggested changes to the pre-amble of Policy EGT1 repeat the terms of NPF3 (CD011), which is unnecessary. (b) Again, these are unnecessary changes because the LDP seeks to safeguard these natural and cultural heritage assets and the communities around the site so too must any Supplementary Guidance associated with the LDP. The Council submits that the current drafting of Proposal EGT1 is appropriate, whereas the suggested rewording EGT1 would be inappropriate. The suggested new criterion (b) of Proposal EGT1 would be inconsistent with NPF3, as it is not drafted in terms of there being an alternative to National Development 3 at Coceknie. NPF3 'safeguards' the Cockenzie site for National Development 3, and states that there 'may' be potential for other proposal that complement

National Development 3, but which might complete within one another. Additionally, since NPF3 was drafted, circumstances have changed in that it is now not known how much land at the Cockenzie site would be required to deliver a new proposal for National Development 3. Until this is known, other proposals for the site could undermine National Development 3. A full explanation for the Council's interpretation of this position is provided in the Cockenzie Position Statement (CD064). It is also not clear when one would take a view on whether there is 'no proposal for National Development 3' since NPF3s aspiration is to safeguard the site for such a proposal whether one exists at a point in time or not. (c) The Council does not support the inclusion of a criterion within the LDP that offers support in principle to an as yet to be drafted NPF – i.e. without knowing what it is offering support in principle for. (d) The Council's intention is not to prepare Supplementary Guidance for a power station proposal before such a proposal could be consented, as seems to be implied by the suggested modification to Proposals EGT1 (new criterion (d(i))). In any event, East Lothian Council would not be the consenting authority for such a proposal. In terms of the Council's Proposal EGT1, the purpose of preparing Supplementary Guidance would be to comply with NPF3s desire for collaborative working (see page 39 and the need for master planning within Areas of Coordinated Action etc) and to ensure that the future of the site is discussed openly and transparently and is consulted on, as required in the preparation of Supplementary Guidance. Policy PS3 is not relevant in the circumstances, as explained in response to representation 0391/5. The Council submits the future of the Cockenzie site should not be decided solely by way of a planning application. The Council submits that the suggested changes to the plan would be unnecessary and inappropriate. **The Council submits that a modification of the LDP is not necessary.**

#### E Dickson (0404/2)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-

Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie/Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP para 52 and SDP para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Ed Bethune (0406)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD 000?) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates

some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation / call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and built development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identity of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP (CD013) para 52 and SDP (CD030) para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to



establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopt as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Gail Scott (0410)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key

assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP (CD013) para 52 and SDP (CD030) para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Yvonne Addison (0417)

The former Cockenzie Power Station site extends from the coastline south to the B1361 by Meadowmill, Tranent. The site identified for the site of Cockenzie Power Station by the East Lothian Local Plan 2008 (CD075) Policy NRG8: Power Generating Stations is smaller than the area owned by Scottish Power that forms part of the former power station site. The extent of the local plan NRG8 proposal was limited to the main power station building, the transformer building, coal handling yard and coal conveyor belt and buildings. This site has areas of green space within it, and footpaths through it, to which public access is currently granted by Scottish Power. The East Lothian Local Plan 2008 allocates some of those areas as open space (to the west of where the main power station was) or countryside (to the south of the site and around the western and eastern sides of the former coal handling yard and up to the existing urban boundaries). In some cases there are underground pipes or cables beneath this 'open' land (particularly to the west) or overhead power lines above it suspended from pylons. Overall, the local plan designations reflect the use, character or appearance of the land, and the built development on it, at the time the plan was prepared and adopted. However, the East Lothian Local Plan 2008 is out-of-date and under review, and as part of this so too are the boundaries of the Cockenzie site and the uses that are to be supported in principle within the area. In the preparation of the Local Development Plan there is a need to update the planning policy approach in respect of the Cockenzie site. This is in recognition of the fact that circumstances have significantly changed over time. In this context, there is a need to reconsider how to define the site boundaries. Achieving the Scottish Government's intention for the future use of the land within the spatial strategy for Scotland, as set out set out in National Planning Framework 3 (CD011) (NPF3), is a key driver for the inclusion of the site within the spatial strategy for East Lothian. The expectations of NPF3 in terms of

the use of this land are a key consideration in defining the site boundaries, and identifying the uses that should be accommodated there. As part of the Local Development Plan pre-Main Issues Report consultation/call-for-sites exercise, Scottish Power sent East Lothian Council the boundaries for the Cockenzie site that it owns and that it wants to promote for development: this area of land shall hereafter be referred to as 'the site'. The landowner proposed that, in principle, future development of the site should be for a mix of land uses, including power generation and employment. As such, the Council submits that the area of land within Scottish Power ownership is an appropriate site to define for National Development 3 and NPF3s 'Area of Coordinated Action'. This is because it is now the area within which there is greatest potential to deliver the Scottish Government's intentions for a low carbon thermal energy generating station with proven carbon capture and storage facilities, along with any other uses that may be able to coexist with any such facility in line with NPF3s 'Area of Coordinated Action'. This is the basis against which the Council has defined the Cockenzie site for the purposes of the proposed Local Development Plan. The Council does not propose to extend the boundaries of the Edinburgh green belt to the land between Prestonpans and Cockenzie. In respect of the Cockenzie site, the Council is expected to reflect the Scottish Government's intentions for that land within its Local Development Plan. However, the Council submits that the LDP (at para 4.93) identifies key assets within that site where it would wish to resist built development. These areas include existing green spaces between communities; impacts on the communities themselves are identified as important considerations. The Council will safeguard human health and as far as possible the setting and identity of communities when assessing any proposal for the land. In terms of the impact on the historic battlefield, the Council submits that the site assessment within the SEA indicated that the southern part of the site contributes to the understanding of the battle landscape and build development there should be avoided. The Council further submits that this is recognised in paragraph 4.93 of the proposed LDP. In general terms, the Council recognises that the open land between Prestonpans, Cockenzie / Port Seaton, Tranent and Blindwells is under significant development pressure, being within the western highly accessible part of East Lothian and a marketable location. Whilst the land remains open in character, and provides for the setting and identify of these settlements, there are a number of uses which operate on this 'open' land that in green belt policy terms may be considered 'non-conforming' uses (SPP (CD013) para 52 and SDP (CD030) para 131). This is why, rather than extend the green belt into this location the LDP proposes to introduce Policy DC8: Countryside Around Towns here. This policy is to be introduced to help manage development pressures appropriately. Overall, this policy would seek to allow established uses to continue operating and to diversify, or new uses to establish, provided they comply with LDP policy and would not harm the landscape setting of the countryside location. Within such areas there would also be scope to develop the green network, the purpose of which is set out at para 5.24 – 5.26 of the LDP. The associated LDP Policy DC10: The Green Network, also signposts the preparation of a Green Network Strategy which the Council will adopted as Supplementary Planning Guidance. The Council submits that this is an appropriate balanced approach to follow in this location. **The Council submits that a modification of the LDP is not necessary.**

Peter Wilson (0441)

The Council submits that impact on the environment and infrastructure in the local area, as well as on the health and wellbeing of communities is a matter that would be considered in the assessment of any planning application for this site at project level, if necessary including submission of an Environmental Impact Assessment. The Council submits that paragraph 4.93 of the LDP adequately addressed this point in that context. However, the Reporter may see merit in some modification of the LDP and may consider including within

Proposal EGT 1 a final paragraph similar to the following: "*Any proposals for the development of this site must not cause an unacceptable impact upon the amenity of the surrounding area, including existing or proposed residential development.*" **The Council submits that a modification of the LDP is not necessary.**

**Miscellaneous Comments**

Royal Society for the Protection of Birds (0185/6)

Support welcomed. The Council has been working with the Heat Network Partnership to prepare a heat strategy for the area. Outcomes of this work with relevance to planning may be reflected in supplementary planning guidance or in a review of the LDP as appropriate. The Council therefore submits that paragraph 4.71 of the LDP already satisfactorily addresses the representation. **The Council submits that a modification of the LDP is not necessary.**

Royal Society for the Protection of Birds (0185/7)

Future development at Cockenzie in accordance with Proposal EGT1 will require consideration of potential impacts on the adjacent Firth of Forth SPA and a Habitats Regulations Appraisal (HRA) will be required (see LDP Proposal EGT1). **The Council submits that a modification of the LDP is not necessary.**

Royal Society for the Protection of Birds (0185/8)

Comments are noted and support welcomed. The Council’s full response to related issues is addressed in Issue 20 (see in particular 0252/8 and 0419/2). **The Council submits that a modification of the LDP is not necessary.**

**Proposal EGT1 Support**

Scottish Environment Protection Agency (0252/39); Scottish Natural Heritage (0280/13)

Support noted. Advice welcomed.

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has referred to a number of matters raised in representations which are in support of provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to unresolved representations, they are not addressed in my conclusions.

**The allocated site/safeguarding/other uses**

2. Unlike for most of the other national developments, National Development 3 does not indicate any boundary for the development of carbon capture and storage network infrastructure and a thermal generation power station at Cockenzie. Under Proposal EGT1, the council has chosen to designate an area of 88 hectares which is broadly co-incident with the land holding of Scottish Power Generation. Proposal EGT1 safeguards

the whole of that site for National Development 3 and removes support from any other form of development within the site unless and until an appropriate thermal power generation proposal was implemented.

3. Given the lack of any current major scheme and the lead time requirements for such a proposal, this could prevent other use of the land for a considerable period – quite possibly beyond the lifetime of National Planning Framework 3 (NPF3).

4. The council's objection to considering other developments within the Proposal EGT1 site rests on uncertainty about the possible land take and boundaries for National Development 3 now that the gas-fired power station proposal has been abandoned. The PROP EGT1 site is considerably larger than the area occupied by the former coal-fired power station together with its coal storage area. In its Cockenzie Position Statement, the council quotes from a carbon capture feasibility study undertaken as part of the 1GW gas-fired power station proposal to the effect that there was sufficient space within the development site for that proposal to accommodate the likely carbon capture equipment as well as the power station. But the council then argues that a proposal to meet the requirements of National Development 3 might not fit within the same site boundaries, emphasising the national importance of the site and stating that its aspirations are long term in nature. However, it does not follow that uncertainty over the boundaries should prevent other development (other than temporary) in the meantime, especially given the size of the allocated site.

5. I make those comments against the background of the statement of need and description of National Development 3. In relation to scale, this looks, among other things, for thermal generation with a capacity of over 50MW at four locations: Peterhead (Boddam), Longannet, Grangemouth and Cockenzie and for these developments to support the achievement of a minimum 2.5GW of thermal generation progressively fitted with carbon capture and storage technology.

6. As the Scottish Government representation points out, the plan's restrictive stance is not consistent with the other ambitions of NPF3, which envisages the potential for other development at Cockenzie during the lifetime of the Framework, such development not being contingent on the prior implementation of a generation facility. In particular, opportunities for renewable energy-related investment, upgraded port facilities, and new business and industrial development are mentioned (paragraph 3.34 of NPF3). Some types of renewable energy-related development, such as the Interconnector, fall within the scope of National Development 4. But neither the Framework nor the Scottish Government representation refer to prioritisation between National Development 3 and National Development 4. NPF3 expects both to be facilitated, so the policy wording should not obstruct that.

7. Proposal EGT1, as presently drafted, would potentially sterilise the development of an important tract of land which might attract employment uses for several years. It also departs from the approach in NPF3, which expects developers, East Lothian Council and the key agencies to work together to ensure the best use is made of the existing land and infrastructure in the area. The Framework expects this co-ordinated approach to make the most efficient use of resources, to reduce environmental impacts and to support high quality development.

8. The local development plan is required to take account of NPF3. I therefore recommend amending the wording of paragraph 4.94 and Proposal EGT1 to better reflect

the Framework.

### **Extent of land allocation**

9. Representations from the Coastal Regeneration Alliance and a number of local residents oppose the extension of the land allocation for Proposal EGT1 from the NRG1 (Electricity Generating Stations) as allocated in the adopted local plan. The site area for Proposal EGT1 covers some 88 hectares - roughly double that of NRG1. The additional land comprises mostly countryside together with a smaller area of open space (Policies DC1 and C3 from the adopted local plan) on the opposite side of Edinburgh Rd to Preston Links/Greenhills, and a strip of land around the boundary of the housing estate (H38 in the adopted plan) accessed off Appin Drive.

10. The council has justified the expanded site on the basis that it comprises the land owned by Scottish Power, who promoted it at the pre-Main Issues Report call-for-sites exercise for development for a mix of land uses, including power generation and employment. The council states that this site has the greatest potential to deliver the Scottish Government's aspirations for a generating station with future carbon capture storage facilities together with any other uses which may be able to co-exist with such a facility in line with the NPF3's Area of Co-ordinated Action. At the same time, the supporting text refers to assets within the site, including open space such as the Greenhills, parts of the Battle of Prestonpans landscape, the historic Wagonway, etc., which the council would wish to protect from built development which might adversely affect those assets.

11. Whilst NPF3 does not set out boundaries for the developments it wishes to see at Cockenzie, it is clear that the Framework has ambitions for a wide range of economically important activities. These would need considerably more land than the former power station site. Also bearing in mind the intended protection of assets mentioned above, I therefore consider that the council is justified in allocating the larger site as proposed.

### **Assets; amenity**

12. The council wishes to see certain existing assets within the site protected, as described above. Many representations also mention the retention of footpaths, cycle routes and countryside areas. Individual representations refer to other options. All of these aspirations require to be considered in the light of the Scottish Government's statement in NPF3 that "if there is insufficient land for competing proposals, we wish to see priority given to those which make the best use of this location's assets and which bring the greatest economic benefits." Local residents also draw attention to the need to respect the amenity of the adjoining communities when drawing up proposals or guidance for the area, and I recommend amending paragraph 4.93 and adding wording to Proposal EGT1 along the lines suggested by the council to address this.

### **Interconnector**

13. Inch Cape Offshore is concerned that the plan does not acknowledge the planning permission in principle which it was granted on part of the Proposal EGT1 site in 2014. This permission was for an interconnector (substation, electricity cables and associated infrastructure) associated with the Inch Cape Offshore Wind Farm proposal located in the Forth and Tay (off the Angus coastline).

14. A legal challenge by the RSPB halted four offshore wind farm schemes, including that for Inch Cape Offshore, and a Court of Session ruling in July 2016 revoked consent for those proposals. However, in May 2017 that ruling was overturned. The four developers have since indicated that they intend to proceed with their developments. Additionally, Inch Cape Offshore has submitted a scoping report for a revised, alternative wind farm scheme to Ministers.

15. The interconnector permission expired in September 2017, but the company has stated that it intends to submit a fresh application for an interconnector on the site of the former Cockenzie Power Station (rather than to the south of the former coal store as in the expired permission). A Proposal of Application Notice and an EIA scoping report for this project have been submitted to the council.

16. The interconnector and associated offshore wind farm proposals support the NPF3 aim of providing a low carbon energy infrastructure across Scotland as set out in paragraph 3.41 of the Framework. Indeed, the interconnector would form part of National Development 4, the Enhanced High Voltage Electricity Transmission Grid. The committee report recommending grant of permission in 2014 acknowledged that its location at Cockenzie was operationally justified, subject to the offshore wind farm proceeding. But, the council's more recent position (in response to my request for further information) is to maintain that the interconnector could go elsewhere than Cockenzie or that there might be "alternative means of delivery" of National Development 4. That position does not align well with the significant opportunities for such renewable energy related development at Cockenzie, as envisaged in paragraph 3.41 of NPF3. Moreover, I note that Strategy Diagram 3 of the plan shows only two potential landfall points for offshore power – Cockenzie and Torness.

17. The council now argues that because of uncertainty over the boundaries of any proposal for thermal power generation at Cockenzie, permission for the interconnector could potentially undermine the safeguard for National Development 3. I have studied the council's comments and those of Scottish Power Generation (the current landowner) but consider that I have been provided with no convincing evidence to support the view that an interconnector at a location within the EGT1 site at Cockenzie would necessarily be incompatible with any thermal power generating scheme and carbon capture and storage network infrastructure which might come forward. This will no doubt require "co-ordinated action and masterplanning", as recognised in NPF3, and for all stakeholders to work together to make best use of the land and infrastructure. These matters require to be acknowledged in the supporting text.

18. My recommended modifications would resolve the policy issue identified by Inch Cape Offshore and remove the inconsistency with Proposal EGT3.

### **Environmental impacts**

19. As the council acknowledges, future development at Cockenzie in accordance with Proposal EGT1 will require a Habitats Regulations Appraisal and consideration of potential impacts on the Firth of Forth SPA. However, this does not need to be mentioned in the plan.

### **Tourism and leisure**

20. Bourne Leisure requests additional wording to avoid unacceptable impact on the

amenity of existing tourism/leisure development in the local area, but I have been given no reason why these sectors should be singled out. The provisions set out in my recommendation referred to in paragraph 12 above should be adequate in this respect.

**Paragraph 4.92**

21. In paragraph 4.92, the plan chooses to speculate on a potential future change to the National Planning Framework. Scottish Power Generation suggest a rewording of this paragraph for the eventuality of there being no proposals for development consistent with National Development 3. However, that would provide no clarity over when such a view should be taken. Nor would there seem to be any purpose in declaring support for proposals in relation to a possible change to the National Planning Framework.

22. The suggestion for any development proposals for the site (which would include a power station) to be considered through Supplementary Guidance is rejected by the council, at least with reference to the current situation (NPF3 and no power station scheme). It appears instead to favour “co-ordinated action and masterplanning” as mentioned in NPF3. Some form of co-ordinating mechanism is clearly required, but I have insufficient grounds to require that this be Supplementary Guidance, and other types of mechanism do not require to be foreshadowed in the plan.

**Other uses**

23. Brian Hall wants to see the site of the former power station used solely for non-industrial uses. E Macdonald opposes heavy industry on the site. However, neither of these approaches would accord with NPF3.

**Port facilities and port-related development**

24. Whilst NPF3, at paragraph 3.34, makes a specific reference to up-graded port facilities for the marine renewable energy industry, it is evident that its ambitions do not involve restricting port improvements to that sector. For example, in the same paragraph, there is a more general reference to future infrastructure provision reinforcing the importance of key locations including Cockenzie. Consequently, there is no reason to amend paragraph 4.96 of the plan, as Forth Ports wish.

25. Forth Ports’ warning regarding the costs and potential environmental impacts of dredging to enable deep water berthing at Cockenzie and its comments about exposure to poor weather conditions are matters for potential operators and for the environmental assessment of any project which comes forward.

**Other matters**

26. Representation 0313/7 from Fred Olsen Renewables is considered under Issue 22b. Representation 0185/8 from the RSPB is considered under Issue 20.

**Reporter’s recommendations:**

Modify the local development plan by:

1. Replacing paragraph 4.89 with the following:  
“The council endorses the support expressed in NPF3 for onshore links to offshore



renewable energy installations, including at Cockenzie and the Forth coast extending to Torness, as part of National Development 4: High Voltage Energy Transmission Network.”

2. In paragraph 4.91, deleting the second and third sentences.

3. In paragraph 4.93, replacing the second sentence with the following:

“The council wishes to protect these assets as far as possible.”

4. In paragraph 4.94, replacing the first sentence with the following:

“There may be potential for intermediate proposals on the site, such as temporary greening.”

5. Replacing Proposal EGT1 with the following:

“PROP EGT1: Land at former Cockenzie Power Station

Land at the above site will be safeguarded for future thermal power generation and carbon capture and storage consistent with National Development 3. Land at Cockenzie may also present significant opportunities for renewable energy-related investment. The council will work together with developers, the landowner, the relevant agencies, local organisations and interested parties, including local residents to ensure that the best use is made of the existing land and infrastructure in this area.

If there is insufficient land for competing proposals, priority will be given to those which make best use of the location’s assets and which will bring the greatest economic benefits.

Development proposals must avoid unacceptable impact on the amenity of the surrounding area, including residential development.

Proposals will be subject to a Habitats Regulations Appraisal and an Appropriate Assessment under the Habitats Directive, as required.”

<b>Issue 22b</b>	<b>Energy Generation and Transmission: Other Matters</b>	
<b>Development plan reference:</b>	Our Infrastructure and Resources	<b>Reporter:</b> Malcolm Mahony
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>National Grid (0021)                  Bourne Leisure Ltd (0155)                  Royal Society for the Protection of Birds (0185)                  Scottish Natural Heritage (0280)                  Fred Olsen Renewables Ltd (0313)                  Scottish Power Energy Networks (0338)                  Neart na Gaoithe Off-shore Wind Ltd (0386)                  Scottish Power Generation (0391)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Strategy Diagram: Energy and Waste                  Energy Generation and Transmission (pages 107-109)                  Proposal EGT2: Torness Power Station                  Proposal EGT3: Forth Coast Area of Co-ordinated Action                  Proposal EGT4: Enhanced High Voltage Electricity Transmission Network</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Strategy Diagram: Energy and Waste</b></p> <p><u>Scottish Power Generation (0391/3)</u></p> <p>Scottish Power Generation supports the EGT1 site boundary shown on the strategy diagram map, which largely relates to the area of the former power station site and adjacent Scottish Power Generation assets. The proposed LDP should ensure that the EGT1 allocation is not prejudiced through incompatible development on adjoining land. Scottish Power Generation acknowledges that the EGT1 allocation incorporates a section of the 'Greenhills' which is recognised as public space. Scottish Power Generation considers this area to be key for infrastructure to support development on the main site which is consistent with the corresponding proposal (EGT1: Land at Former Cockenzie Power Station), which promotes the use of Supplementary Guidance in the event of baseload generation development not being forthcoming on the site, a position supported by Scottish Power Generation.</p> <p><b>Proposal EGT2: Torness Power Station</b></p> <p><u>Fred Olsen Renewables Ltd (0313/8)</u></p> <p>Proposals EGT2 should be modified to require the same degree of assessment as wind farms.</p> <p><b>Proposal EGT3: Forth Coast Area of Co-ordinated Action</b></p> <p><u>Bourne Leisure Ltd (0155/2)</u></p> <p>The representation suggests an amendment to policy EGT3: Firth Coast Area of Co-</p>		

ordinated Action by introducing the word “tourism” to the second last sentence of the policy to read "Proposals should minimise the landscape and visual impact, as well as impacts on communities, *tourism* and the natural and built heritage." The justification for the suggested alterations is the need to protect the amenity of existing residential / tourism leisure development in East Lothian and the economic benefits associated.

Royal Society for the Protection of Birds (0185/15)

Forth Coast Area of Co-ordinated Action. We support the measures/restrictions detailed here, notably the need to take cognisance of the Firth of Forth SPA (which does not extend to Torness) and to combine infrastructure wherever possible.

Scottish Natural Heritage (0280/14)

SNH note that the Proposal has been updated to include a Natura caveat. As the current wording appears to pre-suppose that there will be a likely significant effect, this caveat should be re-drafted: Proposals must be accompanied by project specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations. The supporting text at paragraph 4.97 requires a change of tense to communicate that two developments are consented.

**Proposal EGT4: Enhanced High Voltage Electricity Transmission Network**

National Grid (0021)

National Grid has reviewed the Proposed Local Development Plan and has no comments to make.

Royal Society for the Protection of Birds (0185/10)

Enhanced High Voltage Electricity Transmission Network. New overhead lines that traverse areas known to be on feeding grounds or regular flight paths for birds such as geese and swans should be marked with high visibility reflectors to minimise bird collision risk.

Scottish Power Energy Networks (0338/2)

Policy EGT4: Enhanced High Voltage Electricity Transmission Networks should be redrafted as suggested by the representation. This essentially includes reference to routes/sites being safeguarded and there being an operational requirement for such development. The suggested policy approach is that other proposals should be resisted where these would prejudice National Development 4. Also subject to representation is the desire for cross-reference to a modified Strategy Diagram 3 to show spatially where there is likely to be an element of upgrading to such networks during the lifetime of the plan, and to bring read-across between the policy and strategy diagram. Scottish Power Energy Networks offers a plan to show the relevant routes / sites, but none is provided with the representation.

Neart na Gaoithe Off-shore Wind Ltd (0386/2)

Policy EGT4: Enhanced High Voltage Electricity Transmission Networks should be redrafted as suggested by the Neart na Gaoithe Off-shore Wind Ltd representation. This essentially includes reference to routes/sites being safeguarded and there being an

operational requirement for such development. The suggested policy approach is that other proposals should be resisted where these would prejudice National Development 4. Also subject to representation is the desire for cross-reference to a modified Strategy Diagram 3 to show spatially where there is likely to be an element of upgrading to such networks during the lifetime of the plan, and to bring read-across between this and Policy EGT4 and the strategy diagram. Specific mention is made of the desire to include reference to the approved grid connection for the Neart na Gaoithe Off-shore Wind Farm, which makes landfall at Torness and will connect to the grid via a new substation in the Lammermuirs adjacent to Crystal Rig.

**Modifications sought by those submitting representations:**

**Strategy Diagram: Energy and Waste**

Scottish Power Generation (0391/3)

No Modification sought

**Proposal EGT2: Torness Power Station**

Fred Olsen Renewables Ltd (0313/8)

Reword PROP EGT2 to ensure that such developments are subject to the very same assessment that wind farm developments are subject to.

**Proposal EGT3: Forth Coast Area of Co-ordinated Action:**

Bourne Leisure Ltd (0155/2)

Modify Policy EGT3: Firth coast area of Co-ordinated Action by introducing the word "tourism" to the second last sentence of the policy to read "Proposals should minimise the landscape and visual impact, as well as impacts on communities, *tourism* and the natural and built heritage."

Royal Society for the Protection of Birds (0185/15)

No modification sought.

Scottish Natural Heritage (0280/14)

Proposal EGT3: Forth Coast Area of Co-ordinated Action should be re-drafted as follows: "Proposals must be accompanied by project specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations." The supporting text at paragraph 4.97 requires a change of tense to communicate that two developments are consented.

**Proposal EGT4: Enhanced High Voltage Electricity Transmission Network**

National Grid (0021); Royal Society for the Protection of Birds (0185/10)

No Modification sought

Scottish Power Energy Networks (0338/2)

Delete Policy EGT4: Enhanced High Voltage Electricity Transmission Network and replace with the following: “(a)The Council supports enhancement of the high voltage electricity transmission network in locations defined by operational requirements, subject to acceptable impacts on the landscape, visual amenity, communities, natural and cultural heritage and the provision of appropriate mitigation where required. (b) Strategy diagram 3 identifies sites of large scale electricity transmission infrastructure, including the existing transmission network which will be the subject of some upgrading during the lifetime of this plan. Reinforcement works, which will include the provision of new overhead line routes and new substations, development of which falls within the scope of National Planning Framework and National Development 4, are also likely during the lifetime of this LDP. The Council will safeguard these sites for such development and will not support proposals for development which might negatively impact upon the delivery of developments within the scope of national development number 4, or any subsequent national development designation in the event of a review of the national planning framework during the lifetime of this plan.” (b) Strategy Diagram 3: Energy generation, Distribution and Transmission and Waste Facilities: Reference to the amended Policy EGT4 should be included and new sites routes or locations should be added where the safeguarding provisions of that new policy would apply. (c) Paragraph 4.99: amend the sentence that reads: ‘The Council supports this in principle in appropriate locations’ to read: “The Council supports this in principle in appropriate locations and will seek to safeguard sites with planning permission, including that which relates to development which is within the scope of NPF3s national development 4 (or any subsequent relevant national development designation in the event of a review of NPF3 during the lifetime of this Plan), against proposals for development which could prejudice the delivery of such nationally significant infrastructure.”

Neart na Gaoithe Off-shore Wind Ltd (0386/2)

Delete Policy EGT4: Enhanced High Voltage Electricity Transmission Network and replace with the following: “(a)The Council supports enhancement of the high voltage electricity transmission network, subject to acceptable impacts on the landscape, visual amenity, communities, natural and cultural heritage and the removal of power lines that would become redundant as a consequence of the implementation of the proposal. (b) Inset map 3 identifies sites of large scale electricity transmission infrastructure which fall within the scope of the National Planning Framework national development 4. The Council will safeguard these sites for such development and will not support proposals for development which might negatively impact upon the delivery of development within the scope of national development 4, or subsequent national development designation.” (b) Strategy Diagram 3: Energy generation, Distribution and Transmission and Waste Facilities: Reference to the amended Policy EGT4 should be included. (c) Paragraph 4.97: add a new third sentence: “For example, landfall for the approved onshore transmission infrastructure associated with Neart na Gaoithe Off-shore Wind Farm is adjacent to Torness, with its grid connection via a new substation in the Lammermuirs adjacent to Crystal Rig.” (d) Paragraph 4.99 amend the sentence that reads ‘The Council supports this in principle in appropriate locations’ to read: “The Council supports this in principle in appropriate locations and will seek to safeguard sites with planning permission for development which is within the scope of NPF3s national development number 4 against proposals for development which could prejudice the delivery of such nationally significant infrastructure.”

**Summary of responses (including reasons) by planning authority:****Strategy Diagram: Energy and Waste**Scottish Power Generation (0391/3)

The Council notes that Scottish Power Generation supports the Proposal EGT1 Cockenzie site boundaries. The Council also notes that Scottish Power Generation considers that the part of the 'Greenhills' included within the Proposal EGT1 site 'to be key for infrastructure to support development on the main site' although no description is provided as to what that means – the Council also notes that this area formed part of the original application site for the power station. The Council notes with interest that this also forms part of the site boundary of Planning Permission in Principle Ref: 14/00456/PPM (CD143/CD144) for the Inch Cape Offshore Wind Farm Interconnector, which is proposed to make landfall at Cockenzie and pass through adjoining land (see also 0212/3 dealt with at Issue 22a) before routing inland through the Cockenzie site. The Council notes that Scottish Power Generation wants the proposed LDP to ensure that the EGT1 allocation is not prejudiced by incompatible development on adjoining land. The Council notes that Scottish Power does not suggest any modification of the LDP in respect of the Cockenzie site boundaries. **The Council submits that a modification of the LDP is not necessary.**

**Proposal EGT2: Torness Power Station**Fred Olsen Renewables Ltd (0313/8)

EGT2 will be subject to Section 36 consents under the Electricity Act (1989), and whilst the development plan is normally taken into account in such cases, such decisions are for Scottish Ministers. This is not the case for all wind farms. However, should the Reporter see merit in the representation, Proposals EGT2 may refer to mitigation of impacts on communities and character of the local area and ensure that this is considered in respect of proposals for decommissioning of any thermal power station at the site (see ELC response to representations 0155/1 and 0441 dealt with at Issue 22a). **The Council submits that a modification of the LDP is not necessary.**

**Proposal EGT3: Forth Coast Area of Co-ordinated Action:**Bourne Leisure Ltd (0155/2)

The Council submits that impact on the environment and infrastructure in the local area, as well as on the health and wellbeing of communities is a matter that would be considered in the assessment of any planning application at project level, if necessary including submission of an Environmental Impact Assessment (see LDP paragraphs 4.96 – 4.98). The Council submits that the LDP adequately addresses the objectors point in this context. **The Council submits that a modification of the LDP is not necessary.**

Royal Society for the Protection of Birds (0185/15)

Support welcomed.

Scottish Natural Heritage (0280/14)

The Council submits that all proposals for onshore interconnectors for off shore wind farms

will require assessment under the Habitats Regulations, and for an Appropriate Assessment to be carried out if necessary. As such the Council submits that Proposal EGT3 should be read in this context – i.e. Appropriate Assessment will be required if it is necessary. The primary LDP policy in relation to these matters is Policy NH1, including its pre-amble, which fully explains the legislative context. However, the wording of Proposal EGT3 as drafted might be taken to pre-supposes that an Appropriate Assessment is required before the specific nature of the relevant project is known. Whilst the associated procedural requirements are fully specified in the Habitats Regulations themselves (which would override the Local Development Plan policies in any case), should the Reporter be so minded to give further clarification in this way the LDP could be modified to reflect SNH's comments. **The Council submits that a modification of the LDP is not necessary.**

#### **Proposal EGT4: Enhanced High Voltage Electricity Transmission Network**

##### National Grid (0021)

National Grid's comment on the proposed LDP is noted and welcomed.

##### Royal Society for the Protection of Birds (0185/10)

The Council notes the comments from RSPB. However, the Council submits that such detailed matters are best addressed at project level rather than plan level. **The Council submits that a modification of the LDP is not necessary.**

##### Scottish Power Energy Networks (0338/2)

The Council submits that National Planning Framework 3 (CD011) does not require planning authorities to safeguard sites or routes where there may be aspirations to provide enhancements to the High Voltage Electricity Transmission Network. The Council notes that the terms of this representation would also seem to seek to introduce modifications to the plan that would support potential projects that may not fall within the definition of National Development 4. The provision of a plan from the objector showing these routes / sites is noted, but it does not form part of the representation. In that context, the Council submits that at this stage there is more benefit in leaving the policy and strategy position more flexible within the Local Development Plan. At project level, any such proposals would be subject to the other provisions of NPF3 as well as relevant policies of the Development Plan: for example, in respect of the priority for National Development 3 at Cockenzie and ensuring that policies that seek to protect European protected sites / species are complied with etc. As such, affording too much weight to the general aspirations of NPF3 through the policies and strategy diagrams of the LDP by illustrating specific routes, sites or projects across East Lothian would be inappropriate, even if they may be subject to National Development 4 status. It should also be noted that NPF3 expects offshore wind farm developers to share infrastructure where possible within the Area of Co-ordinated Action. For similar reasons safeguarding of such routes / sites with planning permission would not seem to be appropriate at this stage, as the strategy for the provision of such infrastructure, for example at the Cockenzie site, is to be flexible and may need to change over time. Where there are existing routes, and / or consented sites / routes for such enhancements, the existence of these will be a material consideration in the determination of any planning application / agricultural notification. Identifying and safeguarding such routes may also have the unintended consequence of identifying the maximum or limiting the projects that decision makers and stakeholders anticipate coming

forward within the lifetime of the LDP. Overall, the Council submits that NPF3's definition of National Development 4 is sufficiently flexible to meet the intended purpose of that national development; the principle of such development being based on an operational requirement for a particular location is implicit to this. Policy EGT4 taken together with other relevant policies of the plan will be sufficient to assess such proposals. The Council submits that the suggested change to the plan is unnecessary, and may be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

Neart na Gaoithe Off-shore Wind Ltd (0386/2)

Whilst National Planning Framework 3 (CD011) is clear that the Cockenzie site is to be safeguarded for National Development 3, the Council submits that NPF3 does not expect planning authorities to safeguard sites or routes where there may be aspirations to provide enhancements to the High Voltage Electricity Transmission Network – i.e. for projects that fall within the scope of National Development 4. The Council supports the principle of National Development 4, but submits that at this stage there is more benefit in leaving the policy and strategy position more flexible within the Local Development Plan. National Development 4 does not relate only to the Neart na Gaoithe Off-shore Wind Farm transmission infrastructure. At project level, such proposals would be subject to the other provisions of NPF3 as well as relevant policies of the Development Plan: for example, in respect of the priority for National Development 3 at Cockenzie and ensuring that policies that seek to protect European protected sites/species are complied with etc. As such, affording too much weight to the general aspirations of NPF3 through the policies and strategy diagrams of the LDP by illustrating specific routes, sites or projects across East Lothian would be inappropriate at this stage, even if they may be subject to National Development 4 status. It should also be noted that NPF3 expects offshore wind farm developers to share infrastructure where possible within the Area of Co-ordinated Action. As such, safeguarding specific routes/sites with planning permission would not seem to be appropriate at this stage, as the strategy for the provision of such infrastructure is to be flexible and may need to change over time. Where there are existing routes, and/or consented sites/routes for such enhancements, the existence of these will be a material consideration in the determination of any planning application / agricultural notification. Identifying and safeguarding such routes may have the unintended consequence of identifying the maximum or limiting the projects that decision makers and stakeholders anticipate coming forward within the lifetime of the LDP. Overall, the Council submits that NPF3's definition of National Development 4 is sufficiently flexible to meet the intended purpose of that national development; the principle of such development being based on an operational requirement for a particular location is implicit to this. Policy EGT4 taken together with other relevant policies of the plan will be sufficient to assess such proposals. The Council submits that the suggested change to the plan is unnecessary, and may be inappropriate. **The Council submits that a modification of the LDP is not necessary.**

**Reporter's conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has referred to a number of matters raised in representations which are in support of provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless relate to unresolved representations, they are not addressed in my conclusions.



**Strategy Diagram: Energy and Waste**

2. This item is considered under Issue 22a.

**PROP EGT2: Torness Power Station**

3. Fred Olsen Renewables considers that Proposal EGT2 should be modified to require the same degree of assessment as wind farms.

4. Any proposal for Torness Power Station under EGT2 would be subject to consents under section 36 of the Electricity Act 1989, for decision by the Scottish Ministers. Schedule 9 of the Act places requirements variously on the licence holder and the Scottish Ministers with regard to the natural beauty of the countryside, flora, fauna, geological and physiographical features, buildings and objects of architectural, historic or archaeological interest, fisheries and fish stocks. This addresses most of the matters assessed in relation to wind farms. However, the council suggests that, as the terms of the development plan are normally taken into account in such cases, the terms of PROP EGT2 could include mitigation of impacts on communities and the character of the local area with respect to any proposals for decommissioning of the power station. That is a reasonable suggestion and therefore I have included it in my recommendations.

**PROP EGT3: Forth Coast Area of Co-ordinated Action**

5. Bourne Leisure wishes the minimising of impacts on tourism to be recognised in the policy. I agree with the council that this could be adequately assessed at project level.

6. The changes to wording suggested by Scottish Natural Heritage would improve clarity and are accepted by the council. I have included them in my recommendations.

**PROP EGT4: Enhanced High Voltage Electricity Transmission Network**

Reflectors to warn birds

7. The use of high visibility reflectors on new overhead lines is a matter for project level assessment.

Paragraph 1.36

8. Paragraph 1.36 falls within a largely descriptive section of the plan. The policy status of the electricity distribution network is recognised in the policy context section at paragraph 1.46.

Paragraph 4.97

9. I recommend that the ambiguity arising from use of the word “may” in the third sentence of paragraph 4.97 should be removed.

Reinforcement of network

10. I accept the arguments made in representations that the existing electricity transmission network illustrated on Strategy Diagram 3: Energy Generation, Distribution and Transmission and Waste Facilities should be linked to Policy EGT4. This would

recognise its status as a national development and the associated policy support in spatial terms. Therefore, I have added this to my recommendations.

11. Safeguarding of specific locations where reinforcement of the transmission network is to take place under National Development 4 is impractical given uncertainty over the details and the possibility of change in response to circumstances. Nor is that stated as a requirement in NPF3. However, a general statement of the need to avoid development which could prejudice works for reinforcement of the network, and reference to the operational requirements directing the shape of enhancement works, would be appropriate. Therefore, I have added this to my recommendations.

12. At my request, Scottish Power Energy Networks has supplied a drawing (SPEN001) showing existing electricity infrastructure in East Lothian and highlighting strategic areas of the transmission network which would likely form an element of any reinforcement occurring during the LDP period. I recommend that the key contents of this drawing should be incorporated into a revised Strategic Diagram 3, and be referred to in Policy EGT4.

13. Strategic Diagram 3 illustrates a number of policies. To single out Policy EGT4 in relation to the electricity transmission network, as has been suggested, would be inconsistent. It would be more appropriate to mention the diagram within the text of the policy. Therefore, I have added this to my recommendations.

#### Safeguarding of sites

14. There is no requirement in NPF3 specifically to safeguard sites with planning permission for development within the scope of National Development 4, but the amended wording of Policy EGT4, as recommended, would provide them with sufficient protection.

#### Requirement for removal of redundant existing overhead lines

15. Whilst the removal of redundant overhead power lines would be the subject of decommissioning conditions attached to consents related to the enhanced transmission network, it is acceptable for the council's position on this to be expressed in its policy.

16. Consequently, I recommend that the last sentence of paragraph 4.99 should be deleted to avoid having two slightly differently worded versions of the council's position.

#### Sub-station adjacent to Crystal Rig

17. Policy EGT4 is intended to apply throughout East Lothian. Reference to an example of its application (adjacent to Crystal Rig), as Neart na Gaoithe Off-shore Wind request, is unnecessary and inappropriate.

#### **Reporter's recommendations:**

Modify the local development plan by:

1. Replacing the second sentence of Proposal EGT2 with the following:

"If power generation ceases during the lifetime of this LDP, the council will seek to facilitate necessary works associated with the site's decommissioning and restoration,

including mitigation of impacts on communities and the character of the local area.”

2. In paragraph 4.97, replacing the third sentence with the following:

“The existing high voltage transmission network infrastructure at Cockenzie and Torness, and that serving Crystal Rig Wind Farm in the Lammermuirs, present opportunities for new grid connections.”

3. Replacing the last sentence of Proposal EGT3 with the following:

“Proposals must be accompanied by project-specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations.”

4. In paragraph 4.99, deleting the last sentence.

5. Replacing the wording of Policy EGT4 with the following:

“The council supports enhancement of the high voltage electricity transmission network in locations defined by operational requirements, subject to acceptable impacts on the landscape, visual amenity, communities, natural and cultural heritage and the provision of appropriate mitigation where required.

The network infrastructure is identified on Strategic Diagram 3 elements of which, including strategic reinforcement points, will likely be subject of some upgrading during the lifetime of this plan. Development consisting of new and/or upgraded transmission lines, substations and transformer stations to enhance the network is designated as a national development in National Planning Framework 3. The council will not support development proposals which could prejudice the implementation of the enhancements.

The council will expect the removal of power lines which become redundant as a consequence of enhancements to the network.”

6. Incorporating the key contents of drawing SPEN001 into Strategic Diagram 3, namely: power stations, substations, overhead transmission lines, underground cables, and strategic reinforcement points.

<b>Issue 23</b>	<b>Waste</b>	
<b>Development plan reference:</b>	Waste (pg111-112)	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Scottish Environment Protection Agency (0252)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy W1: Waste Management Safeguards Policy W2: Waste Management Developments Policy W3: Waste Separation and Collection Policy W4: Construction Waste	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy W4: Construction Waste</b></p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438/15)</u></p> <p>The representor does not support the requirement for a waste management plan to be provided with all planning applications as this can be dealt with by a planning condition.</p> <p><b>Waste Support</b></p> <p><u>Scottish Environment Protection Agency (0252/18); Scottish Environment Protection Agency (0252/19); Scottish Environment Protection Agency (0252/20); Scottish Environment Protection Agency (0252/21)</u></p> <p>Scottish Environment Protection Agency support policies W1, W2, W3, and W4 as set out in the Proposed Plan.</p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/16); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438/14)</u></p> <p>The representors support Policy W3 which requires new development to provide appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations.</p>		
<b>Modifications sought by those submitting representations:</b>		
<p><b>Policy W4: Construction Waste</b></p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438/15)</u></p> <p>Amend wording of policy to state that submission of waste management plans can be</p>		

dealt with by an appropriately worded planning condition.

**Waste Support**

Scottish Environment Protection Agency (0252/18); Scottish Environment Protection Agency (0252/19); Scottish Environment Protection Agency (0252/20); Scottish Environment Protection Agency (0252/21); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/16); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/14)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Policy W4: Construction Waste**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/15)

The Council has been advised by SEPA to include a policy that seeks to minimise waste production, encourage a waste hierarchy and safeguard existing waste sites. This has been incorporated within Policy W4 and gives greater certainty to the safe disposal of construction waste methods. The Council submits that the manner in which such management plans are secured, and the timing for this, will be a matter to be addressed at project level and planning application stage. It may be that the need to submit such accompanying reports feature as planning conditions, or they may need form part of a proposal, such as where an Environmental Impact Assessment is required and provision for waste management is an issue to be addressed within any environmental report. **The Council submits that no modification is necessary.**

**Waste Support**

Scottish Environment Protection Agency (0252/18); Scottish Environment Protection Agency (0252/19); Scottish Environment Protection Agency (0252/20); Scottish Environment Protection Agency (0252/21); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/16); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/14)

Support Noted

**Reporter's conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan and do not seek modifications. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Policy W4: Construction Waste**

2. Policy W4 seeks the inclusion of waste management plans at planning application stage. This ensures that waste management plans become integral to the design and project management of a development proposal upfront, prior to submission of an application and not as an afterthought. This will enable the planning authority to determine whether a proposal fully reflects Scottish Planning Policy paragraph 179. It will also place the authority in a position to then seek modifications and/or adherence to the waste management plan as a condition of planning permission. For these reasons I agree with Scottish Environment Protection Agency that Policy W4 reflects the principles of Scottish Planning Policy paragraph 179 as currently written.

3. Taylor Wimpey UK Ltd's and Mactaggart & Mickel Homes Ltd's proposed modification of dealing with waste management plans by condition alone would require a different approach to that written in Policy W4. It would require the council to either prepare retrospective waste management plans for individual planning applications or to seek these as additional work from the developer. Either method brings the risk of additional costs and delays.

4. Retrospective waste management plans carried out as a condition of planning permission and not upfront would also bring unintended consequences. For example it may not be possible to fully implement the desired arrangements without withdrawal of an application and/or total re-design of the proposal. Alternatively a proposal may be permitted but without the full range of waste management considerations that could have been achieved by considering such matters upfront and in advance of the application being made.

5. These outcomes are sub-optimal when considered against Scottish Planning Policy paragraph 179. It also illustrates that it is most practical for the proponent of development to consider how best to limit site waste and demonstrate how this will take place at the point when the proposal is conceived. I find that this demonstrates the operational and financial advantages of the approach set out in Policy W4. I therefore recommend no modifications.

**Reporter's recommendations:**

No modifications.

<b>Issue 24</b>	<b>Minerals</b>	
<b>Development plan reference:</b>	Minerals Pg 113-117	<b>Reporter:</b> Malcolm Mahony
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>The Coal Authority (0089)                  Bourne Leisure Ltd (0155)                  Royal Society of Protection of Birds (0185)                  Scottish Environment Protection Agency (0252)                  Scottish Natural Heritage (0280)                  Midlothian Council (0348)                  Francis Ogilvy (0419)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Minerals Pg 113-117	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries</b></p> <p><u>Scottish Natural Heritage (0280/15)</u></p> <p>There is no recognition in either PROP MIN4 or the supporting text that part of Bangley Quarry is a Site of Special Scientific Interest (SSSI). This should be added to the Proposal to ensure that reopening of the site does not conflict with management of the SSSI.</p> <p><b>PROP MIN5: Mineral Resources</b></p> <p><u>Francis Ogilvy (0419/3)</u></p> <p>There are no signs that representations to the Main Issues Report have been taken into account. In particular recognition that there is a legal requirement for a land bank of resources for sand and gravel extraction which the current allocation falls far short of. The proposed LDP action programme completely fails to address the issues raised in respect of both land bank or facilitating the potential to bring forward reasonable proposals for mineral development. In many cases there are opportunities for employment created as a consequence of mineral extraction linked with quality of after use. The location of sand and gravel reserves at Pencaitland to leave behind a water resource for tourism and wildlife and flood mitigation measures for property downstream has been ignored.</p> <p><b>Policy MIN8: Mineral Extraction Criteria</b></p> <p><u>Bourne Leisure Ltd (0155/3)</u></p> <p>The representation suggests an amendment to policy MIN8: Mineral Extraction Criteria by including an additional criterion under section 1 "g. tourism." The justification for the suggested alterations is the need to protect the amenity of existing residential/tourism</p>		

leisure development in East Lothian and the economic benefits associated.

Royal Society of Protection of Birds (0185/11)

RSPB do not believe that any proposal for open-cast coal mining in East Lothian can be considered acceptable or sustainable. RSPB note that the restoration of mineral extraction sites covers financial guarantees. RSPB recommend that financial guarantees should be secured via planning condition/planning obligations for all developments with significant restoration, decommissioning, aftercare or mitigation liabilities. The type of guarantee should be chosen carefully to minimise the risk that restoration will not take place or costs fall to the taxpayer. The costs of ongoing monitoring should also be considered as part of the overall costs. RSPB would welcome further guidance on financial guarantees as part of East Lothian Council's proposed plan/supplementary guidance. Notwithstanding our objection to any new open-cast coal mining in the Council area, RSPB support the criterion listed in this policy.

Scottish Environment Protection Agency (0252/9)

The representation states that criterion 5 of the policy provides an exemption for "material risk of disturbance or environmental damage" which cannot be accepted. The LDP Proposed Plan should provide a framework for avoiding environmental damage. The potential for damage to the environment from mineral extraction, including the abstraction of "onshore oil or gas or coalbed methane" is considerable and the damage could be significant rather than material. SEPA consider that this criterion provides an explicit exemption for development which could cause significant damage, and it should be excluded from the Local Development Plan.

The Coal Authority (0089/1)

Representation notes that around 10% of the Council area contains coal resources, concentrated in the west of East Lothian in the Musselburgh, Prestonpans, Blindwells and Tranent clusters. This has left a legacy of previous mine workings, which must be positively addressed by new development. Planning authorities are to consider such matters to ensure site allocations, policies or programmes will not lead to public safety hazards. New development should not take place over mine entries even when treated. However, instability and mining legacy is not always a complete constraint to new development, rather when these issues have been addressed new development can be considered safe, stable and sustainable. The Coal Authority makes 9 separate representations, of which 7 are in support of the plan. In support of the plan, The Coal Authority makes the following representations: Representation 1: support for Policy MIN1: Protection of Mineral Reserves; Representation 2: support for Strategy Diagram 4 (although not a formal representation further annotation of the diagram is suggested, such as the inclusion of cluster boundaries or settlement names); Representation 3: support for Policy MIN6: Opencast Coal Extraction, noting that whilst no formal area of search is identified (although the identification of one would be the Coal Authority's preference) this criterion based policy provides an appropriate balanced framework. Representation 4: support for Policy MIN7: Onshore Oil and Gas; Representation 6: support for Policy MIN10: Restoration and Aftercare; Representation 7: support for Policy MIN11: prior Extraction of Shallow Coal. The Coal Authority makes two representations that seek changes to the plan: Representation 5: seeks modifications to Policy MIN8: Mineral Extraction Criteria, namely delete criterion 3; Representation 9: object to the omission of a Policy on 'Unstable Land'. The Coal Authority would welcome discussion in advance of any examination procedures



to try and reach a negotiated position.

### **Policy MIN9: Supporting Information**

#### Royal Society of Protection of Birds (0185/12)

The requirement for mineral workings, when exhausted, to be restored to prime agricultural land where such existed before mining commenced, should be flexible in the case of the limestone extraction at Oxwell Mains (Barns Ness), Dunbar.

Ongoing, phased restoration of newly worked limestone deposits at Oxwell Mains should be undertaken for nature conservation interests. This would consolidate and extend the restoration for biodiversity that is being undertaken at North West Quarry, directly adjacent to the current active quarrying area.

The potential exists at Oxwell Mains to create a significant protected area for wildlife and a major asset for the residents of Dunbar and for visitors from within and outwith East Lothian.

### **Mineral Miscellaneous**

#### The Coal Authority (0089/2) – (Omission of Policy on Unstable Land)

Representation notes that around 10% of the Council area contains coal resources, concentrated in the west of East Lothian in the Musselburgh, Prestonpans, Blindwells and Tranent clusters. This has left a legacy of previous mine workings, which must be positively addressed by new development. Planning authorities are to consider such matters to ensure site allocations, policies or programmes will not lead to public safety hazards. New development should not take place over mine entries even when treated. However, instability and mining legacy is not always a complete constraint to new development, rather when these issues have been addressed new development can be considered safe, stable and sustainable. The Coal Authority makes 9 separate representations, of which 7 are in support of the plan. In support of the plan, The Coal Authority makes the following representations: Representation 1: support for Policy MIN1: Protection of Mineral Reserves; Representation 2: support for Strategy Diagram 4 (although not a formal representation further annotation of the diagram is suggested, such as the inclusion of cluster boundaries or settlement names); Representation 3: support for Policy MIN6: Opencast Coal Extraction, noting that whilst no formal area of search is identified (although the identification of one would be the Coal Authority's preference) this criterion based policy provides an appropriate balanced framework. Representation 4: support for Policy MIN7: Onshore Oil and Gas; Representation 6: support for Policy MIN10: Restoration and Aftercare; Representation 7: support for Policy MIN11: prior Extraction of Shallow Coal. The Coal Authority makes two representations that seek changes to the plan: Representation 5: seeks modifications to Policy MIN8: Mineral Extraction Criteria, namely delete criterion 3; Representation 9: object to the omission of a Policy on 'Unstable Land'. The Coal Authority would welcome discussion in advance of any examination procedures to try and reach a negotiated position.

#### Midlothian Council (0348/4)

Given the location of the East Lothian coal field along the boundary between Midlothian and East Lothian, Midlothian Council considers that it would be useful if the proposed LDP

could indicate that impacts on communities, including haulage of material, is addressed. This could be included within the supporting text.

**Modifications sought by those submitting representations:**

**PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries**

Scottish Natural Heritage (0280/15)

SNH propose an amendment to policy MIN4 of the supporting text to clarify that part of the site is a Site of Special Scientific Interest.

**PROP MIN5: Mineral Resources**

Francis Ogilvy (0419/3)

Policy MIN5 should be deleted or reworded to make provision for minerals extraction / development where environmental assessment demonstrates that this can be undertaken within acceptable parameters.

**Policy MIN8: Mineral Extraction Criteria**

Bourne Leisure Ltd (0155/3)

Amendment to Policy MIN8: Mineral Extraction Criteria.

Royal Society of Protection of Birds (0185/11)

No Modification sought.

Scottish Environment Protection Agency (0252/9)

SEPA objects to the inclusion of criterion 5 within Policy MIN 8: Mineral Extraction Criteria and seeks its removal from the plan.

The Coal Authority (0089/1)

Modification to Policy MIN8: Mineral Extraction Criteria, namely delete criterion 3. It should be noted that The Coal Authority supports the rest of the policy wording and so seeks no further change to it.

**Policy MIN9: Supporting Information**

Royal Society of Protection of Birds (0185/12)

The representation proposes that the LDP should be amended to support phased restoration of newly worked limestone deposits at Oxwell Mains.

**Mineral Miscellaneous**

The Coal Authority (0089/2) – (Omission of Policy on Unstable Land)

Representation 9: object to the omission of a Policy on 'Unstable Land'. The Coal Authority suggests that the following policy be added to the LDP as a means to resolve the representation:

"Policy XXX: Unstable Land

Development that would be at unacceptable risk of land instability will not be permitted. Where remedial, treatment or mitigation measures are required to ensure that development is safe and stable, planning permission will only be granted where such remedial, treatment or mitigation measures can be secured without adversely affecting residential amenity, the water environment or landscape character."

Midlothian Council (0348/4)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries**

Scottish Natural Heritage (0280/15)

The Council submits that it is not essential that the LDP be modified to note that there is a SSSI within Bangley Quarry, since this is noted on the Proposals Map (Inset 1) alongside the Geological Conservation Site. **The Council submits that no modification is necessary.**

**PROP MIN5: Mineral Resources**

Francis Ogilvy (0419/3)

The Council submits that the approach it has taken to mineral development is set out in Technical Note 6: Planning for Minerals (CD 051). In respect of sand and gravel workings, it explains the position at paragraphs 2.4 – 2.5, 2.12, 2.14, 4.5 – 4.7, 4.13 – 4.18, 6.1 – 6.17. As such, the Council submits:

- a) that the proposed LDP has safeguarded sites where there are known viable reserves of sand and gravel as required by SPP,
- b) there is some doubt (based on the SESplan Minerals Technical Note) (CD 034) whether the SESplan area is the limit of the sand and gravel market area, which could be much wider than the SDP area,
- c) there is also some doubt based on current economic conditions (and SESplan's Minerals Technical Note) whether there is less than a 10 year land bank of permitted reserves of sand and gravel within the 'market area' - based on the SESplan area there could be up to 20/17 years supply based on SESplan construction rates at 2010/2011 or 4.5 years supply based on same figures for Scotland applied to the SESplan area,
- d) if it is demonstrated that a shortfall of permitted reserves exist, the presumption against such development set out in Policy MIN5 may not apply provided other LDP policies can be satisfied, including the preference to extend existing workings before opening new ones as expressed by Policy MIN5
- e) it should be noted that Longyester sand and gravel quarry has planning permission to expand and this consent has only recently been implemented (2016),
- f) the LDP has not identified an area of search for sand and gravel resources within East Lothian because areas where permission for such workings might be approved cannot be

identified with confidence by the LDP without significant technical study that is most appropriately carried out at project level; additionally, such minerals can only be worked where they are found so the basis for such a search would be the existence of a sand and gravel resource,

g) the LDP contains criterion based policies (MIN5, MIN8, MIN9 and MIN10) against which proposals for sand and gravel extraction / working can be assessed should such proposals come forward over time. **The Council submits that no modification is necessary.**

### **Policy MIN8: Mineral Extraction Criteria**

#### Bourne Leisure Ltd 0155/3

Policy MIN8 seeks to assess proposals against a number of environmental criteria as well as impacts on the local community. The Council submits that Part 1 of the policy (criterion a) and criterion g)) would protect the amenity of the area and any other sensitive receptors. The Council submits that this would adequately safeguard the amenity of existing tourism / leisure development within East Lothian and that there is no need to modify the policy to make specific mention of these assets. **The Council submits that no modification is necessary.**

#### Royal Society of Protection of Birds (0185/11)

Comments are noted and support welcomed. With reference to further information on financial guarantees for the restoration of sites refer to the page 6 para. 2.20 of Technical Note 6: Planning for Minerals (CD 051). **The Council submits that no modification is necessary.**

#### Scottish Environment Protection Agency (0252)

The Council submits that criterion 5 of Policy MIN8 does not allow outright for 'significant' disturbance or environmental damage; it would only allow consideration to be given to a material risk that some degree of such damage might be outweighed by significant local or community benefits related to the proposal, including when any mitigation measures are introduced. The Council submits that this does not mean unacceptable development could be justified in this way; rather it would allow some consideration to be given, on balance, to whether the overall benefits of a proposal outweigh the inevitable environmental impacts of minerals extraction. This part of the policy could therefore apply where there is a need to resist a proposal or where there is a need to take a balance view in support of a proposal. The Council further submits that SEPA would be a statutory consultee on such proposals in line with Town and Country Planning Development Management Procedure (Scotland) Regulations 2008 (Schedule 5 (7)) (CD 001). The Council submits that this is the most appropriate approach to follow. **The Council submits that no modification is necessary.**

#### The Coal Authority (0089/1)

This representation relates to a modification of Policy MIN8: Mineral Extraction Criteria, but it only seeks the deletion of criterion 3. Criterion 3 seeks to ensure that any proposed mineral workings would not be 'conspicuous' if viewed from key transportation corridors or tourist routes, which are listed in the policy. The Council submits that the existence of criterion 3 does not preclude mineral extraction in locations nearby these routes: current examples of this include Oxwellmains limestone quarry or Skateraw sand and gravel quarry (See LDP Strategy Diagram 4: Minerals). The key issue here is that these workings

are not 'conspicuous' – i.e. they are not obvious and do not attract attention – when viewed from these routes, rather they are inconspicuous. Mitigation of landscape and visual impacts is an important aspect of ensuring the relevant provisions of this policy can be met. It is important to ensure that minerals can be worked where they are found while ensuring that the area's attractive character and appearance is conserved, especially from these key public routes that help provide East Lothian's sense of place and contribute to its tourism economy. The Council therefore submits that this important part of Policy MIN8: Mineral Extraction Criteria should be retained. **The Council submits that no modification is necessary.**

### **Policy MIN9: Supporting Information**

#### Royal Society of Protection of Birds (0185/12)

The Council submits that this requirement of Policy MIN9 would need to be read together with Policy MIN10: Restoration and aftercare. The Council also notes that the land at Oxwellmains is Class 3.1, the lowest quality of prime quality agricultural land. It may be that in situations like this there are alternative restoration proposals that could deliver greater benefits, such as ecological benefits, than the restoration of the land to prime quality agricultural land. However, where there is prime quality agricultural land it is right for the Council to seek to restore the land to that quality once minerals operations have ceased, as stated in MIN9. The Council submits that this is the most appropriate approach to follow. **The Council submits that no modification is necessary.**

### **Mineral Miscellaneous**

#### The Coal Authority (0089/2) – (Omission of Policy on Unstable Land)

In respect of The Coal Authority objection to the omission of an LDP policy on 'unstable land', the Council submits that this matter is already adequately addressed through the Development Management process, and there is no need for a specific LDP policy on the matter. In accordance with the Town and Country Planning Development Management Procedure (Scotland) Regulations 2008 (Schedule 5 (7)) (CD 001), the Council is required to consult The Coal Authority on relevant planning applications. These regulations state that The Coal Authority is a statutory consultee on planning applications for built development. The Coal Authority identifies low risk and high risk consultation zones. In low risk areas coal mining took place at such a depth so as not to pose a risk to development and it has no known recorded risks, and no further information is required. In high risk areas, planning applications must be accompanied by a Coal Mining Risk Assessment (CMRA). The Coal Authority's publication 'Risk Based Approach to Development Management' (Version 2 (2013)) (CD 119) sets out in full how the Coal Authority wants to be consulted on planning applications. If the proposal is within a Development High Risk Area and is not on The Coal Authority's Exemptions List then a desk based CMRA must be submitted to the planning authority to support the application. The planning authority will send the CMRA to The Coal Authority for the statutory consultation period. The Coal Authority reviews the CMRA and provides a consultation response. The planning authority will impose any appropriate planning conditions on any planning permission as requested by The Coal Authority. The Council would not approve planning permission if ground conditions constraints cannot be overcome for development, and it would not allow the proposed development to proceed unless and until any necessary ground conditions mitigation has been identified and is provided as appropriate. Additionally, the Council submits that the LDP, within the introductory text that describes the spatial strategy for

each cluster area, makes reference to the need to identify and mitigate any ground conditions constraints in respect of any development (see proposed LDP paragraphs 2.18; 2.53; 2.66; 2.70; 2.87; 2.115; 2.133; and 2.156). The Council further submits that in taking planning decisions the LDP should be read and applied as a whole, and in accordance with the Town & Country Planning (Scotland) Act 1997 (as amended) (CD 002). When determining planning applications, this includes the need to take into account the provisions of the LDP that seek to ensure that development proposals identify and mitigate any ground conditions constraints as well as the need to take into account any other relevant material considerations, including any technical work or consultation responses from The Coal Authority in respect of such matters. In this context, the Council submits that the proposed LDP adequately addresses the issue of unstable land, and that it is not essential that the plan be modified in light of this representation. This is particularly the case in view of the pre-existing provisions which would allow these matters to be satisfactorily addressed through the Development Management process. **The Council submits that no modification is necessary.**

Midlothian Council (0348/4)

East Lothian Council submits that Policy MIN8 and MIN9 as drafted adequately address Midlothian Council's concerns and would allow the consideration of cross boundary impacts resulting from proposals for mineral workings. Midlothian Council could consider project level impacts related to minerals proposals at planning application stage and seek to ensure appropriate mitigation is justified and provided. Ultimately Midlothian Council could object to planning applications in East Lothian if concerns are not addressed. **The Council submits that no modification is necessary.**

**Reporter's conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has referred to a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**PROP MIN4: Safeguard Bangley and Markle Mains Hard Rock Quarries**

2. Scottish Natural Heritage requests that the policy be amended to refer to the fact that part of Bangley Quarry is a Site of Special Scientific Interest (SSSI). As the council points out, the boundaries of the SSSI are denoted on the Proposals Map Inset 1, albeit not, I note, on the larger scale Inset Map 42 of Bangley Quarry. Nevertheless, that reference is sufficient, so I have no basis to recommend any amendment.

**Policy MIN5: Mineral Resources**

(Incorrectly referred to as PROP MIN5 in the above sections.)

3. Francis Ogilvy's representation makes reference to the requirement in Scottish Planning Policy (SPP) for planning authorities to ensure a landbank of permitted reserves of construction aggregates for a minimum of 10 years extraction, is available at all times and in all market areas. He argues that the current allocation falls far short of this. The

council's response refers to the SESplan Minerals Technical Note (September 2011). This includes two alternative landbank assessments for sand and gravel in the region. One estimated a supply sufficient for 17 to 20 years. The other estimated a supply sufficient for 4.5 years. The Technical Note concluded that the figure of 4.5 years presented a more realistic scenario, especially given that there was generally understood to be a national shortage of consented sand and gravel reserves. (Calculations of hard rock reserves show no equivalent shortage.)

4. Whilst the council highlights the uncertainties in the figures reported in the Technical Note, it does not refer to the report's conclusion that the more realistic scenario was that permitted reserves of sand and gravel in the region fell below the 10 year minimum. In terms of updating, the council points out that an extension to the Longyester sand and gravel quarry, in the south of East Lothian, was implemented in 2016. However, I note from the council's Technical Note on minerals that the other sand and gravel quarry in East Lothian, located at Skateraw, has an expiry date of September 2017. I have not been informed that the overall conclusion of the Technical Note is out-of-date.

5. As Mr Ogilvy points out in his representation, the reference in the policy to "exceptions" is not explained.

6. In those circumstances, I consider that the plan should provide context to Policy MIN5 in the supporting text. This would enable the reader to understand when the presumption against development, contained in the policy, would apply and what might constitute an exceptional case. I am therefore recommending the addition of the technical conclusion from the SESplan note, together with text from the council's response to Mr Ogilvy's representation.

7. Mr Ogilvy's arguments relating to the potential benefits of mineral extraction are discussed under Policy MIN8: Mineral Extraction Criteria.

#### **Policy MIN8: Mineral Extraction Criteria**

8. Bourne Leisure wishes criterion 1 of the policy to specify tourism development as requiring protection from unacceptable environmental impacts. However, such development would already receive protection under the terms of criterion 1a of the policy, and I see no reason to single out a particular type of development in this respect.

9. Scottish Environment Protection Agency considers that criterion 5 could provide an exemption for development which could cause significant environmental damage, whereas the plan should provide a framework for avoiding such damage.

10. The first sentence of Policy MIN8 only contemplates permission where, among other things, there is no significant adverse impact on the environment. However, the council's intention, in criterion 5, is to allow some consideration to be given to the balance between the overall benefits of a proposal and the inevitable environmental impacts of minerals extraction, including when any mitigation measures are introduced. It indicates that this would apply where "some degree" of disturbance or environmental damage might occur.

11. SPP states that: "Consent should only be granted for surface coal extraction proposals which are either environmentally acceptable (or can be made so by planning conditions) or provide local or community benefits which clearly outweigh the likely impacts of extraction". I note that this SPP guidance is limited to surface coal extraction,

whereas Policy MIN8 extends to all surface mineral extraction and the extraction of onshore oil or gas or coal bed methane. The SPP guidance for mineral resources is that benefits to the local and national economy can be taken into account. There is no reference to local or community benefits more generally, but the list of factors is not exhaustive and there seems no reason to exclude such benefits from consideration.

12. There is no support in national guidance for expanding the scope of paragraph 244 of SPP more widely than surface coal extraction and no other justification. I therefore recommend that criterion 5 is amended to restrict its application to surface coal extraction.

13. The Coal Authority seeks the deletion of criterion 3 on the grounds that it would result in the refusal of any minerals extraction scheme visible from the listed major transportation corridors or tourist routes. However, that is a misreading of the policy, which requires that any development is not “conspicuous” rather than not visible. Measures such as the mitigation of landscape and visual impacts of a scheme can assist in meeting the terms of this criterion. I agree with the council that it is important to conserve attractive aspects of the character and appearance of East Lothian especially as viewed from the key routes listed whilst at the same time allowing minerals to be worked where appropriate. The policy should therefore be retained.

14. Mr Ogilvy argues that mineral extraction can produce benefits in relation to both extraction activity and after use, including employment, tourism, wildlife habitat and flood mitigation. He states that such benefits are ignored by the plan. In fact, there is acknowledgement that benefits can be considered as Policy MIN9: Supporting Information invites applicants to submit detailed information on the benefits that would result from the development locally, including details of any employment benefits.

#### **Policy MIN9: Supporting Information**

15. The policy includes a requirement for prime quality agricultural land to be reinstated to agricultural land of a similar quality to that existing prior to mineral working. The RSPB argues that the requirement should be more flexible in the case of Oxwellmains (Barns Ness), Dunbar, where restoration in the interests of biodiversity should be preferred.

16. The council points out that the land at Oxwellmains is Class 3.1, the lowest category of prime agricultural land. It accepts that in some circumstances, such as that, greater benefits might result from restoration for purposes other than prime agricultural land. However, it does not wish to amend the policy.

17. Whilst it would not be appropriate to introduce flexibility for a particular site into a policy of general application, the council accepts that the point raised does have general application. As it stands, the policy does not explain that flexibility might be applied. Therefore, in the interests of accuracy and completeness, I recommend wording to allow for limited flexibility along the lines of the council’s response.

#### **Minerals miscellaneous**

18. The Coal Authority argues for the inclusion of a policy on unstable land. Within the plan area, 9.88% of the land is at high risk from instability arising from the mining legacy. This is a significant constraint over a large area. The authority considers it should be treated comparably with flood risk, which is the subject of Policy NH11 of the plan.



19. There are many references throughout the supporting text of the plan to the need to consider ground conditions, but no specific policy. Whilst there is an argument for a new policy on the grounds of consistency, that is not a sufficient basis on its own for me to recommend introducing that. As the council points out, it has comprehensive development management procedures in place. I have been given no indication that these have proved inadequate. There are therefore insufficient grounds for a new policy.

20. As Midlothian bounds the East Lothian coalfield, Midlothian Council, wishes to see reference to impacts on communities, including haulage of material, in the supporting text of the minerals section of the plan. However, as these matters are listed in Policies MIN8 and MIN9, and procedures are in place for Midlothian Council to be consulted on proposals which might affect their area, I can see no basis for requiring further references in the supporting text.

**Reporter's recommendations:**

Modify the local development plan by:

1. Adding a new paragraph of supporting text before Policy MIN5: Mineral Resources as follows:

“Scottish Planning Policy requires planning authorities to ensure a landbank of permitted reserves of construction aggregates for a minimum of 10 years extraction, to be available at all times and in all market areas. A Minerals Technical Note published by SESplan in September 2011 acknowledged difficulties in estimating reserves of construction aggregates in the region, but concluded that the lower of its two estimates of permitted reserves of sand and gravel – 4.5 years supply - was more realistic, but that there was no shortfall in the landbank for hard rock. Since then, within East Lothian, an extension to the sand and gravel quarry at Longyester has been implemented and the permission at Skateraw has expired. If a shortfall of permitted reserves is demonstrated, the presumption against such development in Policy MIN5 may not apply, provided the preference to extend existing workings before opening new ones expressed in the policy and the provisions of other relevant plan policies can be satisfied. Any proposal for extraction of construction aggregates, including sand and gravel, will be assessed against Policies MIN5, MIN8, MIN9 and MIN10.”

2. Replacing criterion 5 of Policy MIN8: Mineral Extraction Criteria with the following:

“In the case of surface coal extraction, where there is a material risk of disturbance or environmental damage, this is outweighed by demonstrable and significant local or community benefits related to the proposal.”

3. In Policy MIN9, replacing the second sentence of point (ix) with the following:

“In the case of prime quality agricultural land, applicants must demonstrate that the site will be reinstated to agricultural land of a similar quality to that existing prior to mineral working, other than in exceptional circumstances where restoration to an alternative afteruse can be demonstrated to have greater benefits.”

<b>Issue 25</b>	<b>Countryside and Coast</b>	
<b>Development plan reference:</b>	Diverse Countryside and Coastal Areas: Development in the Countryside (Pgs 118-122)	<b>Reporter:</b> Jo-Anne Garrick
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Hew Balfour (0057)  Historic Environment Scotland (0228)  Scottish Natural Heritage (0280)  Wemyss &amp; March Estates (0315)  Mr W A Dodd (0323)  Scottish Power Energy Networks (0338)  Cappoquin Properties Ltd. (0339)  Karting Indoors Ltd.(0342)  Fisherrow Waterfront Group (0344)  Homes for Scotland (0353)  David Campbell (0361)  Near na Gaoithe Off-shore Wind Ltd (0386)  Scottish Government/Transport Scotland (0389)  Francis Ogilvy (0419)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy DC1: Rural Diversification Policy DC2: Conversion of Rural Buildings to Housing Policy DC3: Replacement Dwellings in the Countryside Policy DC4: New Build Housing in the Countryside Policy DC5: Housing as Enabling Development Policy DC6: Development in the Coastal Area	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DC1: Rural Diversification</b></p> <p><u>Wemyss &amp; March Estates (0315/1)</u></p> <p>Respondent has redrafted a new Policy DC1 that seeks to include economic need as a justification for development in the countryside without any caveat on its scale and character; any proposal that diversifies an existing business without any caveat as to what that existing business may be, provided it creates permanent employment; any tourist accommodation proposal in the countryside as long as there is no adverse impact on surroundings and neighbouring uses; to permit the principle of new build housing development to cross fund an employment, tourism or leisure use and any other business use where it is of appropriate scale or character for its proposed location in the countryside provided it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts; any leisure or tourism or infrastructure development that has a clear operational requirement for a countryside location if any potential detrimental impact can be outweighed by its social and economic benefits.</p> <p><u>Karting Indoors Ltd.(0342/4)</u></p> <p>Policy DC 1 para 5.5-5.7 should be amended and state: Rural diversification in the</p>		

countryside including changes of use or conversions of existing buildings will be supported in principle where it is for:

- a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses or:
- c) ***other non rural uses that have an operational requirement that cannot be met on a site within an existing urban area.*** Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6. Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan, character and designed in such a way that maintains or complements their layout and appearance.

### **Policy DC2: Conversion of Rural Buildings to Housing**

#### Wemyss & March Estates (0315/2)

Respondent has redrafted a new Policy DC2 that makes no significant change to the policy but includes a reference to the change of use of garden ground.

#### David Campbell (0361/8)

Recast final sentence of policy DC2: "In all cases, no demolition should be undertaken before planning approval is granted. As part of planning permission an archaeological record may be required. HES guidance on the conversion of historic agricultural buildings should be followed and all original features such as doors, windows, roofing materials and ground treatment preserved where possible. For new work, the external finishes "

### **Policy DC3: Replacement Dwellings in the Countryside**

#### Wemyss & March Estates (0315/3)

Respondent has redrafted a new Policy DC3 that adds new circumstances where a replacement house may be justified; to accommodate modern living where the carbon footprint is significantly lower than the original and the scale of the new house is broadly similar and original materials are reused as far as possible.

### **Policy DC4: New Build Housing in the Countryside**

#### Scottish Natural Heritage (0280/17)

Policy DC6 sets out constraints and requirements in relation to the coast. Policy DC4 should therefore refer to that policy in caveat (iii) rather than emphasise one particular definition of countryside and coast.

#### Wemyss & March Estates (0315/4)

Respondent has redrafted a new Policy DC4 to include references to Section 75 legal agreements to secure the occupation of a new house in the countryside and to tie its occupation to the business which justified it in the first place. It also introduces a new section allowing one/two new build or converted dwellings per plan period where there are 5 existing units or where the site is well related to an existing group of houses or buildings capable of conversion and where the cumulative impact of the whole development and the

completed group of buildings does not adversely affect their character or that of their surroundings or area appropriate infill sites or is development on rural brownfield land or is a conversion or replacement of a redundant non domestic building.

Cappoquin Properties Ltd.(0339)

The representation seeks to amend Policy DC4 New Build Housing in the Countryside suggesting two stances which the LDP could adopt: Stance A – Remove the Affordable Requirement for Policy DC4 (iii) to allow market housing to be built in the East Lothian countryside, and Stance B – Accept and Continue Policy DC4 as per the Proposed LDP but provide further clarification as to how it should be applied in the future with specific reference to the identification of need as referred to in the policy. Suggests a small site at Liberty Hall near Gladsmuir would be suitable for residential development in the countryside. The site is effective and could be developed for affordable or mainstream housing.

Homes for Scotland (0353/10)

Policy DC4: New Build Housing in the Countryside is overly restrictive and does not include the necessary flexibility to allow small settlements to grow and change over time to add to the diverse mix of settlements in East Lothian. There is currently no mechanism to allow small settlement groups or clusters to grow incrementally over time to make use of existing infrastructure in place to serve these clusters.

Scottish Government/Transport for Scotland (0389/9)

The representation refers to and expands upon comments to an earlier draft of the proposed plan and note that no changes have been made in this regard.

The Scottish Government appreciates that paragraph 5.10 aims to set out the circumstances in which development outwith settlements may be appropriate so is partly in accordance with paragraph 81 of SPP. However, the second part of the paragraph sets out circumstances in which housing will be tied to businesses in every such circumstance. This would appear to require occupancy restrictions, so if this is not the case, this should be clearly explained. If this will require occupancy restrictions, it is contrary to SPP policy which states that occupancy restrictions should be avoided. Given that a policy such as this that requires them in every circumstance it is not considered that this can be considered ‘avoiding the use of occupancy restrictions’.

**Policy DC5: Housing as Enabling Development**

Historic Environment Scotland (0228/2)

The representation welcomes the policy support for the restoration of listed buildings or other designated features. Policy DC5 notes that enabling development will fund the restoration of an asset and Historic Environment Scotland recommends that a clear statement is made that it should be the only option to save an asset from loss or potential loss. Historic Environment Scotland welcomes the acknowledgement of the requirement to protect the setting of cultural heritage assets in this policy. The policy also states that enabling development must be on the same site as the main proposal. This may limit the possibilities of protecting or enhancing the setting of an asset, and Historic Environment Scotland would therefore recommend that this is altered or clarified.

(The reporter may wish to note that Historic Environment Scotland has additionally provided a number of notes, advice and comments on a variety of sites across all cluster areas in the LDP many of which are on the development briefs and the Environmental Report. The Council submits that these are not representations to the LDP and has not therefore formally recorded these or responded to them. Where relevant, these will be taken into consideration at the time of finalising development briefs or at the time of a relevant planning application).

Wemyss & March Estates (0315/5)

Respondent has submitted a redraft of Policy DC5 but there are no changes to this policy.

Mr W A Dodd (0323/4)

The practice of allowing housing as enabling development is an abuse of the planning system and should no longer be tolerated. The Council should grant aid deserving development, to ensure development occurs in the right places.

**Policy DC6: Development in the Coastal Area**

Scottish Natural Heritage (0280/18)

The term "*Largely Unspoiled Coast*" used in Policy DC6 does not appear elsewhere in the Proposed Plan or Technical Note 7. SNH recommend it is changed to "*Unspoiled Coast*" to ensure clarity and consistency throughout the Proposed Plan and supporting documents. The Natura caveat used in Policy DC6 represents good practice. However, it does not align with caveats used elsewhere in the Proposed Plan. As the full caveat is used in Policy NH1 we suggest that the shorter caveat used in other Policies would be sufficient in Policy DC6.

Wemyss & March Estates (0315/6)

Respondent has submitted a redraft of Policy DC6 but there are no changes to this policy.

Fisherrow Waterfront Group (0344/2)

To counteract the loss of green space and green corridor, facilities that draw people to Musselburgh such as the harbour and waterfront should be enhanced – but the LDP does not mention these areas at all. The LDP should support appropriate economic activity at the countryside and coast but mentions of coast are limited and lacking completely in the tourism section. The council should do more to celebrate its coastal assets, support its coastal communities and recognise their potential for employment generation. Fisherrow and Musselburgh together have untapped potential to become a recreational hub with a sustainable visitor and community centre.

**Development in the Countryside Miscellaneous**

Scottish Natural Heritage (0280/16)

Review extent of "constrained and developed coast" shown in diagram 5.

Wemyss & March Estates (0315/8)

Welcomes changes to policies but considers they still require further flexibility to ensure rural business and development opportunities are not stifled by an unnecessarily cautious policy approach. Not asking for tacit planning permission to develop across huge swathes of countryside but to permit appropriately scaled and designed development to maintain rural populations enable farms and businesses to diversify or establish in the countryside.

Scottish Power Energy Networks (0338/3)

General amendments to policies for development in the countryside to protect and not prejudice Scottish Power Energy Networks ability to enhance the high voltage electricity transmission network within East Lothian. To this end, amendments to Policy DC1 are suggested to introduce a read across and acknowledgement of the positive stance of Policy EGT1 including the suggested modifications. Amendments to policy DC4 to ensure that new housing in the countryside does not prejudice the delivery of development covered by Policy EGT1 (b) including the suggested modifications. Similar changes are suggested in respect of Policy DC6 in respect of development in coastal areas, and in respect of paragraph 5.7 as a pre-amble to policy DC1.

Neart na Gaoithe Off-shore Wind Ltd (0386/3)

Neart na Gaoithe Off-shore Wind Ltd seek general amendments to policies for development in the countryside to protect and not prejudice its ability to enhance the high voltage electricity transmission network within East Lothian. To this end, amendments to Policy DC1 are suggested to introduce a read across and acknowledgement of the positive stance of Policy EGT1 including the suggested modifications. Amendments to policy DC4 to ensure that new housing in the countryside does not prejudice the delivery of development covered by Policy EGT1 (b) including the suggested modifications. Similar changes are suggested in respect of Policy DC6 in respect of development in coastal areas, and in respect of paragraph 5.7 as a pre-amble to policy DC1.

Francis Ogilvy (0419/1)

The reference to the countryside and the part it can play in the wellbeing and economic development of the county is welcomed, though greater emphasis on the contribution appropriate development can play is to be encouraged. In particular, there remains a presumption against new build housing in most circumstances in Policies DC1-3 and DC5. Is this necessary when there is a desire to see variety of good architectural design. When housing is expected in only large groups individuality will be stifled and the benefit for local contractors will not be won. Opportunities for self build affordable housing may also be lost.

**Development in the Countryside support****Policy DC4: New Build Housing in the Countryside**Hew Balfour (0057/2)

Supports Policy DC4 - New Build Housing in the Countryside.



**Modifications sought by those submitting representations:**

**Policy DC1: Rural Diversification**

Wemyss & March Estates (0315/1)

Amendments to Policy DC1 Rural Diversification (refer to full representation for text)

Karting Indoors Ltd.(0342/4)

Add a third criteria to DC1 - Rural diversification in the countryside including changes of use or conversions of existing buildings will be supported in principle where it for: - a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or  
b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses or:  
c) other non rural uses that have an operational requirement that cannot be met on a site within an existing urban area.

**Policy DC2: Conversion of Rural Buildings to Housing**

Wemyss & March Estates (0315/2)

Amendments to Policy DC2 Conversion of Rural Buildings to Housing (refer to full representation for text)

David Campbell (0361/8)

Recast final sentence of policy DC2: "In all cases, no demolition should be undertaken before planning approval is granted. As part of planning permission an archaeological record may be required. HES guidance on the conversion of historic agricultural buildings should be followed and all original features such as doors, windows, roofing materials and ground treatment preserved where possible. For new work, the external finishes "

**Policy DC3: Replacement Dwellings in the Countryside**

Wemyss & March Estates (0315/3)

Amendments to Policy DC3 Replacement Dwellings in the Countryside (refer to full representation for text)

**Policy DC4: New Build Housing in the Countryside**

Scottish Natural Heritage (0280/17)

Policy DC4 should be amended to refer to Policy DC6 rather than NH1.

Wemyss & March Estates (0315/4)

Amendments to Policy DC4 New Build Housing in the Countryside (refer to full representation for text)

Cappoquin Properties Ltd. (0339)

We would therefore propose that the policy wording should be amended or a new policy be formed to read as follows: Additions to clusters will be acceptable where: A. The proposal is sympathetic to the character and landscape setting of the existing cluster. Cappoquin Ltd East Lothian LPD – Proposed Plan Representation Development at Liberty Hall Site for Housing B. The development represents the sensitive in-filling of any available gap sites consolidating existing dwellings within the cluster. C. The development has a clear relationship with the existing cluster by being physically connected with the cluster. D. The proposed design solution is in keeping with the character and built form of the existing cluster and otherwise complies with design guidance in the supplementary guidance.

E. The proposal does not expand the cluster by more than 50% of the number of houses within that group (rounded up to nearest single dwelling house) as at date of adoption of this policy (or supplementary guidance). Additions to clusters will not be acceptable where:

- The cluster is located within the greenbelt.
- The development results in the coalescence of settlements.
- The development extends/creates a ribbon of development.
- The development has an unacceptable impact on the character of the existing building group or its landscape setting and settlement.

NOTE: In applying LDP Policy: Rural Housing, (or supplementary guidance) ,a 'cluster' is defined as a building group consisting of 2 or more houses forming a clearly identifiable 'group', with strong visual cohesion and sense of place.

Homes for Scotland (0353/10)

Policy DC4: New Build Housing in the Countryside should include a category to allow for the redevelopment of vacant rural brownfield land. Furthermore it should allow for the expansion of existing settlement groups or clusters of homes of 4 or more houses.

Scottish Government (0389/9)

Page 120, paragraph 5.10: change 'Housing permitted in these circumstances will be tied to the business for which it is justified',

to: 'Housing permitted in these circumstances may in exceptional circumstances be tied to the business for which it is justified'.

**Policy DC5: Housing as Enabling Development**Historic Environment Scotland (0228/2)

Paragraph 5.12 of the plan should be altered to clarify Policy DC5 and the location of enabling proposals.

Wemyss & March Estates (0315/5)

No modification sought

Mr W A Dodd (0323/4)

Suggested Replacement text to Policy DC5: "Due to advances in planning optimum



provision of housing land, the practice of permitting the erection of housing as enabling development, will no longer be supported.”

**Policy DC6: Development in the Coastal Area**

Scottish Natural Heritage (0280/18)

Policy DC6 should be amended to refer to “*Unspoiled Coast*” rather than “*Largely Unspoiled Coast*”.

Policy DC6 has a more comprehensive Natura caveat than other policies and it is unclear why this detail is required in this particular case. To align with other Policy caveats, SNH recommend it is amended to:

*“Proposals must be accompanied by project specific information to inform a Habitats Regulations Appraisal and, if necessary, an Appropriate Assessment under the Habitats Regulations”.*

Wemyss & March Estates (0315/6)

No Modification sought

Fisherrow Waterfront Group (0344/2)

LDP should support appropriate economic development on the coast, specifically mention waterfront enhancement and a recreational hub at Musselburgh/Fisherrow.

**Development in the Countryside Miscellaneous**

Scottish Natural Heritage (0280/16)

Spatial Strategy Diagram 5 should:

1. Separate out the different categories of ‘constrained’ and ‘developed’ coast to align with Policy DC6: Development in the Coastal Area;
2. Be updated to accurately reflect the extent of unspoiled coast.

Wemyss & March Estates (0315/8)

Modifications proposed in the form of redrafted policies as set out in the submission (0315)

Scottish Power Energy Networks (0338/3)

Replace second paragraph of policy DC1 as follows: Proposals must also satisfy the terms of policy NH1 and other relevant plan policies, including DC6 as well as taking account of Policy EGT4(b); add new criterion to Policy DC4 as follows: ‘the development does not prejudice the delivery of development covered by Policy EGT4(b).’; add new sentence after third bullet point of Policy DC6 as follows: ‘In all cases development will only be supported where it does not prejudice the delivery of development covered by Policy EGT4(b); at the end of paragraph 5.7 include: ‘Policies relating to development in the countryside or in

coastal areas ensure that nationally significant electricity transmission infrastructure developments will be facilitated and safeguarded against proposals which might prejudice their delivery.'

Neart na Gaoithe Off-shore Wind Ltd (0386/3)

Replace second paragraph of policy DC1 as follows: Proposals must also satisfy the terms of policy NH1 and other relevant plan policies, including DC6 as well as taking account of Policy EGT4(b); add new criterion to Policy DC4 as follows: 'the development does not prejudice the delivery of development covered by Policy EGT4(b).'; clarify in Policy DC4 whether 'and' or 'or' applies between the bullet points; add new sentence after third bullet point of Policy DC6 as follows: '(iv) In all cases development will only be supported where it does not prejudice the delivery of development covered by Policy EGT4(b); at the end of paragraph 5.7 include: 'Policies relating to development in the countryside or in coastal areas ensure that nationally significant electricity transmission infrastructure developments, such as on-shore infrastructure associated with the Neart na Gaoithe Offshore Wind Farm, will be safeguarded against proposals which might prejudice their delivery.'

Francis Ogilvy (0419/1)

No specific modification suggested, but implication is that a presumption against new build housing in the countryside should be removed from policies DC1 – 3 and DC5 which should be more permissive in this regard.

**Development in the Countryside support**

Hew Balfour (0057/2)

No modification sought

**Summary of responses (including reasons) by planning authority:**

**Policy DC1: Rural Diversification**

Wemyss & March Estates (0315/1)

The Council notes that the respondent has redrafted a new Policy DC1 that seeks to include economic need as a justification for development in the countryside, without any caveat on its scale and character; that seeks to permit any proposal that diversifies an existing business if it creates permanent employment, without any caveat as to what that existing business may be; that seeks to permit any tourist accommodation proposal in the countryside as long as there is no adverse impact on surroundings and neighbouring uses; that seeks to permit the principle of new build housing development to cross fund an employment, tourism or leisure use and any other business use where it is of appropriate scale or character for its proposed location in the countryside provided it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts; and seeks to permit any leisure or tourism or infrastructure development that has a clear operational requirement for a countryside location if any potential detrimental impact can be outweighed by its social and economic benefits.

The Council submits that Policy DC1 of the LDP is supportive in principle of countryside

businesses but also has necessary and appropriate caveats which enable the planning authority to ensure that appropriate economic benefits can be derived and countryside businesses prosper without undue negative impacts on the countryside. The Council considers that to change the policy in the way suggested would open the countryside of East Lothian to almost any development proposal as most could be argued to be of some economic benefit. The Council submits that while this might be an appropriate response in a remote part of the Scottish countryside that is in need of regeneration, it is not appropriate in a pressured area of countryside in close proximity to the city of Edinburgh as noted in the Council's Issue 25 Development in the Countryside Position Statement (CD065). For reasons of sustainability new housing development should be directed towards existing settlements rather than countryside locations. The Council also rejects the principle suggested that new build housing development should be permitted to cross fund an employment, tourist, leisure or business proposal. The Council submits that Policy DC5 allows for enabling development only in exceptional situations.

However, the Council also notes that the representation effectively seeks to clarify the text in para 5.5 that states that new business use may also seek to establish in East Lothian's countryside by suggesting that the Policy DC1 be amended by inclusion of support for business in the policy wording subject to the caveat that it is of an appropriate scale and character. The Council notes that this would remove the need to demonstrate an operational requirement for a countryside location. If the Reporter considers that there should be further scope for business as well as other uses, whether there is an operational requirement for a countryside location or not, the Policy may be amended to support proposals that are of an appropriate scale and character for the rural character and appearance of their proposed location and there are no significant traffic or other environmental impacts. Similarly an addition could be made to the end of line 6 of the policy after '..DC6', to read 'and have no adverse impact on the amenity of neighbouring uses'. **The Council submits that no modification is necessary.**

#### Karting Indoors Ltd.(0342/4)

The Council submits that para 5.5 indicates support for new business use in the countryside but acknowledges that Policy DC1 seeks to restrict this to those that have an operational need for a countryside location only. The Council notes that this would remove the need to demonstrate an operational requirement for a countryside location. If the Reporter considers that there should be further scope for business as well as other uses, whether there is an operational requirement for a countryside location or not, the Policy may be amended to support proposals that are of an appropriate scale and character for the rural character and appearance of their proposed location and there are no significant traffic or other environmental impacts. Similarly an addition could be made to the end of line 6 of the policy after '..DC6', to read 'and have no adverse impact on the amenity of neighbouring uses'. The Council submits that this might clarify the text in para 5.5 as it relates to new business in the countryside with an appropriate caveat on its size and character to ensure that it is appropriate for its proposed countryside location. **The Council submits that no modification is necessary.**

#### **Policy DC2: Conversion of Rural Buildings to Housing**

#### Wemyss & March Estates (0315/2)

The Council notes the suggested changes but considers that the present wording in the Proposed LDP which incorporates these suggested changes is sufficient. The reference to

changes of use of garden ground is dealt with by the Proposed LDP in Policy OS2. **The Council submits that no modification is required.**

David Campbell (0361/8)

The Council submits that the comments made by this representation are not necessary to be included in the policy wording. Instead they would be more relevant to supplementary guidance. The LDP should be read as a whole. **The Council submits that no modification to the LDP is necessary.**

### **Policy DC3: Replacement Dwellings in the Countryside**

Wemyss & March Estates (0315/3)

The Council notes the redrafted policy wording submitted in this representation. The Council supports those parts of the redrafted policy that are included in Policy DC3 but does not support the new suggested section (iii). The Council submits that the phrase 'modern living' is too vague; that the introduction of a carbon footprint argument in favour of new housing would be unnecessarily complicated and the use of phrases such as 'broadly similar' and 'as far as possible' lack the precision to enable the policy to be clear. The Council submits that the policy as worded in the Proposed LDP is clear and notes that it is based on the consultation in the MIR which introduced the change to the policy by including like for like replacement of a dwelling rendered uninhabitable by unforeseen circumstances. The Council also submits that in respect of sub section (ii) of the LDP policy this adequately deals with the replacement of existing dwellings that are incapable of habitation due to the construction of the building to avoid such a building remaining derelict in the countryside. The Council submits that to extend the policy further in the way that is suggested by this representation would result in existing buildings of character in the East Lothian countryside being replaced with larger properties that may no longer relate to other buildings in the locality to the overall detriment of the East Lothian countryside. **The Council submits that no modification of the LDP is necessary.**

### **Policy DC4: New Build Housing in the Countryside**

Scottish Natural Heritage (0280/17)

The Council submits that the correct policy for Policy DC4 to be cross referenced to is Policy NH1: Protection of Internationally Designated Sites. Policy DC6 applies if a proposal is in one of the coastal areas to coastal areas. The plan needs to be read as a whole. **The Council submits that no modification of the LDP is necessary.**

Wemyss & March Estates (0315/4); Homes for Scotland (0353/10)

The Council notes that this representation redrafts the policy to include references to section 75 legal agreements to secure the occupation of a new house in the countryside and to tie its occupation to the business which justified it in the first place. The Council submits that such occupancy restrictions are no longer supported by SPP (2014) (CD013). The representation also suggests a new part b) to the policy that would permit new houses in the countryside in situations where there is a building group or in more rural areas where there would be tangible community, economic or environmental benefit. The Council submits that for the reasons noted in the Council's Issue 25 Development in the Countryside Position Statement (CD065), East Lothian is a pressured and growing area

within easy commuting distance of Edinburgh and for reasons of sustainability new houses should be directed towards existing settlements in line with paras 75, 76 and 81. The Council continues to actively support the restoration and conversion of buildings of architectural or historic character in the countryside, which as noted in the Monitoring Statement (CD040) para 189, has resulted in the successful conversion of many traditional, vernacular and other buildings in the countryside to the benefit of the overall appearance of the East Lothian countryside. There are many more vacant and underused traditional buildings existing all over the East Lothian countryside that the Council submits should be considered for conversion to new uses, including housing. The Council submits that the market for this conversion work would be undermined by the introduction of policy amendment as suggested by this amendment that would open the countryside to new build market housing. The Council notes that there was very little support from members of the public and community councils to opening the countryside up to new housing in the submissions received to the MIR, though most of the landowners, agents and developers that responded were keen to see more development in the countryside.

The Council also consulted at MIR stage on whether to be more supportive towards new build affordable housing in the countryside. The position statement explains the reasons behind this. The Council submits that it has responded positively and appropriately in Policy DC4 to permit new build affordable housing proposals in the countryside and together with Policy DC2 this promotes an appropriate level of housing for East Lothian's particular circumstances. This will permit small settlement groups or clusters to grow incrementally. The Council submits that its approach to new housing development in the countryside is in line with SPP (2014) (CD013) and is an appropriate policy response for its area. **The Council submits that no modification to the LDP is necessary.**

#### Cappoquin Properties Ltd. (0339)

As explained in LDP para 5.8, p52 Housing in the Countryside and in the Council's Issue 25 Development in the Countryside Position Statement (CD065), the East Lothian countryside and coast is not an area that requires regeneration, rather it is a pressured location within easy commuting distance of Edinburgh and larger East Lothian towns (CD026). The Council therefore considers that new housing should be located within existing towns and villages as identified on the Proposals Map. The remaining land between these settlements is countryside and is not suitable for new housing development except in limited circumstances. These include conversion of appropriate vernacular buildings in the countryside, in a manner which maintains the character of the East Lothian countryside. The Council has also considered the situation where some local workers or residents in the countryside are priced out of market housing in the countryside and sought to address this by allowing small scale affordable new build housing where there is an identified need in the local area as explained in para 5.10 and 5.11 on p 120 and 121. To open the countryside to speculative market housing could undermine the market for conversion of buildings of character in the East Lothian countryside, provide houses in unsustainable locations without access to public transport or services and do little to regenerate any rural economy. The proposed site at Liberty Hall is too small to merit allocation within the LDP. It should be dealt with by way of a planning application determined against plan policy and any other material considerations. To comply with the LDP it would have to be a small scale development affordable housing and the need for such a development would have to be established and the houses provided by a registered social landlord. The Council does not support its development for market housing. **The Council submits that no modification is required.**



Scottish Government (0389/9)

The Council submits that Policy DC4 does not explicitly refer to the need for occupancy restrictions either for single houses or for affordable housing, however it acknowledges that paragraph 5.10 does state that housing permitted in the circumstances of an operational requirement in conjunction with a business will be tied to the business for which it is justified. The Council considers that the removal of this would in itself undermine the policy.

**The Council submits that no other modification is required.**

**Policy DC5: Housing as Enabling Development**Historic Environment Scotland (0228/2)

The Council welcomes the support from Historic Environment Scotland for the restoration of listed buildings and other designated features offered by Policy DC5. However, the Council submits that the LDP should be read as a whole and that allowing enabling proposals off site may not be acceptable in terms of other policies in the plan. The Council submits that the final sentence in Policy DC5 adequately addresses the point made by the representation that enabling development should be the only option to save an asset from loss/potential loss. The Council acknowledges that enabling development on the same site can have an effect on the setting of the asset but that this requires to be considered in light of the development proposal as a whole; if it is unacceptable in terms of causing such harm to the asset because of its proximity or other impact it will not be acceptable and an alternative will need to be found. The Council will clarify the operation of this policy in supplementary guidance to be prepared after the Examination. **The Council submits that no modification is required.**

Wemyss & March Estates (0315/5)

Noted. **The Council submits that no modification is required.**

Mr W A Dodd (0323/4)

The Council submits that Policy DC5 would only support housing within the countryside as enabling development in exceptional circumstances. These are listed in the policy and the Council submits that the policy allows for this where it would contribute to rural diversification or the retention of cultural heritage assets, subject to the provisions of the policy. This will help sustain and diversify the rural economy and communities and allow positive reuse and/or restoration and enhancement of the cultural heritage assets. The Council submits that this is an appropriate approach to follow. There is little prospect of funding to allow grant aiding of proposals, regardless of the consideration of any appropriateness or assessment of it. **The Council submits that no modification is required.**

**Policy DC6: Development in the Coastal Area**Scottish Natural Heritage (0280/18)

The Council is satisfied with the scope and wording of Policy DC6 as drafted in the Proposed Plan and is therefore not minded to modify it in response to this representation. Should the Reporter consider amendments are required for additional clarity this proposal could be considered. **The Council submits that no modification is required.**

Wemyss & March Estates (0315/6)

Noted. **The Council submits that no modification is required.**

Fisherrow Waterfront Group (0344/2)

The Council submits that the LDP protects open green space through Policy OS1 and in new development requires new green space to be provided see LDP paras 3.125 – 3.131. It also mitigates against the loss of green belt land by proposing a new green network (LDP para5.24-5.26 and Policy DC10) and by a new designation Countryside Around Towns (paras 5.20-5.22 and Policy DC8). Fisherrow harbour in Musselburgh is an operational harbour which is referred to in LDP para 3.24 and Policy EMP2: Operational Harbours. Within the specific policy boundary uses related to fishing or other industry connected with the harbour are preferred with other uses considered provided they do not prejudice the fishing or other industrial uses. The Council considers that this would not preclude harbour recreational or other employment development in principle. The Fisherrow Links are protected by Policy OS1: Protection of Open Space. The LDP Proposals Map defines the coast at Musselburgh as Developed Coast adjacent to the town and Constrained Coast beyond the low water mark. Coastal Development is dealt with by Policy DC6: Development in the Coastal Area which guides development to suitable locations of the coast, subject to appropriate assessment as to whether it has a significant effect on a Natura 2000 or Ramsar site and under the Habitats Regulations Appraisal. Not all areas of coast are therefore suitable for development and each development proposal will require to be assessed individually. Para 3.26 of the Tourism section identifies that a balance has to be struck between encouragement of tourism and the protection of for example, important landscapes and nature conservation interests. The Council considers that it has the right balance to this in the LDP. **The Council submits that no modification is required.**

**Development in the Countryside Miscellaneous**Scottish Natural Heritage (0280/16)

The Council submits that the spatial strategic diagram 5 indicates a number of different natural heritage and countryside issues and is a diagram not a map. The details of the coastal area are clearly shown on Inset Map 4. **The Council submits that no modification is required.**

Wemyss & March Estates (0315/8)

The Council submits that the policies that it proposes for the countryside in the LDP reflect the character of the East Lothian countryside and have been in operation for a number of years to the benefit of the character and appearance of the East Lothian countryside, which the Council considers is a major asset in a tourist area. The Council notes that the MIR Monitoring Statement (CD040) provides information on how the policies worked since the East Lothian Local Plan 2008 was in operation and submits that it demonstrates that the policies of that plan continued to allow housing and non housing development throughout the rural area. The Council has considered and responded in an appropriate and measured way to the need for affordable housing in the countryside which should benefit some countryside workers who may at present commute out to the countryside for work because of the lack of affordable housing in the countryside. The Council submits that the right balance for East Lothian is to continue to direct most housing to existing settlements, many of which are rural villages, to continue to encourage the conversion of

vacant property in the countryside and to continue to support rural diversification of an appropriate scale and character for the countryside including tourist, countryside recreation and other business use. **The Council submits that no modification is required.**

Scottish Power Energy Networks (0338/3)

The Council submits that it is premature to safeguard routes for potential enhancements to the High Voltage Electricity Transmission Network for the reasons given in response to representation 0338/2 at Issue 22b. As such, the relevant modifications to policies that seek to control development within the countryside such that it does not undermine these routes are not supported either. The Council further submits that the LDP should be read and applied as a whole, and the manner in which this should be done is explained at para 1.8 of the plan – i.e. the decision maker will determine how much weight ought to be applied to the different policies of the plan in the circumstances of the case. The Council submits that it is therefore unnecessary to include specific cross reference to a modified Policy EGT4 in the terms of policies that seek to control development within the countryside. Where there are existing routes, and/or consented sites/routes for such enhancements, the existence of these will be a material consideration in the determination of any planning application/agricultural notification. The Council submits that part a) of policy DC1 supports the principle of ‘infrastructure’ provision within the countryside, subject to compliance with other relevant policies of the plan, so enhancement to the High Voltage Electricity Transmission Network would be supported in principle by Policy DC1. In circumstances where there is read across within Policy DC1, this is to highlight where there are other specific policy areas that overlap with policy DC1 designations, or where there is a need to consider international natural heritage designations, or development types that don’t benefit from national development status but are so significant that a signpost within Policy DC1 to their own specific policy areas is justified. Overall, the Council submits that NPF3s (CD011) definition of National Development 4 is sufficiently flexible to meet the intended purpose of that national development. **The Council submits that no modification is required.**

Neart na Gaoithe Off-shore Wind Ltd (0386/3)

The Council submits that it is premature to safeguard routes for potential enhancements to the High Voltage Electricity Transmission Network for the reasons given in response to representation 0386/2 at Issue 22b. As such, the relevant modifications to policies that seek to control development within the countryside such that it does not undermine these routes are not supported either. In terms of whether ‘and’ or ‘or’ applies between the criterion of Policy DC4, the Council submits that the policy is clear: there is an ‘or’ between criterion (i) and (ii); criterion (ii) uses the word ‘other’ to differentiate between proposals for single houses; and there is a full stop after criterion (ii), meaning that creation (iii) applies to all proposals. The Council further submits that the LDP should be read and applied as a whole, and the manner in which this should be done is explained at para 1.8 of the plan – i.e. the decision maker will determine how much weight ought to be applied to the different policies of the plan in the circumstances of the case. The Council submits that it is therefore unnecessary to include specific cross reference to a modified Policy EGT4 in the terms of policies that seek to control development within the countryside. Where there are existing routes, and/or consented sites/routes for such enhancements, the existence of these will be a material consideration in the determination of any planning application/agricultural notification. The Council submits that part a) of policy DC1 supports the principle of ‘infrastructure’ provision within the countryside, subject to compliance with other relevant policies of the plan, so enhancement to the High Voltage Electricity



Transmission Network would be supported in principle by Policy DC1. In circumstances where there is read across within Policy DC1, this is to highlight where there are other specific policy areas that overlap with policy DC1 designations, or where there is a need to consider international natural heritage designations, or development types that don't benefit from national development status but are so significant that a signpost within Policy DC1 to their own specific policy areas is justified. Overall, the Council submits that NPF3s (CD011) definition of National Development 4 is sufficiently flexible to meet the intended purpose of that national development. **The Council submits that no modification is required.**

Francis Ogilvy (0419/1)

The Council submits that the right balance for East Lothian is to continue to direct most housing to existing settlements, many of which are rural villages, to continue to encourage the conversion of vacant property in the countryside and to continue to support rural diversification of an appropriate scale and character for the countryside including tourist, countryside recreation and other business use. The Council is supportive of good architectural design in line with the policies in the Design section of the LDP (See also CD065; CD075; CD174). The Council does not preclude self build affordable housing. **The Council submits that no modification is required.**

**Development in the Countryside support**

Hew Balfour (0057/2)

Support noted.

**Reporter's conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Policy DC1: Rural Diversification**

2. Wemyss & March Estates request that Policy DC1 is amended to provide greater opportunities for rural diversification which enhances rural economic development opportunities including: diversifying existing businesses outside settlements; supporting tourism accommodation; and supporting an element of new build housing as enabling development. The representation suggests a number of amendments to Policy DC1 to achieve this and to ensure development is an appropriate scale and design, and can be accessed.

3. Paragraph 75 of Scottish Planning Policy requires the planning system to promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces. In addition, it encourages rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality.

4. The council's Position Statement: Development in the Countryside and Coast sets out the reasons the East Lothian countryside is considered to be an accessible and pressured rural area and not remote. This highlights that the whole of East Lothian is no more than an hour's drive, or an easy commuting distance from Edinburgh or a 30-minute drive from Musselburgh or Tranent. There is no information before me that suggests the contrary, given its geographical position and the information provided in the position statement. I therefore agree with the council that the East Lothian countryside is an accessible and pressured rural area.

5. Paragraph 76 of Scottish Planning Policy highlights that within the pressurised areas, which are easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car based community and the suburbanisation of the countryside. Paragraph 79 provides guidance on the spatial strategy for development plans to address rural issues, including that it should:

- reflect development pressures, environmental assets and economic needs of the area, as well as reflect the overarching aim of supporting diversification and growth of the rural economy;
- promote economic activity and diversification, including, where appropriate, sustainable development linked to tourism and leisure, forestry, farm and croft diversification and aquaculture, nature conservation and renewable energy developments, while ensuring that the distinctive character of the area, the service function of small towns and natural and cultural heritage are protected and enhanced; and
- make provision for housing in rural areas in accordance with the spatial strategy, taking account of the different development needs of local communities.

6. It is therefore appropriate for the plan to be tailored to local circumstances. Policy DC1 will support development which enhances the rural economy. The policy clearly sets out the types of development that will be supported in the rural area. Criterion 'a' refers to agriculture, horticulture, forestry, infrastructure and countryside recreation development. Criterion 'b' makes reference to businesses with a specific operational requirement, including tourism and leisure; it does not include an exhaustive list. With regard to the suggestion that the policy should be amended to include opportunities for enabling development, this is included in Policy DC5: Housing as Enabling Development and does not need to be repeated within this policy.

7. The other matters regarding scale, traffic or other environmental impacts are addressed in other policies within the plan, particularly Policy DP1: Landscape Character and Policy DP2: Design. No modifications are therefore necessary in response to the representation by Wemyss & March Estates.

8. Karting Indoors Ltd state that Policy DC1 should recognise that there are many instances where development in the countryside may be required due to an operational or specific locational requirement that cannot be met on a site within the urban area. An amendment to Policy DC1 is suggested to address this issue.

9. Criterion 'b' of Policy DC1 would allow for businesses that have an operational requirement for a countryside location. I therefore find that no modifications are necessary in response to this representation.

**Policy DC2: Conversion of Rural Buildings to Housing**

10. Wemyss & March Estates request that Policy DC2 should be amended. The majority of changes relate to the order of words and the structure of the policy. I do not consider the amended order of words will assist with the implementation of the policy. The representation also proposes an additional criterion to address the consideration of proposals to change the use of garden ground. However, no detail is provided to explain this. Policy OS2: Change of Use to Garden Ground provides the framework for the assessment of such proposals. I therefore recommend no modifications in response to this representation.

11. Mr David Campbell requests an amendment to Policy DC2 to require that no demolition of historic assets should take place until planning permission is granted and as well as highlighting that as part of any subsequent planning approval, that an archaeological record may be required. In addition, the representation requests that Policy DC2 makes specific reference to guidance produced by Historic Environment Scotland.

12. It is a criminal offence to demolish a listed building without listed building consent. The control of development in relation to listed buildings is set out in the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Planning authorities have a legal duty to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. The Historic Environment Scotland Policy Statement (2016) interprets this duty as a presumption against demolition. This policy statement is referred to within paragraph 6.40 of the plan and Policy CH1: Listed Buildings provides additional guidance.

13. The demolition of an unlisted building within a conservation area will normally require Conservation Area Consent. An application for consent will need to include reasons for the demolition and detailed plans of existing and replacement buildings if any are being proposed; this is addressed within Policy CH3: Demolition of an Unlisted Building in a Conservation Area. In other cases, planning permission is not normally required to demolish a building. Policy CH4: Scheduled Monuments and Archaeological Sites refers to the requirement for archaeological recording, where necessary.

14. With regard to guidance produced by Historic Environment Scotland, this is a material consideration in the determination of planning applications and is referred to within the Cultural Heritage section of the plan. As a result, it is not necessary to specifically refer to it within Policy DC2.

15. No modifications are therefore recommended in response to the representation by Mr David Campbell.

**Policy DC3: Replacement Dwellings in the Countryside**

16. Wemyss & March Estates request that Policy DC3 should be amended to include a specific criterion regarding the renovation or replacement of homes. The suggested additional criterion covers matters such as: supporting modern living; carbon footprint; scale; and materials. I agree with the council that Policy DC3 provides flexibility to enable the replacement of dwellings in the countryside which are incapable of retention for habitation. I also agree that the suggested additional criterion could result in buildings which are important to the character of the local area being lost. No modifications are

therefore recommended in response to this representation.

#### **Policy DC4: New Build Housing in the Countryside**

17. Scottish Natural Heritage consider that the caveat within Policy DC4 that refers to the “constrained coast” is unnecessary. Scottish Natural Heritage request that policy DC4 should be amended to refer to Policy DC6 Development in the Coastal Area rather than emphasises one particular definition of countryside and coast.

18. It is clear from Policy DC6 that the plan will only support development in the constrained coast if it requires a coastal location and within the unspoiled coast, where there is an established and specific need. I do not consider a cross reference to be necessary, as the plan should be read as a whole.

19. Wemyss & March Estates request an amendment to Policy DC4 to include a reference to a legal agreement to tie any new house to the business. In addition, the representation requests amendment to provide support for the construction or conversion of new dwellings where they meet specific criteria.

20. Cappelquin Properties Ltd also objects to the requirement within Policy DC4 that new infill or cluster development is limited to affordable housing. The representation considers that this will create an artificial barrier to development. The representation proposes two alternative approaches.

21. The first approach is that the policy wording is amended to support additions to clusters, highlighting that this approach reflects Scottish Planning Policy as an important means of sustaining and reinforcing rural communities. The second approach is to continue the policy approach as set out within Policy DC4, with clarification provided on how housing need is to be assessed and how this would be translated through Supplementary Planning Guidance. As part of the representation, a site at Liberty Hall, to the west of Haddington, is suggested as an infill housing site. Cappelquin Properties Ltd are not seeking the allocation of the site in the plan, they seek the views of the council on the site and want the plan to provide a policy framework which would support development of the site.

22. Homes for Scotland also consider Policy DC4 to be overly restrictive in that it does not provide the necessary flexibility to allow small settlements to grow and change over time. It is requested that the policy is amended to allow for the redevelopment of vacant rural brownfield land and to allow the expansion of existing settlement groups or clusters of four or more houses.

23. In response to Wemyss & March Estates, I note that paragraph 81 of Scottish Planning Policy states that the planning system should avoid the use of occupancy restrictions on housing development in rural areas. It would not be appropriate therefore for the plan to include a requirement for a legal agreement.

24. With regard to the suggested additional criteria which would support further new build housing in the countryside, for the reasons set out in paragraphs 3 to 6 above I agree with the council that it is appropriate for the plan to be tailored to local circumstances. In addition, paragraph 81 of Scottish Planning Policy provides further guidance with regard to housing development in accessible or pressured rural areas, where there is a danger of unsustainable growth. This highlights that a more restrictive approach to new housing

development is appropriate.

25. The council's position statement identifies that there is a demand for affordable housing across the entire rural area of East Lothian. As a result of the need for affordable housing and the accessible and pressured nature of the area, the council consider the most appropriate strategy to support and sustain rural communities is to:

- propose a proportionate level of housing development in existing rural settlements;
- support the conversion of rural buildings to housing, where defined criteria are met (Policy DC2);
- support replacement houses in certain circumstances (Policy DC3); and
- permit small scale new build affordable houses in rural areas (Policy DC4).

26. Given the nature and local pressures of the area, I agree with the council that to allow open market housing in the countryside could undermine the market for the conversion of buildings of character, provide houses in unsustainable locations and restrict the provision of affordable housing. Therefore I find the approach set out in the plan to be appropriate. With regard to the matter of calculating affordable housing need, raised by Cappoquin Properties, this is clearly set out within the position statement.

27. No modifications are therefore recommended in response to the representations made by Wemyss & March Estates, Cappoquin Properties or Homes for Scotland.

28. The Scottish Government acknowledge that paragraph 5.10 of the plan aims to set out the circumstances in which development outwith settlements may be appropriate. However, the paragraph suggests that occupancy restrictions would be required. The representation identifies that this approach is contrary to paragraph 81 of Scottish Planning Policy, which states that occupancy restrictions should be avoided.

29. Whilst I note the view of the council that the removal of the reference to housing permitted in these circumstances to be tied to the business for which it is justified, Scottish Planning Policy is clear. I therefore agree with the Scottish Government that the reference within paragraph 5.10 of the plan does not accord with the provisions of Scottish Planning Policy and I recommend a modification to delete this reference.

#### **Policy DC5: Housing as Enabling Development**

30. Historic Environment Scotland consider that a clear statement should be made within the plan that enabling development should be the only option to save an asset from loss or potential loss. In addition, the representation states that Policy DC5 may limit the possibilities of protecting or enhancing the setting of an asset by requiring enabling development to be on the same site as the main proposal, as a result this should be amended or the approach clarified.

31. Paragraph 142 of Scottish Planning Policy states that, with reference to listed buildings, enabling development may be acceptable where it can be clearly shown to be the only means of preventing the loss of the asset and securing its long-term future. In addition, that any development should be the minimum necessary to achieve these aims and that the resultant development should be designed and sited carefully to preserve or enhance the character and setting of the historic asset.

32. The council submit that the final sentence of Policy DC5 adequately addresses the matter of enabling development being the only option to save an asset from loss or potential loss. Whilst I note that the final sentence of the policy does make reference to ensuring the enabling development is the minimum necessary, it does not fully reflect Scottish Planning Policy; an amendment is therefore recommended.

33. With regard to the proposed requirement that the location of any enabling development must be on the same site as and part of the main proposal, the council submit that allowing enabling development off site may not be acceptable in terms of other policies in the plan. Whilst I acknowledge this, as currently written, Policy DC5 specifically excludes development taking place off site. It is possible that applicants may own or have control of land outwith the site of the listed building and it may be more appropriate to locate the new build element off site to remove potential impacts on the setting of the listed building. This type of proposal should be considered on its merits, alongside other policies within the plan and not automatically excluded; an amendment is therefore recommended.

34. Mr Dodd considers enabling development is an abuse of the planning system with its impact being unsustainable development; it should therefore not be supported in the plan. The representation states that the council should provide grant funding to appropriate developments. Paragraph 28 of Scottish Planning Policy states that the planning system should enable development that balances the costs and benefits of a proposal over the longer term. Policy DC5 will only support housing in the countryside in exceptional circumstances, where the development would bring clear benefits, which outweigh the normal presumption against new build housing development in the countryside. No modifications are therefore recommended in response to this representation.

35. Wemyss & March Estates have submitted a redraft of Policy DC5. However this appears to be identical to Policy DC5 in the plan. Therefore, I find no amendments are necessary in response to this representation.

### **Policy DC6 Development in the Coastal Area**

36. Scottish Natural Heritage consider that as the term 'largely unspoiled coast', used in Policy DC6 and its supporting text, does not appear elsewhere in the plan or Technical Note, it should be changed to 'unspoiled coast' to ensure clarity and consistency through the plan and supporting documents. The council submit that the wording is appropriate and no changes should be made.

37. Paragraph 89 of Scottish Planning Policy states that plans should identify largely unspoiled areas of the coast as generally unsuitable for development. Whilst the council's Technical Note 7: Planning for the Coast refers to Scottish Planning Policy, it consistently uses the term 'unspoiled coast' to describe where development will only be supported where there is an established need for the development and a specific need for that particular coastal location.

38. Paragraph 5.15 of the plan highlights that the three different types of coastal areas - developed, constrained and largely unspoilt are defined on Strategy Diagram 5. However, this diagram refers to 'unspoiled coast' which is consistent with the term used in the Technical Note. I also note that Inset Map 4 refers to 'largely unspoiled coast'. In order to ensure consistency, and to reflect the background to the policy set out in the Technical Note, I find that 'unspoiled coast' is the most appropriate terminology. Therefore I

recommend modifications to paragraph 5.15, Policy DC6 and Inset Map 4 accordingly.

39. Scottish Natural Heritage state that whilst the Natura caveat used in Policy DC6 represents good practice, as it does not align with caveats used elsewhere in the plan, it should be amended. They are also unclear why this level of detail is provided within the policy. Whilst I note that the wording in Policy DC6 does not reflect precisely that of other policies, particularly those for specific site proposals, as sections of the coastline within the plan area have significant international assets, it is appropriate that further detail is included. The level of detail does not conflict with that included within other policies of the plan and given the nature of the coast I consider it appropriate to retain it within the policy.

40. Fisherrow Waterfront Group identify that there is a need for the plan to support appropriate development that enables the countryside and coastal areas to support associated economic activities. The representation expresses concern that the plan makes only limited mention of coastal areas and their potential role in driving forward economic growth, and that Musselburgh and Fisherrow together have untapped potential to become a sustainable centre with a range of attractions for visitors and local residents.

41. The spatial context of the plan highlights the importance of the coast to the environment and economy of the area. The spatial strategy highlights the need for the plan to support appropriate development that enables the coastal areas to thrive and diversify, whilst protecting what makes the area special. Policy DC6 therefore provides a framework which seeks to ensure that development proposals in coastal locations are assessed against the qualities of the coastal area and other relevant policies. No modifications are therefore recommended in response to this representation.

42. Wemyss & March Estates have submitted a redraft of Policy DC6. However this appears to be identical to Policy DP6 in the plan. Therefore, I find no amendments are necessary in response to this representation.

### **Development in the Countryside Miscellaneous**

#### Spatial Strategy Diagram 5: Countryside and Coast

43. Scottish Natural Heritage consider that the Spatial Strategy Diagram 5: Countryside and Coast should separate the different categories of constrained and developed coast to align with Policy DC6, and be updated to accurately reflect the extent of unspoiled coast. I agree with the council that the required detail is included on Inset Map 4. However this is not referred to within the supporting text, so it may not be clear that this detail is available. A modification to include reference to Inset Map 4 in paragraph 5.15 is therefore recommended to ensure clarity.

#### Electricity transmission developments in the countryside and coastal areas

44. Scottish Power Energy Networks and Nearth na Gaoithe Off-shore Wind Ltd request amendments to Policies DC1, DC4 and DC6, and paragraph 5.7 to safeguard against inappropriate development which may prejudice the delivery of major electricity transmission developments supported by the National Planning Framework's National Development 4 and other essential upgrading works.

45. The matter of safeguarded routes for potential enhancements to the high voltage electricity transmission networks is covered in Issue 22b. Within the plan, Policy DC1

supports the principle of infrastructure provision and Policy EGT4: Enhanced High Voltage Electricity Transmission Network supports enhancement of the network subject to identified criteria. Therefore, no modifications are recommended in response to these representations.

Diverse countryside and coast general

46. Wemyss & March Estates request that the plan is modified to ensure rural business and development opportunities are not stifled by an unnecessarily cautious policy approach. The representation states that the suite of ‘DC’ policies are too prescriptive and that they should support appropriately scaled and designed development that may maintain dwindling populations and enable farm and business diversification or encourage new businesses within rural areas.

47. The representation by Francis Ogilvy also expresses concern that the plan should give greater emphasis to the contribution that appropriate development can have, with Policies DC1, DC2, DC3 and DC5 having a presumption against new build development in most circumstances. The representation also highlights the opportunities for self-build.

48. The spatial context of the plan highlights the importance of the countryside to the environment and economy of the area. The spatial strategy highlights the need for the plan to support appropriate development that enables countryside areas to thrive and diversify, whilst protecting what makes the area special. As explained within paragraphs 3 to 6 above, in accordance with paragraph 76 of Scottish Planning Policy, it is appropriate for the plan to protect against unsustainable growth in car-based community and the suburbanisation of the countryside. The suite of countryside and coast policies seek to provide a positive policy framework which support the diversification of the rural economy and the ongoing sustainability of the countryside and coast, whilst resisting the significant pressure for less sustainable development that would promote car-based travel patterns, would suburbanise the countryside or would harm the character or appearance of the area. No modifications are therefore recommended in response to the representations by Wemyss & March Estates or Francis Ogilvy.

**Reporter’s recommendations:**

Modify the local development plan by:

1. In paragraph 5.10, deleting the final sentence.

2. In Policy DC5, immediately following the final sentence of criterion b, adding the following:

“Enabling development will only be acceptable where it can be clearly demonstrated to be the only means of preventing loss of the asset and securing its long-term future.”

3. In Policy DC5, adding a new sentence immediately following: “Any enabling development must be on the same site as and part of the main proposal.” as follows:

“Where the proposal will fund the restoration of a listed building, the priority is for enabling development to take place on the same site as the listed building. Any enabling development proposed off site must be clearly justified with strong evidence to demonstrate why the enabling development could not take place on the site”



4. In paragraph 5.15, deleting “largely” from the first sentence and adding the following text at the end of first sentence: “and on inset map 4”.
5. In Policy DC6, deleting “largely” from the third bullet point.
6. On the Proposals Map – Inset 4, amending the key by deleting the word “largely”.

<b>Issue 26</b>	<b>Special Rural Landscapes</b>	
<b>Development plan reference:</b>	Diverse Countryside and Coast /Special Rural Landscapes pgs 122 -124	<b>Reporter:</b> Jo-Anne Garrick
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Muir Homes (0165) Gullane Community Council (0166) Derek Carter (0190) Kate Hamer (0195) Gladman Developments Ltd. (0213) Stewart Milne Homes Ltd. (0229) A P Dale and R F Dale (0243) Ritchie Brothers (0259) Lord Wemyss Trust (0277) Scottish Natural Heritage (0280) Wallace Land Investments (0284) BS&amp;S Group (0286) The Esperance Trust Group (0303) Wemyss &amp; March Estates (0315) Scottish Wildlife Trust (0316)</p>	<p>North Berwick Community Council (0326) Midlothian Council (0348) Homes for Scotland (0353) Emma Hay (0357) David Campbell (0361) Lawrie Main (0370) Meadowhead Ltd. (0372) Gladman Developments Ltd. (0392) BS&amp;S Group (Clarendon) (0398) Clarendon Planning &amp; Development Ltd. (0412) Dunpender Community Council (0413) Francis Ogilvy (0419) Taylor Wimpey UK &amp; Mactaggart &amp; Mickel Homes Ltd. (0438)</p>	
<b>Provision of the development plan to which the issue relates:</b>	Special Rural Landscapes: Green Belt, Countryside Around Towns Special Landscape Areas and the Green Network	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DC7: Development in the Edinburgh Green Belt</b></p> <p><u>Wemyss &amp; March Estates (0315/9)</u></p> <p>Respondent has submitted a redraft of Policy DC7 but it has no changes to this policy.</p> <p><u>Homes for Scotland (0353/11)</u></p> <p>We consider that Policy DC7 could be amended slightly to be a little less restrictive and allow for development in particular cases where greenbelt land is no longer serving greenbelt functions.</p> <p><u>Emma Hay (0357/4)</u></p> <p>Policy DC7: Development in the Edinburgh Green Belt. This should be modified or a separate policy provided to explain that the green belt designation is also being used to provide a long term safeguard for settlement separation.</p> <p><b>Policy DC8: Countryside around Towns</b></p> <p><u>Muir Homes (0165/3)</u></p>		

The Foreshot Terrace site should be excluded from the area impacted by the proposed Countryside Around Towns Policy (Policy DC8).

Gullane Community Council (0166/6)

Request not to include land at Foreshot Terrace, Dirleton [not allocated in the plan] for housing. Notes that applications for 24 houses at Foreshot Terrace and associated drainage have been lodged (16/00710/PM and 16/0711/P) and believes that these applications should be refused as:

1. Not designated for housing in the LDP
2. The sites at Foreshot Terrace form part of an area along the whole of the northern edge of Dirleton which is subject to Countryside Around Towns as set out in Technical Note 8
3. They conflict with the Dirleton Conservation Area statement in that they will interrupt the views of Dirleton and Dirleton Castle on the approaches to the village from the E, NE
4. They will affect the setting of Oatfield House.

Derek Carter (0190)

Policy DC8 seeks to protect specific areas of sensitive countryside from further building, but does not address the issue of the impact of the proposed housing site edges on the adjacent, open protected, rural areas. What is needed is a further policy within the Countryside around Towns section of the LDP to bring about a new suburban fringe woodland structure associated with the new housing developments. These proposed woodland areas should also be indicated on the housing site development briefs. The "fringe woodland" policy would be applicable to all suburban edge housing developments across the whole county. This would require the planting of fringe woodlands around every new suburban edge, unless the developer can demonstrate that edge screening already exists.

Kate Hamer (0195)

At Dirleton Policy DC8 should apply to the site at Castlemains Place (PROP NK11) and not Ware Road (Main Issues Report alternative housing site)

Gladman Developments Ltd. (0213/9)

Supportive of the absence of the Countryside Around Towns designation around Dunbar. There is scope for well planned growth around this settlement, taking into account landscape setting, character and identity.

Stewart Milne Homes Ltd. (0229/4)

The landscape on the east edge of East Linton is in transition as new land uses are proposed for the extended land holding at the former steading complex at Phantassie Farm. This will lead to the redevelopment of this area, which has been planned with extensive areas of new visitor car parking, within the policy context associated with the area's Conservation Area status as well as the Listed Buildings at the former steading.

The proposed development will be seen to preserve or enhance the character and appearance of the Conservation Area with a positive and proactive change envisaged for this part of the community involving the attraction of potentially significant numbers of

visitors. It is considered that further development can be designed to fit into this landscape to the east of East Linton whilst taking account of the area's historic qualities and without impacting negatively on the Conservation Area.

A P Dale and R F Dale (0243/4)

Disagree with both the principle of this policy and, more specifically, the inclusion of the Port Seton Links site within the Countryside Around Towns designation.

More specifically, we do not consider that the Port Seton Links site has any particular qualities that make it special. It is a visually well-contained site on the eastern edge of Port Seton, and adjacent to Seton Sands Holiday Park. We note that it forms part of a much larger area identified as CAT to the north, but it is not made clear why the subject land is considered appropriate for the CAT designation. We could speculate that there may be concern that development of the site might result in coalescence between Port Seton and Seton Sands. This may be the perception if one views the site on plan, where it presents a gap between the edge of the town and the caravan park. However, when viewed on site, the site is too narrow to present any significant visual gap. There is also a strong woodland buffer to the east of the site which will prevent any sense of coalescence.

Ritchie Brothers (0259/2)

The representation considers policy DC8 to be unnecessary given the policy framework in the adopted Local Plan and the lack of any direction from national or strategic policy to address the requirements of this policy. The objectives of Policy DC8 are to conserve landscape setting, character or identity of certain towns and villages.

This designation is in addition to the Policy DC7: Development in the Edinburgh Green Belt; Policy DC9: Special Landscape Areas; Policy DC1: Rural Diversification and Policy DC4: New Build Housing in the Countryside. Further, the Council also uses conservation area designations to protect the setting of villages – Policy CH2: Development Affecting Conservation Areas.

Coalescence was considered a planning issue in SPP (2010), but it is no longer in SPP (2014). SESplan does not require the LDP to consider coalescence, other than in terms of green belt policy.

There is no national or strategic policy remit to promote a new policy to address the objectives of Policy DC8.

The Council's Technical Note 8 Planning for Countryside Around Towns states that:

To the southwest, Clerkington Estate is an old estate and historic designed landscape of regional significance with a mature treed setting, partly included in the Haddington Conservation Area. Together with the rising land between the River Tyne and the B6368 (also included in the conservation area and forming much of the character of riverside walks), these areas form an attractive south westerly approach and countryside setting for the town beyond which lies the nationally significant designed landscape of Lennoxlove Estate. Development here would detrimentally impact on views in and out of the town and its wider landscape setting.

The key justification for this policy designation is the detrimental ...impact on views in and

out of the town and its wider landscape setting. Given the statement in paragraph 2.114 of the Proposed Plan that ...In to the longer term, the only suitable location for a further significant expansion of Haddington may be in the wider Dovecot area, it is difficult to conclude that the area designated by Policy DC8 has a detrimental impact on views in and out of the town. This area is already well screened with development under construction on its northern edge. Given that development is already approved against the boundary of the former Clerkington Estate, development at Dovecot on its eastern edge does not impact on the wider landscape setting.

The Council can control development in the area designated as DC8 using, as an example, a future development brief for the longer term expansion of the town. Policy DC8 is not required.

#### Lord Wemyss Trust (0277/4)

The representation objects to Policy DC8 stating that there is no justification in the Plan for designating a Countryside Around Towns policy for Haddington. In this regard, it is considered that the Council's extant Development in the Countryside Policy DC1 as amended by the various Policies DC1 to DC7 inclusive contained in the Proposed Plan in relation to the 'Countryside', has performed as an effective 'Greenbelt' policy for a significant number of years and, as such, there is no justification for applying a further layer of policy restriction. In very simple terms, there is no need.

In particular the representation highlights that the subject land at Amisfield Mains, Haddington forms an integral part of the area of land referred to in paragraph 2.116 of the Proposed Plan which is considered unremarkable in landscape terms being physically contained by the A1 road to the north, established housing to the west and the Haddington Golf Course to the south. If the landscape was that special it would be covered by a specific landscape designation. It is not.

Furthermore, the representation notes that such a designation unnecessarily prejudices the potential for an easterly extension of Haddington in the future, if housing requirements predict the need for such an approach.

In applying DC8 the respondent notes that the content of Paragraphs 5.21 and 5.22, page 123 of the proposed plan would clearly suggest its introduction is purely aimed at avoiding coalescence between settlements - this is not an issue with Haddington.

#### Wallace Land Investments (0284/4)

Representation on the Proposed Countryside Around Town Designation. The objectives of policy DC8 are essentially to conserve the landscape setting of certain town and villages. The policy is in addition to DC7: Development in the Edinburgh Green Belt; DC9: Special Landscape Areas; Policy DC1: Rural Diversification and Policy DC4: New Build housing in the countryside. The council also uses conservation area designations to protect the setting of settlements. Existing policy framework is more than adequate to control development. Coalescence was considered a planning issue in SPP (2010), but it is no longer in SPP (2014). SESplan does not require the LDP to consider coalescence, other than in terms of green belt policy. There is no national and strategic policy remit to address the objectives of policy DC8, and is not an issue that requires to be addressed in this location. The Council's technical note 8 states that the designation is made to retain the character and identity of these coastal settlements. The development framework report

suggests that a development at Fishergate Road will not compromise the character and identify of Port Seton. The site is separated from the Blindwells site by over 600m.

BS&S Group (0286/4)

Representation on the Proposed Countryside Around Town Designation to the west of Haddington. Delete Countryside Around Town Designation to west of Haddington and allocate proposed South Gateside site in association with Proposal HN2. Development of South Gateside, with sensitive design of the site, could conserve the character and setting of Haddington and this approach to the town as well as listed buildings and natural heritage features in the area.

The Esperance Trust Group (0303/4)

Reduce the extent of the Countryside Around Town Designation at Ormiston and allocate Hillview Road site. A development at the Hillview Road site could improve the settlement edge and provide frontage along the existing street.

North Berwick Community Council (0326/2)

The proposed countryside around town designation around the Law is welcomed, but it should be extended around the around the west and east sides of the town, setting a spatial limit on development for the foreseeable future. Once that boundary has been agreed the Council should not allow any more development on green field sites

Homes for Scotland (0353/12)

Queries overly restrictive policy, and the inclusion of Policy DC8: Countryside Around Towns. This policy seems to be including a sort of 'greenbelt' policy for development around towns, however we do not consider this necessary as the preceding policies are already as restrictive as a greenbelt policy, and this additional policy seems to be duplication. If the intention is for this policy to direct future development towards more suitable areas for development, then these areas should be identified as such in order that they could come forward should a need/shortfall arise; or indeed if their development could deliver benefits such as supporting local services, employment or infrastructure.

Lawrie Main (0370/3)

The site at Castlemains Place should be designated as Policy DC8 Countryside Around towns.

Meadowhead Ltd. (0372/1)

Paragraph 5.20 First Sentence: It is important that appropriate and justified development within a Countryside Around Towns area is supported in principle, and this support is explicit within the text associated with Policy DC8.

Policy DC8: Countryside Around Towns: The area to the east of Tantallon Caravan Park comprises of an agricultural field. It is bounded to the west by Tantallon Caravan Park, to the north and east by Glen Golf Course and to the south by the A198. This agricultural field should be excluded from the Countryside Around Towns area as it is the only part of the CAT area that is situated to the north of the A198. This area is appropriate for the possible



future expansion of Tantallon Caravan Park and is already within a Special Landscape Area (Policy DC9) and within a Constrained Coast (Policy DC6).

Policy DC1: Rural Diversification adequately controls rural diversification and development in the countryside.

Gladman Developments Ltd. (0392/4)

The Countryside Around Town Designation is an inappropriate way of restricting SDP Policy 7, and adds another layer of policy protection to areas already subject to appropriate policy controls (e.g. DC1). The policy only serves to unduly restrict the delivery of housing by unduly restricting development.

BS&S Group (0398)

The LDP Technical Note 8 - Countryside Around Towns, sets out the specific reasoning for certain areas including the land west of Letham Mains, Haddington.

However, the assessment does not take into account a more sensitive approach to development which is possible at this location. The proposals outlined in principle within this representation would allow for this approach to be taken forward. Figure 3 on Page 6 above illustrates the basis for this approach. In terms of the current character, there is ambiguity over where Haddington begins and the countryside ends. It is likely that the town will require to expand further in future (as not all new development will be capable of being provided within Blindwells or other new settlements). The policy would place an artificial halt to settlement growth and will inevitably require to be reviewed in due course.

Clarendon Planning & Development Ltd. (0412)

Objector acknowledges that the aim of the policy is to conserve the landscape setting of identified settlements within East Lothian. It is also noted that these areas can also provide opportunities to extend the green network and related recreational accessibility. It is considered that the existing countryside designation provides sufficient protection without putting in place similar restrictions as a green belt designation. Technical Note 8 – Countryside Around Towns sets out the specific reasoning for certain areas including to the north east of Ormiston. Whilst not being promoted for development, this land may offer the only long term expansion opportunity for the village, subject to access, landscape and design considerations being addressed. This objection therefore relates to the overly restrictive of the proposed policy designation which does not allow for suitable mitigation measures or inclusion of non-developable areas should long term growth of Ormiston require to be accommodated.

Dunpender Community Council (0413/3)

Land adjacent to East Linton and given potential for development (Pencraig/Orchardfield site) should be reassessed and classified as DC8 to protect the environment, heritage, character and landscape value of East Linton.

Taylor Wimpey UK & Mactaggart & Mickel Homes Ltd. (0438/16)

The representor objects to the land identified as OTH-H8 being in the countryside and seek that it be allocated for residential development which can deliver housing before 2019. The

supporting documents demonstrate how the site can be developed in a sensitive manner taking account of the issues raised in the MIR.

### **Policy DC8 and DC9**

Francis Ogilvy (0419/5)

Policies DC8 and DC9 introduce yet more protective designations – Countryside Around Towns and Special Landscape Areas would seem unnecessary given the protection already available.

### **Policy DC9: Special Landscape Areas**

Meadowhead Ltd. (0372/2)

It is important to recognise that economically important development may also be appropriate within Special Landscape Areas.

### **Policy DC10: The Green Network**

Scottish Natural Heritage (0280/19)

The Policy seeks to secure provision of green network measures through development briefs and proposed Green Network Strategy supplementary guidance. It should be made clear that green infrastructure contributions are included in the draft Developer Contributions supplementary guidance. A hook to the Developer Contributions supplementary guidance should be included.

Scottish Wildlife Trust (0316/2)

Scottish Wildlife Trust welcomes the preparation of the Green Network Strategy to accompany the plan, and seeks that this be prepared and adopted as soon as possible. Scottish Wildlife Trust point to guidance in respect of Cumbernauld that may be of use in the preparation of such a strategy.

Midlothian Council (0348/5)

Midlothian Council would wish to work with East Lothian Council to help join up cross boundary Green Networks where this is appropriate and desirable.

David Campbell (0361/4)

In many cases the historic fabric of existing rural buildings has been destroyed without any thought of conservation. The Plan reminds developers of guidance available, and that the Council will not tolerate abuses. Adjust Policies DC7 – DC9 as follows:

DC7. Third relaxation to read; “a national requirement.” (remainder deleted).

DC8. Delete conditions ii) and iii). (i.e. retain only those relaxations referring to the green network and to essential infrastructure)

DC9. Delete relaxation 2 (relating to public benefits)

DC10. Delete all except the first sentence.



**Special Rural Landscapes Support**

Scottish Natural Heritage (0280/30)

Supports Policy DC8: Countryside Around Towns

**Modifications sought by those submitting representations:**

**Policy DC7: Development in the Edinburgh Green Belt**

Wemyss & March Estates (0315/9)

No Modification sought

Homes for Scotland (0353/11)

Suggest amendment of Policy DC7: Development in the Edinburgh Green Belt to allow for development where the greenbelt is no longer serving greenbelt functions.

Emma Hay (0357/4)

Either amendment to Policy DC7 or a new policy

**Policy DC8: Countryside around Towns**

Muir Homes (0165/3)

Redesignate site from DC8 to a housing allocation (see 0165/1)

Gullane Community Council (0166/6)

Removal of NK7 and NK8 in that order

Derek Carter (0190)

The representation proposes an amendment to Policy DC8 or inclusion of a new policy which addresses the issue of "fringe woodland" to all suburban edge housing development across the whole county.

Kate Hamer (0195)

Apply Policy DC8 to Castlemains Place

Gladman Developments Ltd. (0213/9)

No Modification sought

Stewart Milne Homes Ltd. (0229/4)

Delete Policy DC8 Countryside Around Towns from the LDP. If deletion of Policy DC8 is not agreed, then delete the DC8 designation from East Linton.

A P Dale and R F Dale (0243/4)

Delete Policy DC8 Countryside Around Towns from the LDP. If deletion of Policy DC8 is not agreed, then delete the DC8 designation from Port Seton Links.

Ritchie Brothers (0259/2)

The representation recommends that the text in the Proposed Plan (paragraphs 5.20 - 5.22) along with Policy DC8: Countryside Around Towns should be deleted. Where appropriate, the designation should be amended to Policy DC1: Rural Diversification.

Lord Wemyss Trust (0277/4)

The representation seeks the removal of Policy DC8 from the Proposed Plan.

Wallace Land Investments (0284/4)

Delete reference to DC8 designation and replace with DC1 on the proposals map.

BS&S Group (0286/4)

Delete reference to DC8 designation and replace with allocation of South Gateside site on the proposals map.

The Esperance Trust Group (0303/4)

Reduce extent of DC8 designation and replace with allocation of Hillview Road site on the proposals map.

North Berwick Community Council (0326/2)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Homes for Scotland (0353/12)

Suggest deletion of Policy DC8: Countryside Around Towns.

Lawrie Main (0370/3)

Designation of Castlemains Place as Countryside Around Towns - Policy DC8

Meadowhead Ltd. (0372/1)

Paragraph 5.20 First Sentence:

Should be expanded to clarify that certain appropriate and justified development can be supported in principle, for example, a rural business, tourism or leisure related use such as the expansion of an existing holiday caravan park within a Countryside Around Towns area. The area to the east of Tantallon Caravan Park should be excluded from the CAT area.

Gladman Developments Ltd. (0392/4)

Gladman does not support the introduction of Countryside Around Town designations.

BS&S Group (0398)

Deletion of Countryside Around Towns designation west of Haddington.

Clarendon Planning & Development Ltd. (0412)

Deletion of Countryside Around Towns Designation from the area north-east of Ormiston.

Dunpender Community Council (0413/3)

Land adjacent at Pencraig Hill should be reassessed and classified as DC8.

Taylor Wimpey UK & Mactaggart & Mickel Homes Ltd. (0438/16)

Removal of Policy DC8 from the area.

**Policy DC8 and DC9**

Francis Ogilvy (0419/5)

No specific modification suggested, but implication is that policies DC8 and DC9 should be deleted.

**Policy DC9: Special Landscape Areas**

Meadowhead Ltd. (0372/2)

Amend 2 to read, "... the public or economic benefits...."

**Policy DC10: The Green Network**

Scottish Natural Heritage (0280/19)

A hook to the Developer Contributions supplementary guidance should be included in Policy DC10 or the accompanying text.

Scottish Wildlife Trust (0316/2); Midlothian Council (0348/5)

No Modification sought

David Campbell (0361/4)

Adjust Policies DC7 – DC9 as follows:

DC7. Third relaxation to read; "a national requirement." (remainder deleted).

DC8. Delete conditions ii) and iii). (ie retain only those relaxations referring to the green network and to essential infrastructure)

DC9. Delete relaxation 2 (relating to public benefits)

DC10. Delete all except the first sentence.

**Special Rural Landscapes Support**

Scottish Natural Heritage (0280/30)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Policy DC7: Development in the Edinburgh Green Belt**

Wemyss & March Estates (0315/9)

Noted. **The Council submits that no modification to the LDP is necessary.**

Homes for Scotland (0353/11)

The Council does not consider that Policy DC7 could be amended slightly to be a little less restrictive and allow for development in particular cases where greenbelt land is no longer serving greenbelt functions. The Council considers that the Green Belt, less abstractions required for new development land to meet the spatial strategy of the LDP, remains an important area where development should be restricted, to protect and enhance landscape character and settlement identity and for providing access to open spaces. The Council submits that it would be devalued if additional development were permitted. The purpose of the green belt is to maintain the setting, character and identity of Edinburgh and its neighbouring towns including Musselburgh and Inveresk, Wallyford and Whitecraig and the western edges of Prestonpans and Tranent. The Council considers that Policy DC7 should permit fewer types of development in the green belt than Policy DC1 permits in the countryside where it is operative. However, it still permits agricultural, horticultural or forestry operations, including community woodlands; extension or alteration to an existing building or ancillary development within its curtilage; a replacement house; essential infrastructure; or a national requirement or established need if no other site is available.

**The Council submits that no modification to the LDP is necessary.**

Emma Hay (0357/4)

The preamble to Policy DC7 explains the purpose of green belt policy including how its boundaries are modified to recognise the regional growth strategy and by implication provide a long term safeguard in the plan for settlement separation. The Council acknowledges that this is not stated specifically in Policy DC7 but submits that the prime purpose of Policy DC7 is to provide guidance for the determination of planning applications in the green belt. The Reporter may wish to consider whether the policy would be strengthened by the addition at the end of line 8 after ‘..local area’, the words, ‘and proposals must have no adverse impact on the amenity of neighbouring uses.’

**The Council submits that no modification to the LDP is necessary.**

**Policy DC8: Countryside around Towns**

Muir Homes (0165/3)

The Council submits that one of the landscape characteristics of the north side of Dirleton

is the extent to which the flat agricultural land extends in to the village wrapping around fingers of development and bringing the countryside in to the settlement. If this northern edge were rounded off by development such as at Foreshot Terrace, it would lose that characteristic feature. The Council contends that the site is justified as a Policy DC8 area for the reasons given in Technical Note 8 (CD053). **The Council submits that no modification to the LDP is necessary.**

Gullane Community Council (0166/6)

This land is covered by proposed LDP Policy DC8: Countryside Around Towns. The Council agrees land at Foreshot Terrace should not be allocated for housing. **The Council submits that no modification to the LDP is necessary.**

Derek Carter (0190)

The Council submits that the visibility of a development should not automatically urbanise or detract from the wider rural landscape when it is appropriately designed. East Lothian is generally a plain landscape with few woodlands. Woodlands should not be used to hide new development but appropriate landscape planting should be used to complement and work in harmony with the quality of the architecture and layout of a new development. This would include incorporation of large specimen trees throughout the site, to punctuate and break up the massing of the development supplemented with additional groups of smaller species trees. Edge development is one of the most sensitive elements within the design of a new development area and how this is treated must take account of the urban rural edge and how the urban environment sits within its surrounding landscape to ensure as good a landscape fit as is possible even where these are visible over long distances. The Council also submits that the selection of external materials plays an important part in how a development is perceived in the landscape. The decision on how best to deal with the edges of new development is best dealt with through site specific development briefs rather than a strategic policy requiring the same approach everywhere, which is unlikely to be appropriate. Where appropriate, longer distance views to a new development on the edge of a settlement have been considered, and either landscaped tree belts and/or development to be in muted colours specified in draft development briefs to minimise adverse visual impact over longer distances. The Council consulted on draft development briefs which will not be finalised until after the Examination. **The Council submits that no modification of the LDP is necessary.**

Kate Hamer (0195); Lawrie Main (0370/3)

The Council submits that one of the landscape characteristics of the north side of Dirleton is the extent to which the flat agricultural land extends in to the village wrapping around fingers of development and bringing the countryside in to the settlement. If this northern edge were rounded off by development such as at Foreshot Terrace, it would lose that characteristic feature. The Council further submits that site PROP NK11 has a characteristic that is more urban fringe land than open countryside. This is because of the close proximity of the A198 Dirleton bypass which separates the Castlemains site from the wider open countryside to the south. Provided the form of houses proposed for the site does not harm views of the castle, PROP NK11 is a suitable location for a small housing development site that can be accommodated without harming the setting of Dirleton. The Council submits that application of Policy DC8: Countryside around Towns around the fringes of Dirleton is appropriate to protect its landscape setting. The Council also submits that as PROP NK11 is allocated it would not be appropriate to apply Policy DC8 and that

as the open countryside to the north of Foreshot Terrace is not allocated and forms an integral part of the setting of the northern edge of Dirleton which is prominent in views from the well used tourist route of Ware Road, it is appropriate to apply Policy DC8 there. **The Council submits that no modification of the LDP is necessary.**

Gladman Developments Ltd. (0213/9)

The Council submits that there is a Countryside Around Towns designation around Dunbar. Land between Belhaven and West Barns is within a DC8 area and has a role in maintaining their separate identities. **The Council submits that no modification of the LDP is necessary.**

Stewart Milne Homes Ltd. (0229/4)

Countryside Around Towns is a new policy designation in East Lothian and has been established to give protection to the most sensitive parts of the undeveloped landscape around East Lothian's settlements. These are the areas that are important to maintaining the setting and character of settlements in the local area. While in principle this planning policy is applicable to all defined settlements in East Lothian it has only been applied where in the Council's view it is required and can be justified; there are therefore settlements that either are not under specific development pressures, where the landscape is of an equal character around the settlement or where potential expansion was not seen to impact detrimentally of the landscape setting such that would justify a Countryside Around Towns designation. The Council submits that East Linton is under pressure for development and the CAT designation is necessary as are all the CAT designations in East Lothian. The justification and technical background to the Countryside Around Towns Policy is set out in Technical Note 8 (CD053). Historic Environment Scotland states that the allocation will have the potential to affect the setting of the A listed Phantassie Dovecot and to a lesser extent the farmhouse. By expanding the settlement, it could fundamentally change the character of the Conservation Area (Scottish Government MIR response 6.2.15 (CD073) and para 1.5 East Linton Conservation Area Character Statement(CD075)). The planning permission for the area at Phantassie Farm for a redevelopment has expired ((CD136/CD137) 09/00624/FUL Restoration, conversion and redevelopment of agricultural buildings to form a mixed use development encompassing heritage, leisure and retail uses and associated works). **The Council submits that no modification of the LDP is necessary.**

A P Dale and R F Dale (0243/4)

Countryside Around Towns is a new policy designation in East Lothian and has been established to give protection to the most sensitive parts of the undeveloped landscape around East Lothian's settlements. These are the areas that are important to maintaining the setting and character of settlements in the local area. While in principle this planning policy is applicable to all defined settlements in East Lothian it has only been applied where in the Council's view it is required and can be justified; there are therefore settlements that either are not under specific development pressures, where the landscape is of an equal character around the settlement or where potential expansion was not seen to impact detrimentally of the landscape setting such that would justify a Countryside Around Towns designation. The Council submits the CAT designation is necessary as are all the CAT designations are under pressure from development in East Lothian. The justification and technical background to the Countryside Around Towns Policy is set out in Technical Note 8 (CD053). In respect of the area of land to which the representation refers



the Council submits that the CAT policy area applies to not just this land but also to the caravan park adjacent which is a leisure use within the countryside. The land has a historical relationship with Seton House/Castle which Policy DC8 will retain. **The Council submits that no modification of the LDP is necessary.**

Ritchie Brothers (0259/2)

The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP (CD039). SDP (CD030) Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as signalling where it might be directed towards in future. The Council submits that SPP (2014) (CDCD013) does not preclude such a policy and indeed that it accords with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes in rural areas (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth.. a more restrictive approach to new housing development may be appropriate. The Council suggests that it is important to East Lothian for it to include a policy on Countryside Around Towns given the levels of development pressure around East Lothian's settlements, including at Haddington, and that it is part of a wider need to conserve their character. The Council contends that views from the south west of the town over to the DC8 area and to Clerkington are important to the setting of the town, allowing the viewer to appreciate the low lying nature of Haddington with the higher land of the Garleton Hills to the north. The trees are an important part of this countryside setting framing views and adding to the character of the area which is the original historic designed landscape of Clerkington. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP (see LDP paragraph 2.7). **The Council submits that no modification of the LDP is necessary.**

Lord Wemyss Trust (0277/4)

The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where strategic development for the town should not take place as well as signalling where it might be steered towards in future. The Council submits that SPP does not preclude such a policy and indeed submits that it accords with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes in rural areas (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth .. a more restrictive approach to new housing development may be appropriate. The Council suggests that it is important to East Lothian for it to include a policy on Countryside Around Towns given the levels of development pressure around East Lothian's settlements, including at Haddington, and that it is part of a wider need to conserve their character.

The Council contends that views from the east of the town over the site that is referred to in

this representation are important to the wider setting of the town and that these would be harmed by development on the site. Haddington benefits from a number of historic designed landscapes including Amisfield which forms the backdrop to several views of the town over the site and is referred to at para 2.116 of the LDP.

The Council notes that paragraph 4.8 of Technical Note 8 (CD053) outlines the objectives of Policy DC8 which include but are not restricted to the prevention of coalescence between settlements. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. **The Council submits that no modification of the LDP is necessary.**

Wallace Land Investments (0284/4)

The Council submits that Policy DC8 does not duplicate other policies but adds to them. The objectives of the policy are set out in para 4.8 of Technical Note 8 (CD053) and are to conserve the landscape setting, character or identity of the particular settlement and/or to prevent the coalescence of settlements and/or where it can provide opportunity for green network and recreation purposes. The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council has reviewed the landscape around its settlements and identified Policy DC8 to apply to these areas. The Council submits that it is important to East Lothian for it to include a policy on Countryside Around Towns given the levels of development pressure around East Lothian's settlements, including in the Tranent Prestonpans, Cockenzie and Blindwells area, and that it is part of a wider need to conserve their character and identity which would be lost if towns coalesced. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as by implication where it might be steered towards in future. The Council submits that this is in accordance with SPP (2014) (CD013) which requires protection of environmental quality, and of environmental assets such as sensitive landscapes (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth... a more restrictive approach to new housing development may be appropriate. **The Council submits that no modification of the LDP is necessary.**

BS&S Group (0286/4)

SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as signalling where it might be steered towards. The Council considers it important to conserve the identity and setting of the settlements of East Lothian including Haddington. The Council submits that the LDP allocates sufficient land and that a site at South Gateside is not required, with the exception of that part that comprises PROP HN2. The Council contends that land west of Haddington is justified as a distinctive area of landscape that forms an important part of the setting of Haddington and should not be developed during the period of the LDP, for the reasons outlined in Technical Note 8 (CD053). The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. **The Council submits that no modification of the LDP is necessary.**



The Esperance Trust Group (0303/4)

SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as signalling where it might be directed towards. The Council considers it important to conserve the identity and setting of the settlements of East Lothian including Ormiston. The Council submits that the LDP allocates sufficient land and that a site at Hillview Road is not required. This area is an important part of the setting of the settlement and of its conservation area, reinforcing the relationship between the historical basis for the settlement as a centre of agricultural improvement and the agricultural hinterland of the village. It is important that this relationship is retained to reinforce settlement identity and the sense of place. The Council contends it should not be developed during the period of the LDP, for the reasons outlined in Technical Note 8 (CD053). The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. **The Council submits that no modification of the LDP is necessary.**

North Berwick Community Council (0326/2)

Support for Policy DC8 is noted and welcomed. The Council submits that the areas where Policy DC8 applies at North Berwick were carefully considered in the preparation of the LDP, and are the only areas that merit the policy designation. This is explained further in the Technical Note 8 (CD053) including in responses to points raised at MIR stage. The Council submits that no further land at North Berwick should be included in CAT designations. **The Council submits that no modification of the LDP is necessary.**

Homes for Scotland (0353/12)

The Council submits that Policy DC8 does not duplicate other policies but adds to them. The objectives of the policy are set out in para 4.8 of Technical Note 8 (CD053) and are to conserve the landscape setting, character or identity of the particular settlement and/or to prevent the coalescence of settlements and/or where it can provide opportunity for green network and recreation purposes. The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as by implication where it might be directed towards in future. The Council submits that this is in accordance with SPP (2014) (CD013) which requires protection of environmental quality, and of environmental assets such as sensitive landscapes (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth... a more restrictive approach to new housing development may be appropriate. The Council considers that it has allocated sufficient land for residential and employment uses within the LDP for the lifetime of the plan and sees no merit in identifying additional sites for possible development in the event of a housing shortfall. **The Council submits that no modification of the LDP is necessary.**

Meadowhead Ltd. (0372/1)

Policy DC8, to which para 5.20 relates, states that new development in areas designated as CAT will be supported in principle only where iii) it is required for rural business, tourism or leisure relates use; iv) it is essential infrastructure that has a clear operational requirement for that particular location and there is no other suitable site available.....

The land to the east of Tantallon Caravan Park is proposed to be designated as Countryside Around Towns. The aim of this policy is to conserve the landscape setting of identified settlements within East Lothian. These areas can also provide opportunities to extend the wider green network and related recreational accessibility. The policy has the effect of shaping settlement growth. The justification and technical background to the Countryside Around Towns Policy is set out in Technical Note 8 (CD053). **The Council submits that no modification of the LDP is necessary.**

Gladman Developments Ltd. (0392/4)

The Council submits that Policy DC8 does not duplicate other policies but adds to them. The objectives of the policy are set out in para 4.8 of Technical Note 8 (CD053) and are to conserve the landscape setting, character or identity of the particular settlement and/or to prevent the coalescence of settlements and/or where it can provide opportunity for green network and recreation purposes. The Council submits that East Lothian has a particularly attractive rural landscape as noted in *East Lothian: The Place*, page 2 of the LDP. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council has reviewed the landscape around its settlements and identified Policy DC8 to apply to these areas. The Council submits that it is important to East Lothian for it to include a policy on Countryside Around Towns given the levels of development pressure around East Lothian's settlements, and that it is part of a wider need to conserve their character and identity which would be lost if towns coalesced. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as by implication where it might be directed towards in future. The Council submits that this is in accordance with SPP (2014) (CD013) which requires protection of environmental quality, and of environmental assets such as sensitive landscapes (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth... a more restrictive approach to new housing development may be appropriate. The Council submits that Policy DC1 does not steer future development that might be required in the event of a need to maintain a five years effective housing land supply. Policy DC8 not only does this but in so doing helps to identify where development would not be in keeping with the character of a settlement and local area which is one of the requirements of Policy 7 of the SDP (CD030). The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. **The Council submits that no modification of the LDP is necessary.**

BS&S Group (Clarendon) (0398)

The SDP (CD030) Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and decided that such a policy was required and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as signalling where it might be steered towards. The Council considers it important to conserve the identity and setting of the settlements of

East Lothian including Haddington. The Council contends that land west of Haddington is justified as a distinctive area of landscape that forms an important part of the setting of Haddington and should not be developed during the period of the LDP, for the reasons outlined in Technical Note 8 (CD053). The Council contends that other areas may be more suitable for expansion of Haddington without harming its landscape setting. The Council also notes that all Policy DC8 designations will be reviewed in the next review of the LDP. It is unclear what attachment is being referred to in the representation with regard to Figure 3 on page 6 above. **The Council submits that no modification of the LDP is necessary.**

Clarendon Planning & Development Ltd. (0412)

The Council submits that the reasons for the inclusion of the land to the north east of Ormiston with the Countryside Around Towns area is explained in Technical Note 8 – Countryside Around Towns (CD053). This area is an important part of the setting of the settlement and of its conservation area, reinforcing the relationship between the historical basis for the settlement as a centre of agricultural improvement and the agricultural hinterland of the village. It is important that this relationship is retained to reinforce settlement identity and the sense of place. The Council submits that any longer term growth requirements for East Lothian will be a matter for the review of the SDP and LDP, both in terms of development requirements and spatial strategy. This will be considered in the context of the environmental and infrastructure opportunities and constraints at that time, including whether the retention of the Edinburgh Green Belt and Countryside Around Town designations in the format currently proposed by the proposed LDP would be the most appropriate approach to follow. This is explained at paragraph 2.7 of the proposed LDP. The Council submits that the inclusion of land to the north east of Ormiston within a Countryside Around Town designation is appropriate and that the proposed LDP should not be modified. **The Council submits that no modification of the LDP is necessary.**

Dunpender Community Council (0413/3)

The Council acknowledges that PROP DR8 was not specifically included within the MIR (CD068) as either a preferred or reasonable alternative development site, although East Linton was one of the other options as an area of search. The site was also previously included in para 5.70 of the MIR as one of the areas proposed for the Countryside around Towns policy to apply. However, the Council submits that there were a number of responses to the MIR from landowners and developers and the house building industry. These suggested that significantly more housing land than was 'preferred' to be allocated by the MIR would be required in East Lothian to meet the SDP Housing Land Requirement (CD036) and to maintain a five years supply of effective housing land, particularly in the short term up to 2019. Those consultation responses also suggested that a combination of the 'compact' and 'dispersed' spatial strategy options consulted on at MIR stage should be followed by the proposed LDP, as all of East Lothian is a marketable location. When selecting sites for inclusion in the proposed LDP, the Council looked first to those which were 'preferred' in the MIR and which had no technical issues in principle raised through the MIR consultation. However, further sites were needed over and above those and many of the 'reasonable alternative' sites in the west of East Lothian were chosen for inclusion within the proposed LDP. Overall, most of the 'reasonable alternative' sites are included within the proposed LDP. However, sites at east Tranent (MIR reference ALT – T5, T6 and T7) were not selected despite being within the SDP1 Strategic Development Area (SDA) for the reasons explained within the MIR and because it was considered they may prejudice the development of Blindwells. Land at Eweford (MIR reference ALT-D1) was not

included as it was a large site, the majority of which could not be developed in the short term. As such, more sites capable of delivery within the short term would be needed to meet the Housing Land Requirement of the SDP than those set out within the MIR. As such, additional small scale sites within and outwith the SDA were sought and at its meeting of 17 November 2015 (CD106/107) the Council approved site PROP DR8 noting its proximity to the site of a proposed new railway station. A planning application (16/00328/PM) (CD164) was subsequently submitted for 93 houses and 20 flats (total 113 homes) houses at the site which lies on the edge of the built up area of East Linton and is to be connected to a recently completed site at Andrew Meikle Grove by way of a path with a separate vehicular access to the site required. The decision to allocate the site was taken in the knowledge of the SEA site assessment undertaken for the site (CD060g). One of the key purposes of SEA is to predict and evaluate significant environmental effects and to identify mitigation as relevant, as explained by the Draft SEA Environmental Report (SEA Environmental Report section 1.3.2 paragraph 5) (CD060). However, the Council submits that even if the SEA predicts that a site (or sites) would have a negative or positive environmental effect this is not itself a reason for allocating or not allocating the land for development. **The Council submits that no modification of the LDP is necessary.**

Taylor Wimpey UK & Mactaggart & Mickel Homes Ltd. (0438/16)

The Council notes that the only reference in this representation to Policy DC8 is in its section 3.5. The site to which the representation refers is within the Policy DC8 area and the Council notes that the representation objects to the inclusion of this under Policy DC8 on the basis that the land should instead be allocated for residential development.

Countryside Around Towns is a new policy designation included in the LDP for the first time and has been established to give protection from large scale development to the most sensitive parts of the undeveloped landscape that are around East Lothian's settlements. These are the areas that are important to maintaining the setting and character of settlements in the local area. While in principle this planning policy is applicable to all defined settlements in East Lothian it has only been applied where in the Council's view it is required and can be justified; there are therefore settlements that either are not under specific development pressures, where the landscape is of an equal character around the settlement or where potential expansion was not seen to impact detrimentally of the landscape setting such that would justify a Countryside Around Towns designation. The Council submits that East Lothian is under pressure for development and Policy DC8 is a necessary policy tool that helps with the principle of guiding development to the right places i.e. to those areas around towns that are less sensitive in landscape terms than other areas where the policy is not applied. The justification and technical background to the Countryside Around Towns Policy is set out in Technical Note 8 (CD053). **The Council submits that no modification of the LDP is necessary.**

### **Policy DC8 and DC9**

Francis Ogilvy (0419/5)

The Council submits that East Lothian has a particularly attractive rural landscape as noted in East Lothian: The Place page 2 of the LDP. The Council wishes to plan accordingly to maintain and enhance its character and where appropriate and reasonable to have a suite of planning policies that promote development in the right places and provide the balance of protection, as if to mitigate the cumulative effect of the development planned for in the LDP. SNH and HES "Guidance on Local Landscape Designations", 2006 (CD124)



promoted a comprehensive review by local authorities of local landscape guidance which has been undertaken and is explained in Proposed LDP Technical Note 9 (CD054) plus appendices and which further explains the attractiveness of the landscape of East Lothian. This resulted in a number of Special Landscape Areas being designated across East Lothian. Each such area has a Statement of Importance that outlines why it is of value and development proposed in one of these designated areas must comply with the terms of Policy DC9. SDP Policy 13 requires LDP's to review and justify additions or deletions to other countryside designations fulfilling a similar function to those of the green belt as appropriate. Accordingly the Council reviewed the landscape around its settlements and identified Policy DC8 to apply to these areas. This policy acts in a similar way to a green belt policy providing guidance where development should not take place as well as by implication where it might be directed towards in future. The Council submits in accordance with SPP which requires protection of environmental quality, and of environmental assets such as sensitive landscapes (paras 75 and 76) and para 81 which notes that in pressured rural areas where there is a danger of unsustainable growth .. a more restrictive approach to new housing development may be appropriate. The reason why separate policies for DC8 and DC9 are required is that there are some forms of development that are appropriate in a DC8 area that would not necessarily be appropriate in a DC9 area. In addition, one of the purposes of Policy DC8 is to prevent coalescence of settlements and some areas of land between settlements may not meet the criteria to be special landscapes but still serve the useful purpose of preventing coalescence. The Council submits that it is appropriate for these policies to apply to parts of the East Lothian countryside. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DC9: Special Landscape Areas**

##### Meadowhead Ltd. (0372/2)

The Council agrees that economically important development may be appropriate in a Special Landscape Area. However the Council opposes adding economic benefits to the policy wording as suggested. Developments with economic benefit are not precluded in proposed Special Landscape Areas where they are sited and designed in accordance with the Statement of Importance and do not harm the character of the Special Landscape Area. The purpose of Policy DC9 is to protect the particular character of special landscapes of the area. SPP (2014) (para 28) (CD013) says the planning system should support economically, environmentally and socially sustainable place by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any costs. It goes on to give a set of principles which should guide policies and decisions including protecting, enhancing and promoting access to landscape. SPP (paragraph 197) encourages planning authorities to limit non-statutory local designations to areas designated for their local landscape or nature conservation value. The purpose of areas of local landscape value is among other things to safeguard and enhance the character and quality of a landscape which is important or particularly valued locally or regionally. Paragraph 198 notes that plans should address the potential effects of development on the natural environment, including the cumulative impacts of incremental changes. SDP1 Policy 1b requires LDPs to ensure there are no significant adverse impacts on the integrity of Areas of Great Landscape Value, which Special Landscape Areas replace, as well as to have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more health and attractive places to live, and the need for high quality design. Through a process of assessment the Council has identified landscapes which are of particular local value (see Technical Note 9)

(CD054). SPP expects plans to safeguard and enhance the character of locally valued landscapes. Valued local landscape is a natural resource which is of benefit to the public at large present and future and is to an extent the heritage of everybody regardless of where it is located and its current ownership. There should therefore be some public benefit where it is harmed, as provided for in the policy. This might not be the case if the test included economic benefit, though there may be a public benefit from economic benefit which would then be assessed as part of the planning balance. Including economic benefit as a relaxation would reduce the incentive for developers to site and design their proposals in a way that safeguards or enhances locally valued landscape, as required by SPP. This is likely to lead to avoidable harm to such landscapes and the Council would resist this. The LDP provides an appropriate supply of land for economic development in marketable locations. Businesses that have an operational use for a countryside location, including tourism and leisure uses, are also supported in rural areas. It is therefore considered unlikely that not including this relaxation would significantly harm economic development overall as the costs of siting and designing in a manner that would avoid harm to SLA's is not expected to render many projects unviable. In addition, protecting locally valuable landscapes can have a benefit for the tourist industry, as well as other businesses that may benefit from their attractive location. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DC10: The Green Network**

##### Scottish Natural Heritage (0280/19)

The Council notes the comments however, no modification to the Plan is necessary in response to this representation. Policy DC10 makes it clear that the Council seeks to secure green network measures through Development Briefs and the Council's Green Network Strategy supplementary planning guidance rather than by way of developer contributions. As a result no hook to Supplementary Guidance: Developer Contributions Framework (CD063) is required. **The Council submits that no modification of the LDP is necessary.**

##### Scottish Wildlife Trust (0316/2)

The Council acknowledges the support from the Scottish Wildlife Trust in respect of the preparation of the Green Network Strategy as Supplementary Planning Guidance. The Council submits that, whilst such an overarching strategy is important and will be produced as soon as possible following adoption of the LDP, in the short term the focus will continue to be the adoption of the other guidance associated with the plan and published alongside the Proposed LDP. It should be noted that a number of Green Network objectives will be secured in the development of sites, and in this sense the Development Briefs (CD061) will have an important role to play. They will be adopted as Supplementary Planning guidance as soon as possible after adoption of the Main Plan. Green Network Guidance (CD120) in respect of Cumbernauld noted. **The Council submits that no modification of the LDP is necessary.**

##### Midlothian Council (0348/5)

East Lothian Council notes and welcomes Midlothian Council's comments in respect of the green network and joint working where appropriate. East Lothian Council also notes that there are opportunities to facilitate this joint working: these exist in the preparation of East Lothian's own Green Network Supplementary Planning Guidance (see LDP policy DC9)

and in the finalisation of the Council's Draft Development Briefs (CD061). East Lothian Council would welcome further discussion from Midlothian Council in that regard. **The Council submits that no modification of the LDP is necessary.**

David Campbell (0361/4)

In respect of LDP Policy DC7, the Council submits that the third bullet point that refers to established need within Policy DC7 is suitably caveated by the need to show that no other suitable site is available. **The Council submits no modification to the LDP is necessary.**

In respect of Policy DC8 - The Council submits that sub sections (ii) and (iii) of the policy were included to allow for community leisure facilities such as sports pitches or a larger community facility such as Meadowmill sports centre which lies within a proposed DC8 area, and because the Council did not consider it appropriate to curtail the potential for the appropriate expansion activities of any existing business within a DC8 area or for tourist related recreational businesses. The Council considers that such business can be accommodated in principle within a DC8 area. **The Council submits no modification to the LDP is necessary.**

In respect of Policy DC9 - The Council considers that the types of development which have an adverse impact on Policy DC9 Special Landscape Areas should be limited. However, it would oppose this change. There should be scope to accept development that has a public benefit clearly outweighing the adverse impact, and the proposals have been designed to minimise adverse effects. SPP (2014) (CD013) in the title of paragraph 28 contains a presumption in favour of development that contributes to sustainable development. Paragraph 29 gives a set of principles including protecting, enhancing and promoting access to landscape. However, there are other principles which support development with a public benefit, such as supporting delivery of infrastructure or supporting climate change mitigation and adaptation. The policy is intended to allow development which has such public benefits but cannot avoid all harm to the Special Landscape Area to be permitted. **The Council submits no modification to the LDP is necessary.**

In respect of Policy DC10 - The Council opposes the deletion of the parts requested. Off-site provision is important to provide for a Green Network and where it is relevant to the development and meets the requirements of Circular 4/1998 "The Use of Conditions in Planning Permissions" (CD020) or successor guidance. The policy also provides for the replacement of elements of the Green Network that are lost or have their quality reduced through development.

In justification for the representation the submitter says that "it is undesirable to hint at the possibility of development in areas the Council is determined to protect. The flexibilities which might be allowable under the Green Network policy are better considered as part of the Green Network Strategy". The purpose of Policy DC10 is not to provide a level protection for specific areas of special interest; this is done by other policies of the plan such as DC9 for Special landscape areas, or DC6 for the coast, DC7 for the Green Belt for example. The purpose of the Policy DC10 is to signal and lever contributions to the Green Network, and so maintain Green Network at its current standard, and to provide for off-site Green Network measures were identified in Development Briefs (CD061) to meet the needs of specific development. The policy will not result in development in areas the Council wishes to protect. It should instead result in maintenance of the Green Network in tandem with development of areas the Council has allocated for this purpose.

Although the details of the Green Network will be provided in the Green Network Strategy, the policies of the LDP have greater weight, as planning applications must be decided in accordance with the development plan unless material considerations indicate otherwise. The Council considers it therefore necessary to retain policy in the development plan requiring that where loss or reduction in quality to any element of the Green Network is required to facilitate development, alternative provision must be provided. Removing this part of the policy would give that requirement less weight, and could harm the provision of the Green Network as a result. SPP (2014) (CD013) paragraph 220 notes that planning should protect, enhance and promote green infrastructure, including open space and green networks, as an integral component of successful placemaking. Paragraph 221 notes that the planning system should consider green infrastructure as an integral element of places from the outset of the planning process. Paragraph 225 states that LDPs should seek to enhance existing and promote the creation of new green infrastructure. The Central Scotland Green Network is a National Development 2 of National Planning Framework 3 (CD011), and extends across East Lothian. It is therefore important that the LDP maintains or strengthens Green Network provision in line with this national priority. SDP1 (CD030) supports the creation of a strategic Green Network and in Policy 11 requires LDPs to identify opportunities to contribute to the development and extension of the Green Network and mechanisms through which they can be delivered. In addition, it requires LDP's to have regard to the principles including that the form, function and long term maintenance of the Green Network should be considered as an integral component of plan-making and place-making, and should be incorporated from the outset. It is therefore appropriate that these policy requirements are contained within the LDP and not in supplementary planning guidance, which may not be adopted until sometime after the adoption of the LDP itself. **The Council submits that no modification of the LDP is necessary.**

### **Special Rural Landscapes Support**

Scottish Natural Heritage (0280/30)

Support noted.

### **Reporter's conclusions:**

#### **Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

#### **Policy DC7: Development in the Edinburgh green belt**

2. Wemyss & March Estates have submitted a redraft of Policy DC5. However this appears to be identical to Policy DC5 in the plan. Therefore I see no basis for amending the plan in response to this representation.

3. Homes for Scotland request an amendment to Policy DC7 to allow for development where the green belt is no longer serving green belt functions. The council submit that the green belt is an important area where development should be restricted to protect and



enhance important character and settlement identity, and for providing access to open spaces; this would be devalued if additional development were permitted.

4. Paragraph 49 of Scottish Planning Policy identifies that where the planning authority considers a green belt appropriate, the development plan may designate a green belt around a city or town to support the spatial strategy by:

- directing development to the most appropriate locations and supporting regeneration;
- protecting and enhancing the character, landscape setting and identity of the settlement; and
- protecting and providing access to open space.

5. Paragraph 50 goes on to state that in developing the spatial strategy, planning authorities should identify the most sustainable locations for longer-term development and where necessary review the boundaries of any green belt. Paragraph 52 then states that local development plans should describe the types and scales of development which would be appropriate within a green belt.

6. Policy 12 of the Strategic Development Plan (SESplan) requires local development plans to define and maintain green belts to conform to the following purposes:

- maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns and prevent coalescence;
- direct unplanned growth to the most appropriate locations and support regeneration;
- maintain the landscape setting of these settlements; and
- provide opportunities for access to open space and the countryside.

7. I find that the approach set out within Policy DC7 is in accordance with the requirements of both Scottish Planning Policy and SESplan. Therefore no modifications are recommended in response to this representation.

8. Emma Hay requests an amendment to Policy DC7 or the insertion of an additional policy to explain that one of the purposes of green belt designation is long term settlement separation. As explained in paragraphs 4 to 6 above, the purposes of the green belt are clearly set out within Scottish Planning Policy and SESplan. Paragraph 5.17 of the plan also explains the purposes of the green belt. No modification is therefore recommended.

9. David Campbell requests an amendment to Policy DC7 to delete the references within the third bullet point to established need and that no other suitable site is available. The approach set out within Policy DC7 complies with paragraph 52 of Scottish Planning Policy, which includes reference to development meeting a national requirement or established need, if no other suitable site is available. No modification is therefore recommended.

#### **Policy DC8: Countryside Around Towns**

10. A number of representations (Stewart Milne Homes Ltd, Messrs Dale, Ritchie Borthers, Lord Wemyss Trust, Wallace Land Investments, Homes for Scotland, Gladman Developments Ltd and Clarendon Planning & Development Ltd) object to the proposed policy approach to protect areas of land as part of the Countryside Around Towns

designation. A number of the representations go on to provide further comments on specific sites. The representations highlight a number of concerns, including:

- important landscapes and townscapes are already protected by other designations, with no need for duplication
- the existing policy framework will protect the countryside from inappropriate development
- it is not appropriate to replicate green belt policy by another name
- there is no justification from national or strategic policy to address the requirements of this policy
- the policy approach is overly restrictive.

11. Paragraph 74 of Scottish Planning Policy identifies that the character or rural areas and the challenges they face varies greatly across Scotland, from pressurised areas of Countryside Around Towns and cities to more remote and sparsely populated areas. Paragraph 76 highlights that within pressurised areas, which are easily accessible from Scotland's cities and main towns, where ongoing development pressure are likely to continue, it is important to protect against an unsustainable growth in car based commuting and the suburbanisation of the countryside. In addition, Policy 13 of SESplan requires local development plans to review and justify additions or deletions to other countryside designations which fulfil a similar function to the green belt.

12. I conclude, in Issue 25: Diverse Countryside and Coast that it is appropriate for the plan, which covers a pressurised area, to protect against unsustainable growth and the suburbanisation of the countryside. Technical Note 8: Planning for Countryside around Towns, explains in paragraph 4.8, that the designation has been established to meet the following objectives:

- to conserve the landscape setting, character or identity of the particular settlement; and/or
- to prevent the coalescence of settlements; and/or
- where it can provide opportunity for green network and recreation purposes.

13. Paragraph 4.11 of the Technical Note explains the methodology that has informed the identification of areas to be included within the Countryside Around Towns designation. Consideration has been given to: the attractiveness of the countryside setting of settlements that are under development pressure; those settlements whose character and identity would be threatened by coalescence through new development; and settlements that have green network or recreational development opportunities. In addition, paragraph 4.13 identifies that the setting of each settlement was assessed to determine where in the future it could potentially grow with minimum impact on its landscape setting.

14. As a result, I conclude that it is appropriate for the plan to include a policy framework which seeks to conserve the setting, character or identity of settlements, prevent coalescence and/or provide access to the green network and recreation. However, whilst paragraphs 5.20 to 5.22 of the plan provide some explanation of the purpose of the designation, the objectives are not clearly defined. In addition, the first sentence of Policy DC8 suggests that the objectives of the designation will be established within supplementary planning guidance. The council's response to a further information request has clarified that the supplementary planning guidance will set out the relevant objectives which will apply to each specific Countryside Around Towns area, not the overall

objectives. Therefore, for clarification, I recommend that modifications are made to paragraph 5.20 and Policy DC8.

15. David Campbell submits that criteria 'ii' and 'iii' within Policy DC8 which identify community uses, rural businesses, tourism and leisure uses, should be deleted. I consider the approach set out within Policy DC8 is in accordance with the requirements of paragraph 79 of Scottish Planning Policy. This requires local development plans to promote economic activity and diversification within rural areas, this includes tourism and leisure uses; I therefore recommend no modification in response to this representation.

16. As explained in paragraph 10 above, a number of representations refer to specific sites, which are considered below.

### Dirleton

17. Muir Homes request that the Foreshot Terrace site at Dirleton should be excluded from the proposed Countryside Around Towns designation and allocated for housing development. However, the representation under this issue focuses on the reasons the site should be allocated for residential development and included within the village boundary. This matter is addressed within Issue 13: New Sites.

18. The representation from Lawrie Main also identifies that the Foreshot Terrace site should be allocated for housing and not identified within the Countryside Around Towns designation. Lawrie Main submits that the site is discreet and relatively self-contained and that the development proposals for the site would have significantly less impact on the conservation area than the proposed allocation of the Castlemains Place site (Proposal NK11). Kate Hamer also requests that the Castlemains Place site should be removed from the plan and the Countryside Around Town designation applied to the site and that the Ware Road site should be allocated for development in place of the Castlemains Place site as this would provide further protection to the setting of Dirleton Castle.

19. At my site visit I observed the prominent position of the Castlemains Place site within the village and its important relationship with Dirleton Castle, as well as its landscape setting and with the conservation area. I note the council's conclusions within Technical Note 8, which state that an important feature of the open southern aspect of the village is the views of the built-up end of the village and the castle, which is proposed to be retained through the Countryside Around Towns designation.

20. With regard to the allocation of the Castlemains Place site, I conclude in Issue 9, that while the site is clearly sensitive, that it would be possible to design a scheme which takes the local context fully into account and does not adversely affect the important heritage assets. The purpose of the Countryside Around Towns designation is not to prevent development, as explained in paragraph 12 above, it has three objectives. With regard to Dirleton, Technical Note 8 explains, and I agree, that the Countryside Around Towns policy contributes to the objective of protecting the landscape setting of the settlement. I also agree with the council that appropriate development of the site could take place without harming the landscape setting of Dirleton. I therefore conclude that it is not appropriate to extend the Countryside Around Towns designation to include the Castlemains Place site.

21. The Foreshot Terrace site lies to the north of the village. Technical Note 8 identifies that development on the land to the north of Dirleton would detrimentally impact on the

countryside setting and character of the village, which as explained in paragraph 20, is the purpose of the proposed Countryside Around Towns allocation at Dirleton. I agree with the council's assessment, which is supported by the Dirleton Conservation Area Character Statement (CD075) as well as what I observed at my site visit.

22. Gullane Community Council refer to a current application for housing at Foreshot Terrace and set out the reasons the application should be refused. It is not my role to consider the merits of a planning application.

23. For the reasons above, no modifications are therefore recommended in response to the representations by Muir Homes, Lawrie Main, Kate Hamer and Gullane Community Council.

### East Linton

24. Stewart Milne Homes Ltd object to the proposed allocation of land at East Linton as part of the Countryside Around Towns designation. It is submitted that a landscape and visual impact assessment has concluded that the landscape has the capacity to accommodate further development. The representation also identifies proposals to develop the former steading complex at Phantassie Farm. The request to allocate land for housing at East Linton is considered in Issue 13: New Sites.

25. The East Linton Conservation Area Character Statement (CD075) identifies that the important open views from the Phantassie area frame the buildings of the conservation area and contribute to the rural setting of the town, which is part of its character. Technical Note 8 sets out that the proposed Countryside Around Towns designation at East Linton contributes to two objectives: protection of the landscape setting of the settlement and provision of green networks and recreation. At my site visit I viewed the site and the surrounding area and I agree with the council and the Conservation Area Character Statement that the land to the east provides an attractive landscape setting to the village. It is therefore appropriate for the plan to identify the land to be protected as part of the Countryside Around Towns policy; I see no basis for amending the plan.

26. Dunpender Community Council object to the proposed allocation of the Pencraighill site at East Linton (Proposal DR8) and request that it is reallocated as part of the Countryside Around Town designation. In Issue 8, I note that a notice of intention to grant permission has been issued and that the site is considered suitable for inclusion as an allocation for residential development. The site is located at the western entrance to the town adjacent to recently completed housing on Andrew Meikle Grove. At my site visit I observed the site and whilst it is an attractive site I do not feel it meets the objectives of the Countryside Around Town designation. I do not consider it is required to enable the protection of the landscape setting of the settlement, prevent coalescence or to provide opportunities for better integration and provision of green networks for wildlife and people. I therefore conclude that no modifications are necessary in response to this representation.

### Port Seton

27. Messrs Dale object to the inclusion of a site at Port Seton Links as part of the proposed Countryside Around Towns designation. The representation states that the site is visually well contained on the eastern edge of Port Seton, adjacent to Seton Sands Holiday Park and does not have any particular special qualities. It is also stated that it is

not clear why the site has been included as part of the larger designation that extends to the south and east.

28. Technical Note 8 explains the reasons for the proposed Countryside Around Towns designation between Cockenzie/Port Seton and Blindwells. It identifies that it includes the landscape setting for the nationally significant garden and designed landscape of Seton House/Castle. The draft Environmental Report identifies in its assessment of the submitted site, that Seton Castle is a category A listed building and the principal rooms were specifically designed to take in views to the north, including a view of the Forth and that the surviving vista corridor still give this. The report goes on to state that the view to the north is also an important element of the Seton House Inventory Garden and Designed Landscape. I observed the site at my site visit and agree that the views have historic significance.

29. As one of the roles of the proposed Countryside Around Town designation is to manage the impact of development, to ensure it does not impact detrimentally on the landscape setting of the settlement, I therefore agree with the council, that it is appropriate for the site to be included within the designation; no amendments are therefore recommended in response to this representation. The request to allocate land for housing at this site is considered in Issue 13: New Sites.

30. The representation from Wallace Land Investments identifies that land at Fishergate Road, Port Seton should be designated for residential development and therefore the removal of the proposed Countryside Around Towns designation. The matter regarding the allocation of the site for residential development is addressed in Issue 13: New Sites. Technical Note 8 identifies the importance of the land between Blindwells and Cockenzie/Port Seton. It highlights that when Blindwells is developed it will become more important for the area to remain undeveloped to retain a distinct identity for each town, as well as providing green space preventing potential coalescence of the settlements and urban sprawl. I agree with the council that community identity and coalescence are key issues with regard to this site given its location. It is therefore appropriate for the site to be included as part of the Countryside Around Towns designation. I conclude that no modifications are necessary in response to this representation.

### Haddington

31. Ritchie Brothers object to the inclusion of land at Dovecot, Haddington as part of the proposed Countryside Around Towns designation. The representation states that the area is already well screened, there is development at its northern edge and development is already approved against the boundary of the former Clerkington Estate. Therefore it is submitted that development at Dovecot, on its eastern edge will not impact on the wider landscape setting of Haddington.

32. At my site visit, I observed the area from a number of vantage points. I fully acknowledge that the area is changing and will continue to change as a result of the new development both under construction and that which has been granted permission. However, I agree with the council that the area to the south west of Haddington, including the land at Dovecot, forms an attractive approach to the town. The land is also an important part of the setting of the Haddington Conservation Area. Preserving this setting justifies its Countryside Around Towns designation and I see no basis for an amendment in response to this representation.

33. Lord Wemyss Trust object to references within the plan that open land to the north of the Tyne, particularly the submitted Amisfield Mains site, is an important area to the town's character and setting. The representation states that the designation unnecessarily prejudices the potential for an easterly extension of Haddington in the future. In addition, the representation states that the intention of Policy DC8 is to avoid coalescence between settlements and that coalescence is not an issue for Haddington.

34. At my site visit, I observed that the landscape to the east of Haddington contains a number of manmade features, including the A1 road and Haddington golf course. However, I do not consider that the landscape has a suburban character. The designated landscape of the former Amisfield House contains many historic assets, including buildings and its parkland. I consider the Amisfield Mains site forms an important element of the character of the town and its conservation area.

35. With regard to coalescence and sterilising future development opportunities, I agree with the council that the focus of Policy DC8 is not only on coalescence but also landscape setting, character, identity, active travel and access to the countryside. I find therefore that no amendments are required in response to this representation. The request to allocate land for housing at Amisfield is considered in Issue 13: New Sites.

36. BS&S Group object to the proposed Countryside Around Towns designation on land to the west of Letham Mains/south of West Letham. It is also submitted that Land at South Gateside should be allocated for housing. The representation highlights that the site is not located within a special landscape area and that the site could accommodate settlement expansion while protecting key local landscape qualities. In addition, it is submitted that the proposed approach set out within the plan will have the effect of placing a development moratorium upon Haddington, with the exception of one limited area west of Dovecot.

37. The representation comments on Technical Note 8, stating that it does not take into account a more sensitive approach to development. It identifies that there is ambiguity over where Haddington begins and the countryside ends, as a result of the varied existing built form, stating it is not all a smallholding character. The representation states that development of Land at South Gateside provides an opportunity to create a stronger transition between urban and rural.

38. Whilst I agree with BS&S Group that the built form of the area is somewhat varied, in terms of the different styles of smallholdings, I do not agree with the suggestion that it does not have a distinctive character. From my site visit I consider the area is of rural character with a distinctive settlement pattern comprising primarily small holdings. Again, I note that the character of the immediate surrounding area will change as a result of the development of sites Proposal HN1: Letham Mains, Proposal HN2: Letham Mains Expansion and Proposal HN3: Land at Dovecot, however I agree with the council that the land to the west of the Haddington is an important part of the landscape setting, character and identity of the settlement. Therefore, I recommend no modification in response to this representation. The request to allocate Land at South Gateside for housing is considered in Issue 13: New Sites.

39. Taylor Wimpey UK & Mactaggart & Mickel Homes Ltd object to the proposed allocation of their land to the north of West Letham as falling within the Countryside Around Town designation. Details are provided within the representation as to why the

site should be allocated for residential development however no reasons are defined as to why the site should not be allocated as part of the Countryside Around Town designation. The request to allocate the site (Land at OTH-H8, West Letham) is considered in Issue 13: New Sites.

### Ormiston

40. The Esperance Trust Group object to the allocation of land to the south of Hillview Road, Ormiston as falling within the proposed Countryside Around Towns designation. The representation states that the boundaries of the proposed designation are excessive and should be reduced, particularly to exclude the submitted site. The representation identifies that as the housing along the south of Hillview Road is two-storey, ex-local authority terraced and semi-detached stock and not within the Ormiston Conservation Area, this cannot be deemed an attractive settlement edge. It is submitted that the proposed site could provide a suitable landscape screen on the southern edge which would assist with visual interpretation of the setting of the village.

41. Technical Note 8 identifies that the land to the south of Ormiston, when viewed from the A6093 and B6371 roads to the south, forms a prominent and visible part of the setting of the Ormiston Conservation Area and the wider village. The Ormiston Conservation Area Character Statement states that given the historic association of the village with the land, the relationship between the open agricultural landscape and the setting of the conservation area is important, as it provides a clear linkage with its past as a centre of agricultural improvement.

42. Whilst I note the view of the Esperance Trust Group regarding the appearance of properties to the south of Hillview Road, when viewed from the south the properties appear as part of the built-up area of Ormiston. I agree with the council and the information contained within the Conservation Area Character Statement, that the land to the south of Ormiston, including the submitted site, is an important part of the landscape setting and identity of the settlement. I therefore conclude that it is appropriate to include it within the Countryside Around Towns designation and I see no basis for the need to modify the plan. The request to allocate land for housing at Hillview, Ormiston is considered in Issue 13: New Sites.

43. Clarendon Planning & Development Ltd object to the proposed Countryside Around Town designation in Ormiston, which is considered to be overly restrictive. The representation states that whilst land to the north east of Ormiston is not being promoted for development, it may offer the only long-term expansion opportunity for the village. As explained in paragraph 41 above, the relationship between the open agricultural landscape and the setting of the conservation area is important. Technical Note 8 identifies that open farmland to the north provides the landscape setting for the oldest parts of the village. It states that development to the north or east would be visually detrimental to the landscape setting and character of the historic core of the village. I agree with the council's assessment; therefore, I recommend no modification in response to this representation.

### North Berwick

44. North Berwick Community Council submit that the area proposed to be designated as part of the Countryside Around Town designation at North Berwick should be extended to include the west and east sides of the town to set a spatial limit on development for the

foreseeable future.

45. Technical Note 8 explains why land to the south of the town is proposed to be included as part of the Countryside Around Town designation. At my site visit I observed the different character of land to the west and east of the town and I agree with the council's assessment of the importance of this area to the landscape setting of the town and the potential for better integration and provision of green networks. With regard to managing future development on land to the east and west of the town, a number of policies within the plan will do this, particularly Policy DC4, which only supports the development of new housing which meets specific criteria. No modifications are therefore recommended in response to the representation by North Berwick Community Council.

46. The representation by Meadowhead Ltd requests an amendment to paragraph 5.20 of the plan to clarify that certain development can be supported within an area included as part of the Countryside Around Towns designation, such as a rural business, tourism or leisure related uses. In addition, the representation seeks the removal of the land to the east of Tantallon Caravan Park from the proposed designation for the following reasons:

- the area is bounded by the caravan park to the west, the Glen golf course to the north and east and the A198 to the south;
- it is an agricultural field;
- it is the only part of the proposed Countryside Around Towns designation that is situated to the north of the A198;
- the area is appropriate for the possible future expansion of the caravan park; and
- future development will be controlled by its location within a special landscape area (Policy DC9), the constrained coast (Policy DC6) and the countryside (Policy DC1).

47. Technical Note 8 explains that the land on the eastern approach to North Berwick includes expansive coastal countryside views of the Bass Rock. Whilst it is noted that the land to the east of Tantallon Caravan Park is bounded by manmade features, the caravan park, the A198 road and the golf course, this does not prevent it from playing an important role as part of the distinctive landscape setting of the town. With regard to the proposed amendments to paragraph 5.20, Policy DC8 is clear that new development required for rural business, tourism or leisure related uses will be supported in principle. It is not necessary to repeat this within the supporting text. I therefore find that no modifications are necessary in response to this representation.

#### **Policy DC9: Special Landscape Areas**

48. Meadowhead Ltd requests an amendment to Policy DC9 to recognise that economically important development may also be appropriate within Special Landscape Areas. The policy as written does not exclude economic development within Special Landscape Areas. It requires development to accord with the statement of importance and not to harm the special character of the area. Where there could be adverse impacts from development the policy allows for an assessment of the public benefits, which could include economic benefits. These public benefits must clearly outweigh any adverse impact. I therefore see no basis for amending the plan.

49. David Campbell submits that the reference to public benefits should be removed from Policy DC9. Paragraph 196 of Scottish Planning Policy identifies that plans should set out the factors which will be taken into account in development management and that the level of protection given to local designations should not be as high as that given to



international or national designations. It is therefore appropriate for Policy DC9 to include reference to an assessment of the public benefits of a proposal. No modifications are recommended.

### **Policies DC8 and DC9**

50. Francis Ogilvy objects to Policies DC8 and DC9, stating that the designations are unnecessary given the protection already available. As explained within paragraphs 11 to 13, the approach set out within Policy DC8 is in accordance with both Scottish Planning Policy and the strategic development plan. With regard to Policy DC9, paragraph 197 of Scottish Planning Policy allows for the designation of areas of local landscape value. Technical Note 9 provides background on the approach taken to the identification of special landscape areas across East Lothian. This approach has followed national guidance on local landscape designation. I therefore find that no modifications are necessary.

### **Policy DC10: The Green Network**

51. Scottish Natural Heritage request an amendment to the policy to ensure clarity regarding the inclusion of green infrastructure contributions within the draft Supplementary Guidance: Developer Contributions Framework. The representation states that a hook to the supplementary guidance should be included within the plan. The council state that it is clear within Policy DC10 that relevant development must contribute to the green network in accordance with the site development brief and the green network strategy. As currently worded, Policy DC10 suggests that a financial contribution will be made, however I note that the Developer Contributions Supplementary Guidance does not require financial contributions towards the green network.

52. In Issue 31: Delivery it confirms that the council has clarified that no financial contributions are to be sought for the green network and the focus would be for on-site provision. Therefore a relevant 'hook' is not required and it is recommended in Issue 31 that the reference to Policy DC10 is deleted from Table DEL1. In order to provide further clarity on this matter, I recommend that Policy DC10 is also amended to remove the reference that all relevant development must contribute to the green network.

53. David Campbell submits that all of the policy, apart from the first sentence should be deleted. I consider it is necessary for the policy to be specific to ensure it is able to be effectively implemented through the development management process. Paragraph 225 of Scottish Planning Policy is clear that local development plans should seek to enhance existing and promote the creation of new green infrastructure, which may include retrofitting. Plans should facilitate appropriate provision, addressing deficits or surpluses within the local context. I therefore recommend no modifications in response to this representation.

### **Suburban fringe woodland**

54. Derek Carter requests the inclusion of an additional policy within the plan to include a requirement for the planning of fringe woodlands around every new suburban housing site on the edge of settlements, unless screening already exists. The representation identifies that the proposed woodland areas should also be identified as part of housing site development briefs. A number of benefits are identified.

55. A number of policies within the plan seek to protect and enhance trees and woodlands across East Lothian as well as policies which include requirements for appropriate landscaping as part of new development. Examples include Policies DC10, NH8, DP1, DP2 and DP4. In addition, a number of the proposals within the cluster sections of the plan highlight the need for appropriate landscaping to fully integrate the development. This is also referred to within the draft development briefs. I therefore conclude that this approach is appropriate and no modifications are recommended.

**Reporter’s recommendations:**

Modify the local development plan by:

1. In paragraph 5.20, replacing the final sentence with the following:

“Countryside Around Towns designations will apply and their objectives are to:

- to conserve the landscape setting, character or identity of the particular settlement; and /or
- to prevent the coalescence of settlements; and/or
- where it can provide opportunity for green network and recreation purposes.”

2. Replacing the first sentence of Policy DC8 with the following:

“Development that would harm the objectives of the specific Countryside Around Town area, as defined in supplementary planning guidance, will not be permitted.”

3. In Policy DC10, replacing the following text in the first sentence: “contribute to the Green Network” with: “make provision for the Green Network”.

<b>Issue 27</b>	<b>Natural Heritage</b>	
<b>Development plan reference:</b>	Chapter 6 Our Natural and Cultural Heritage, Natural Heritage, Background to Trees and Woodland (pages 125 – 129)	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Scottish Natural Heritage (0280)                  Haddington and District Amenity Society (0327)                  Homes for Scotland (0353)                  David Campbell (0361)                  The Scottish Government/Transport Scotland (0389)                  Taylor Wimpey UK Ltd and Mactaggart and Mickel Homes Ltd (0426)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Chapter 6 Our Natural and Cultural Heritage: Biodiversity and Geodiversity, Soil Quality and Trees and Woodland (pages 125 – 130)	
<b>Planning authority’s summary of the representation(s):</b>		
<p><b>Natural Heritage Background Paragraph 6.7</b></p> <p><u>Scottish Natural Heritage (0280/20)</u></p> <p>The Firth of Forth Banks Complex is solely a Nature Conservation Marine Protected Area. Since the Proposed Plan was drafted and published the Outer Firth of Forth and St Andrews Bay Complex has moved from draft to proposed Special Protection Area (SPA).</p> <p><b>Policy NH3: Protection of Local Sites and Areas</b></p> <p><u>Scottish Natural Heritage (0280/21)</u></p> <p>The reference to “The following sites” should be removed as no sites are listed: the Proposals Map and Technical Note 10 provide detail on the sites. Policy NH3 would be overly long if all the sites were listed. The reference to “the associated technical note” should be amended to the “Planning for Biodiversity Technical Note”. As the Proposed Plan has several supporting Technical Notes, a specific reference to the Planning for Biodiversity Technical Note is more helpful to readers.</p> <p><u>Scottish Government/Transport Scotland (0389/13)</u></p> <p>Scottish Planning Policy 2014 (SPP) is clear that the level of protection given to local designations should not be as high as that given to international or national designations. The second paragraph of the plan policy sets out that “development will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the public benefits of the development to the local area and suitable mitigation will be secured”. The wording of the policy should be amended – specifically that “public benefits” be replaced with “social, economic or environmental benefits” and that “to the local area” be removed from the second paragraph.</p>		

There may be instances where a development proposed in such a location would not necessarily benefit the immediate local area, but could have for example regional or national benefits. Firstly there is also some ambiguity around how “public benefit” would have to be defined. Secondly the wording of the policy could inadvertently prevent development where there is demonstrable benefit either in the local, national or international interest from taking place. There is a need to ensure that the policy provides for a proportionate and balanced consideration to take place on development affecting local sites and areas, better recognising the lower level of protection to be afforded to local sites and areas compared to the policy considerations for national or international sites.

**Policy NH4: European Protected Species and Policy NH5 Biodiversity and Geodiversity Interests, including Nationally Protected Species, supporting text**

Scottish Natural Heritage (0280/22) (0280/23)

To support proportionate approach to delivering development, the need for a derogation licence for EPS under the Conservation (Natural Habitats &c.) Regulations 1997 (as amended) should be made clear.

**Policy NH7: Soils**

Haddington and District Amenity Society (0327/12)

Representation seeks the protection of prime quality agricultural land in recognition of its importance both national and local economies. It should be one of the important drivers of the spatial strategy and Policy NH7 should be redrafted to reflect this wider strategic significance.

Homes for Scotland (0353/13)

Delete reference in Policy NH7: Protecting Soils to “no other suitable site is available”. We consider that it is unreasonable, and often unfeasible to expect a proposal to assess other sites to prove that theirs is the only suitable site, and if the proposal in question is the only one coming forward, it would serve no purpose. We do not want to see any policy that could potentially hinder, or slow delivery of housing developments.

**Natural Heritage Miscellaneous**

David Campbell (0361/5)

The absence of any reference to SNH seems surprising in this section: insert a reference to SNH at some point in pp 125-132, possibly as a new policy on p126 requiring proposals affecting the natural environment to conform to relevant guidance from Scottish Natural Heritage. : "NH5.1. All development proposals affecting the natural environment will be required to conform with relevant guidance from SNH."

**Natural Heritage Support**

Scottish Environmental Protection Agency (0252/22)

Supports Policy NH7

Scottish Natural Heritage (0280/31, 0280/32, 0280/33, 0280/34, 0280/35)

Supports the following policies: NH1, NH2, NH4, NH5, NH6, NH7, NH8.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd(0438/18)

Supports Policy NH8 in that there should be a presumption in favour of retaining East Lothian's woodland resources.

**Modifications sought by those submitting representations:**

**Natural Heritage Background Paragraph 6.7**

Scottish Natural Heritage (0280/20)

Remove reference to “candidate Marine Special Area of Conservation” in relation to Firth of Forth Area of Conservation” in relation to Firth of Forth Banks Complex and update reference to Outer Firth of Forth and St Andrews Bay Complex draft SPA in paragraph 6.7 so that it reads:

“Offshore, the Firth of Forth Banks Complex is a Nature Conservation Marine Protected Area (MPA). The Outer Firth of Forth and St Andrews Bay Complex is a marine proposed SPA.”

**Policy NH3: Protection of Local Sites and Areas**

Scottish Natural Heritage (0280/21)

Remove reference to “The following sites” as no sites are listed.

Amend reference to “associated technical note” to “Planning for Biodiversity Technical Note”.

Scottish Government/Transport Scotland (0389/13)

Replace “public benefits” with “social, economic or environmental benefits” and remove “to the local area” from the second paragraph.

**Policy NH4: European Protected Species and Policy NH5 Biodiversity and Geodiversity Interests, including Nationally Protected Species, supporting text**

Scottish Natural Heritage (0280/22)(0280/23)

Recommend that supporting text at paragraph 6.13 includes reference to licensing requirements.

**Policy NH7: Soils (P128)**

Haddington and District Amenity Society (0327/12)

Policy NH7 should be redrafted to reflect wider strategic significance of prime quality

agricultural land.

Homes for Scotland (0353/13)

Delete reference in Policy NH7: Protecting Soils to “no other suitable site is available”

**Natural Heritage Miscellaneous**

David Campbell (0361/5)

Insert new policy in the Natural Heritage section possibly on page 126: "All development proposals affecting the natural environment will be required to conform with relevant guidance from SNH."

**Natural Heritage Support**

Scottish Environmental Protection Agency (0252/22); Scottish Natural Heritage (0280/31) (0280/32)(0280/33)(0280/34)(0280/35); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

No modification sought

**Summary of responses (including reasons) by planning authority:**

**Natural Heritage Background Paragraph 6.7**

Scottish Natural Heritage (0280/20)

Paragraph 6.7 (CD039) reflects what was understood to be the position at the time of writing the Plan. It is recognised that this has now changed. The Council does not propose to make any modifications to the Plan, however, as this paragraph is illustrative and the change in status will not make a material difference to policy or outcomes. **The Council submits that no modification is necessary.**

**Policy NH3: Protection of Local Sites and Areas**

Scottish Natural Heritage (0280/21)

It is not clear from their representation exactly what Scottish Natural Heritage intend by “the reference to the following sites” and therefore what they intend to be removed. Removal of the words “The following sites” alone would leave an ungrammatical and un-understandable sentence. Removing the whole sentence would mean there is no policy designating the sites identified in the Biodiversity Technical Note (CD055) and Geodiversity Technical Note (CD056) as Local Nature Conservation Sites. They would therefore not be designated or given policy protection by the Plan, and this is undesirable. SPP (CD013) in paragraph 196 states “International, national and locally designated areas and sites should be identified and afforded the appropriate level of protection in development plans”. SESplan (CD030) has as an aim, to conserve and enhance the natural and built environment. The Council has a duty under the Nature Conservation (Scotland) Act (CD007) to further the conservation of biodiversity. The first sentence of this policy fulfils the requirement of Paragraph 196 of SPP (Cd013) to identify locally designated areas in

development plans, and in fact has the effect of designating them.

The intention of this first sentence of NH3 was therefore to identify all those sites to be designated as Local Nature Conservation Sites, which are all the Local Biodiversity Sites and Local Geodiversity Sites shown on the Proposals Map and set out in the accompanying Biodiversity Technical Note and Geodiversity Technical Note. The wording "The following sites.." was intended to refer to all of those sites which are either a Local Biodiversity Site or a Local Geodiversity Site, as shown on the proposals map. There is not a list of all of the individual sites, because, as SNH point out, it would be overly long and is shown on the Proposals Map and described in the accompanying Technical Notes. 'Sites' in the first sentence of this policy is plural as it was intended to refer to both Local Biodiversity Sites and Local Geodiversity Sites as a group, and is therefore intended to include and designate all the individual sites which are in one or other of these categories. It might have been clearer to have said either "The following *types of sites*..." or simply "Local Biodiversity Sites and Local Geodiversity Sites are designated as Local Nature Conservation Sites as shown on the Proposals Map". The Council considers it important that the intention of this part of NH3 is achieved, namely identifying and designating the areas shown in the Biodiversity Technical Note and Geodiversity Technical Note and on the Proposals Map as Local Nature Conservation Sites. It is satisfied that the wording of Policy NH3 achieves that purpose, and is therefore not minded to modify the wording. Should the Reporter be minded to consider a modification for the purposes of additional clarity there may be merit in this. **The Council submits that no modification is necessary.**

#### Scottish Government/Transport Scotland (0389/13)

The Council recognises that in line with SPP Paragraph 196 (CD013) the level of protection given to local sites should not be as high as is given to international or national designations. It does not consider the level of protection by Policy NH3 (CD039) given is as high as that given by Policies NH1 and NH2 which cover international and national designations. For internationally designated sites, NH1 provides that development that harms the interest of the site would not be acceptable other than for imperative reasons of over-riding public interest, with compensation. For nationally designated sites, NH2 provides that development that harms the interest of the site will only be permitted if it is clearly outweighed by social, economic or environmental benefits of national importance. For local sites, harm to the interest of the site is acceptable if outweighed by the public benefits of the development to the local area. This is therefore a lower level of protection as there does not have to be an imperative reason of over-riding public interest, nor a benefit of national importance before development would be acceptable.

The Council opposes replacing 'public benefits' with 'social, economic or environmental benefits'. SPP defines sustainable development as "development that meets the needs of the present without compromising the ability of future generations to meet their own needs". Valued local biodiversity is a natural resource which is of benefit to the public at large present and future and is to an extent the heritage of everybody regardless of where it is located and its current ownership. There should therefore be some public benefit where it is lost. This may not be the case if the test was 'social, economic or environmental benefit'. Almost all development would have a benefit that would fall into one of these categories to somebody, or they would not carry it out. It is that there is a public nature of the benefit that is considered important, to balance the public nature of the interest that is being lost. The Council therefore submits that no modification to the plan should be made in this regard.

The words 'to the local area' were intended to indicate that the benefit outweighing the harm to the site need not be of national importance, as required by NH2 for nationally designated sites. However, it is recognised that development could occur which does not benefit the local area but does have national or regional benefit which could outweigh harm to the natural conservation value of the local site, and this development would also be considered acceptable. The Council is not minded to make this change however if the Reporter considers that it would aid clarity of the policy this a modification may have merit. **The Council submits that no modification is necessary.**

#### **Policy NH4: European Protected Species and Policy NH5 Biodiversity and Geodiversity Interests, including Nationally Protected Species, supporting text**

##### Scottish Natural Heritage (0280/22)(0280/23)

Licensing is required to enable certain activities to be carried out which would otherwise be against the law. A grant of planning permission does not negate the need for a license. Planning Circular 6/2013 (CD022) advises in paragraph 79 that Scottish Ministers expect LDPs to be concise documents. The purpose of the LDP (CD039) is to set out policies and proposals related to the use of land, and the Council would expect developers to seek their own advice on this and other legislation which may be relevant to their proposals, and abide by the law. The Council therefore does not intend to alter the wording as suggested. However, it recognises that some developers may not be aware of the requirement for licences, possibly leading to them inadvertently breaking the law, and avoidable harm to biodiversity. Should the Reporter be minded to consider a modification for the purposes of additional clarity there may be merit in this. **The Council submits that no modification is necessary.**

#### **Policy NH7: Soils**

##### Haddington and District Amenity Society (0327/12)

The Council submits that Policy NH7, in terms of prime quality agricultural land, is consistent with paragraph SPP paragraph 80 (CD013). **The Council submits that no modification is necessary.**

##### Homes for Scotland (0353/13)

The Council submits that the provisions of Policy NH7: Protection of Soils is consistent with SPP (2014) paragraph 80 (CD013). **The Council submits that no modification is necessary.**

#### **Natural Heritage Miscellaneous**

##### David Campbell (0361/5)

The Council recognises the desirability of having regard to relevant guidance from all key agencies including Scottish Natural Heritage in the decision making process. Relevant guidance from Scottish Natural Heritage is a material consideration and will be given due weight by the decision maker in coming to a view on planning proposals. Reference to all statutory consultees guidance would add to the length of the plan. In the interests of keeping the development plan as concise as possible, no change is therefore proposed to the plan in respect of this representation. **The Council submits that no modification is**



necessary.

**Natural Heritage Support**

Scottish Environmental Protection Agency (0252/22); Scottish Natural Heritage (0280/31)(0280/32)(0280/33)(0280/34)(0280/35); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/17); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

Support Noted.

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Natural Heritage Background Paragraph 6.7**

2. To provide the most up to date context on the status of marine designations I recommend making Scottish Natural Heritage’s modification to paragraph 6.7.

**Policy NH3: Protection of Local Sites and Areas**

3. Scottish Natural Heritage considers that the reference in Policy NH3 sentence one to ‘The following sites’ is unqualified since no sites are identified. However, the council argues that removal of this text would leave a sentence which does not make sense. The council suggests alternatives and I therefore recommend a modification to resolve both the issues raised by Scottish Natural Heritage and the council.

4. The reference to ‘the appropriate technical note’ at the end of Policy NH3 sentence two is unclear as the reader must guess which technical note(s) this is. Reference to the specific document would overcome this. Although Scottish Natural Heritage propose direct reference to the ‘Planning for Biodiversity Technical Note’, I note that the council’s Planning for Geodiversity Technical Note is also relevant (the council uses the spelling Giodiversity). I therefore recommend a modification to refer to both documents and to use their full titles.

5. The council argues that Policy NH3 fulfils the requirements of Scottish Planning Policy paragraph 196 to ensure that local designations represent a lower level of protection than national and international designations. The evidence before me does not demonstrate that the contrary is the case, subject to the modifications I recommend below.

6. In Policy NH3 paragraph two, the words ‘public benefits’ are ambiguous as no definition of this term is provided in the policy or supporting text. Scottish Government proposes replacing this with the wording ‘social, economic or environmental benefits’. The council argues that almost any development could be shown to have some benefit on one of these

grounds. Whilst this is possible the same could be said of the wording 'public benefits'.

7. The council refers to sustainable development and the link to 'public benefit'. However, in determining any level of 'public benefit', in relation to sustainable development, one must consider a mixture of social, economic or environmental outcomes. As such I agree with Scottish Government that the wording 'social, economic or environmental benefits' offers a clearer and less ambiguous terminology than the current wording. I therefore recommend making this modification.

8. Policy NH3 paragraph two refers to public benefit 'to the local area'. Scottish Government considers this matter of scale to be important because a proposal may have regional or national benefits beyond the immediate locality. They consider that the current wording could unintentionally deny such proposals. I agree with Scottish Government and recommend the removal of this wording.

**Policy NH4: European Protected Species  
and  
Policy NH5 Biodiversity and Geodiversity Interests, including Nationally Protected  
Species, supporting text**

9. Scottish Natural Heritage argues that paragraph 6.13 of the plan should include references to licensing requirements under the Conservation (Natural Habitats &C) Regulations 1997 (as amended) and the Wildlife & Countryside Act (1981). Paragraph 6.13 of the plan already refers to the protection of certain species and explains that where development affects these it is a material planning consideration. Planning permission is not the legal determinant of whether licences are granted under statutory processes outwith the planning system. I therefore recommend no modifications.

**Policy NH7: Soils (P128)**

10. Policy NH7 sentence one and the subsequent bullet points protect and safeguard soil resources, reflecting Scottish Planning Policy paragraph 80. I also note the Scottish Natural Heritage supports Policy NH7 as written. Therefore, there is no additional merit in Haddington and District Amenity Society's proposed modification to explain the strategic significance of prime agricultural land because it would not alter the manner in which prime agricultural land is protected.

11. Where development poses a risk to important soils, Policy NH7 bullet two requires developers to demonstrate that an alternative site cannot be found. Its removal would weaken the policy approach to prime agricultural land to the detriment of Scottish Planning Policy paragraph 80. I therefore recommend no modifications.

**Natural Heritage Miscellaneous**

12. Policy and guidance from many public agencies, including Scottish Natural Heritage, already forms material considerations in determining development proposals. David Campbell's proposed modification would therefore represent duplication and I recommend no modifications in response to this representation.

**Reporter's recommendations:**

Modify the local development plan by:

1. In paragraph 6.7, replacing the final sentence with two separate sentences as follows:

“Offshore, the Firth of Forth Banks Complex is a Nature Conservation Marine Protected Area (MPA). The Outer Firth of Forth and St Andrews Bay Complex is a marine proposed Special Protection Area (SPA).”

2. Amending Policy NH3 to read:

“Local Biodiversity Sites and Local Geodiversity Sites are designated as Local Nature Conservation Sites, as shown on the Proposals Map. Details of these sites are set out in Technical Note 10: Planning for Biodiversity (2016) and Technical Note 11: Planning for Geodiversity (2016).

Development that would adversely affect the interest of a Local Nature Conservation Site, Local Nature Reserve or Country Park will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the economic, social or environmental benefits of the development and suitable mitigation will be secured.”

<b>Issue 28</b>	<b>Water, Flood Risk, Air Quality &amp; Noise</b>	
<b>Development plan reference:</b>	Our Natural & Cultural Heritage (Pgs 129-136)	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Walker Group (0138)                  Royal Society of Protection of Birds (0185)                  Scottish Environmental Protection Agency (0252)                  Scottish Natural Heritage (0280)                  Musselburgh Area Partnership (0291)                  Magnus Thorne (0308)                  Homes for Scotland (0353)                  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)                  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	Policy NH10: Sustainable Urban Drainage Policy NH11: Flood Risk Policy NH12: Air Quality	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>POLICY NH10: Sustainable Urban Drainage</b></p> <p><u>Royal Society of Protection of Birds (0185/13)</u></p> <p>Reference should be made to the best practice guidance by the RSPB and WWT on Sustainable Urban Drainage Systems and Wildlife. "Sustainable Drainage Systems: Maximising the potential for people and wildlife - A guide for local authorities and developers" by Andy Graham, John Day, Bob Bray and Sally Mackenzie.</p> <p><u>Scottish Environmental Protection Agency (0252/10)</u></p> <p>The representation suggests that page 130 paragraph 6.29 need to be reworded to be more consistent with the aims of both the Flood Risk Management (Scotland) Act 2009 and Scottish Planning Policy.</p> <p><u>Scottish Natural Heritage (0280/24)</u></p> <p>SNH welcome the recognition of the role of SuDS in placemaking, green networks and biodiversity enhancement. As green infrastructure, SNH highlight SPP paragraph 225: that SuDS proposals should be delivered through a design led approach that results in a proposal that is appropriate to place.</p> <p><u>Magnus Thorne (0308/2)</u></p> <p>Reference is made to SuDS areas and their design criteria being required within planning applications but this is not reflective of SEPA's interim position statement on planning and flooding (July 2009, para 12) 'Development plans and action programmes should spell out</p>		

how unavoidable impacts will be mitigated and delivered' as it does not state how unavoidable impacts will be mitigated and delivered specific to a location.

The Andrew Meikle Grove SuDS area was developed as per the requirements of the planning application. It was supposed to be Scottish Waters responsibility after construction of the development was complete. This has not transpired and the residents face being potentially left with the responsibility. Without Scottish Water taking responsibility for a large SuDS area, how can ongoing upkeep be responsibility be ensured?

If a similar situation were to develop with regards the DR8 Pencraig Hill site, the existing developments 'down slope' would be at the mercy of the developers and residents' commitment to responsibly maintain their SuDS area. Commitment and planning outlined within the development plan on the part of ELC to ensure a clear path of responsibility and accountability for any potential SuDS during any construction and occupancy phases of DR8. Would like to see guarantees within the LDP that ongoing use and upkeep of SuDs are considered.

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

Royal Society of Protection of Birds (0185/14)

Natural flood management measures should be adopted where possible to contribute towards flood prevention and mitigation and this requirement should be included somewhere in this policy (or a separate policy).

Scottish Environmental Protection Agency (0252/11)

The representation proposes an amendment to paragraph 6.32 to explain that while landraising and compensatory storage may reduce the likelihood of flooding of the site being developed, it could lead to increased risk of flooding elsewhere, e.g. to neighbouring existing or proposed development.

Scottish Environmental Protection Agency (0252/12)

The policy needs to be stronger and needs to establish provision for climate change with linkages to The Climate Change (Scotland) Act 2009 as well as SPP. This policy implies that a flood risk assessment (FRA) is required for proposals within the medium to high risk category of flood risk in SPP. The medium to high risk category in SPP solely mentions fluvial or coastal flooding. A FRA is required to assess the risk of flooding from all sources to ensure that the development is free from flood risk and complies with SPP.

Musselburgh Area Partnership (0291/6)

Too little detail on potential flooding risks.

### **Policy NH12: Air Quality**

Walker Group (0138/13)

It is suggested that developers will be required to make contributions towards improvements to the bus fleet in order to improve air quality within the district. Bus

operators are a commercial entity and it is not reasonable that new housing development should contribute towards the assets of a private commercial organisation. Indeed, it is clearly stated at para 1.31 that whilst the Council subsidises bus services in a deregulated transport system it is limited in what it can do to further assist service provision and also at para 4.15 where it states bus services are provided on a commercial basis by bus operators. For this reason, the requirement to seek contributions towards improving the bus fleet of private commercial operators would not meet the tests of Circular 3/2012 Planning Obligations and would therefore be Ultra Vires.

Homes for Scotland (0353/14)

Para 6.34 under Air Quality refers to mitigation measures such as bus fleet improvements and relocation of bus stops. It then goes on to state that developers of major development sites in areas requiring air quality mitigation will be “expected to make appropriate and proportionate financial contributions towards these mitigation measures”. We seek clarity over what would exactly be required of developers here. If it is the case that improvements to bus fleets would be covered by this contribution, we seek justification for this. Bus operators are commercial entities and it is not reasonable that home builders should contribute towards improvement to that organisation which makes a profit from running the service. We do not consider that such a requirement would meet the tests of Circular 3/2012.

Musselburgh Area Partnership (0291/8)

Air quality concerns.

**Water, Flood Risk, Air Quality & Noise Support**

**POLICY NH9: Water Environment and associated text including Advice Box 6**

Scottish Environmental Protection Agency (0252/23)(0252/24)

Support the policy with the qualification that the principles in Advice Box 6 should have been included as policy in Policy NH9, we support this advice (and its supporting text) as set out in the Proposed Plan.

Scottish Environmental Protection Agency (0252/25)

Scottish Environment Protection Agency are fully supportive of the requirement for appropriate long term maintenance arrangements for Sustainable Urban Drainage Systems (SUDS).

**POLICY NH10: Sustainable Urban Drainage and associated text**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/19 & Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

Advice Box 7 on Sustainable Urban Drainage Systems is noted. The relevant Policy HN10 is supported in that SUDs should be designed at the planning application stage and submitted with all development proposals. The commentary in para 6.30 is welcomed.

**Modifications sought by those submitting representations:**

**POLICY NH10: Sustainable Urban Drainage and associated text**

Royal Society of Protection of Birds (0185/13)

No modification specified

Scottish Environmental Protection Agency (0252/10)

Consider paragraph 6.29 on pg 130 reworded to say:

“.....A development site must control and release runoff rates at greenfield rates over a range of rainfall events including the 1 in 30 year event and the 1 in 200 year event in agreement with East Lothian Council as flood prevention authority. This helps manage flood risk within the development site and also ensures there are no increase in flood risk to adjacent and downstream sites. SEPA surface water flood map shows areas that may be subjected to ponding from either pluvial or sewer flooding and can be used to indicate areas where further assessments are required, such as a flood risk assessment. This map does not show flow path direction. Pre development flow paths through the site should be maintained after the completion of the development.”

Scottish Natural Heritage (0280/24)

Recommend that the final sentence of Policy NH10 is altered to read:

“Proposals must also demonstrate through a design-led approach how SuDS proposals are appropriate to place and designed to promote wider benefits such as placemaking, green networks and biodiversity enhancement.”

Magnus Thorne (0308/2)

Set out a clear responsibility and ongoing upkeep of SuDS for development allocated in the LDP.

**POLICY NH11: Flood Risk**

Royal Society of Protection of Birds (0185/14)

The representation suggests including additional text in Policy NH11 or as a separate new policy which requires Natural flood management measures be adopted where possible to contribute towards flood prevention and mitigation.

Scottish Environmental Protection Agency (0252/11)

At the end of the 3<sup>rd</sup> sentence of paragraph 6.32 the following wording should be added. “the avoidance principle should be applied whenever possible in compliance with SPP.”

Scottish Environmental Protection Agency (0252/12)

Policy NH11: Flood Risk (g). An allowance for climate change should be specified, as well as a guide to “an appropriate allowance for “freeboard”.



Musselburgh Area Partnership (0291/6)

No Modification sought

**Policy NH12: Air Quality**

Walker Group (0138/13)

Delete 4<sup>th</sup> sentence in Para: 6.34 “Developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards these mitigation.”

Homes for Scotland (0353/14)

Delete reference within Para 6.34 to developers contributing toward air quality mitigation measures associated with improvements to bus fleets.

Musselburgh Area Partnership (0291/8)

No Modification sought

**Water, Flood Risk, Air Quality & Noise Support**

Scottish Environmental Protection Agency (0252/23)(0252/24)(0252/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/19 & Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

No Modification sought.

**Summary of responses (including reasons) by planning authority:**

**POLICY NH10: Sustainable Urban Drainage and associated text**

Royal Society of Protection of Birds (0185/13)

Any application for development proposals will be subject to the consideration that, at the time of submission, appropriate provision for SuDS has been made, including the level and type of treatment appropriate to the scheme. Planning Advice Note 61: Planning and Sustainable Urban Drainage Systems (CD 017) states that 'To provide Sustainable Urban Drainage Systems (SUDS) requires a number of disciplines and agencies (developers, planners, drainage engineers, architects, landscape architects, ecologists and hydrologists) to work in partnership. Planners have a central co-ordinating role in getting SUDS accepted as an integral part of the development process. All technical details for the design and management of SuDS are contained within either SUDS for Roads Manual (CD 123), Sewers for Scotland Manual (CD 122) or CIRIA SUDS Manual (C753) (CD 118), as appropriate to the type of development. The LDP has been prepared in accordance with the Scottish Planning Policy priorities for Sustainability, and Placemaking (CD 013) (which makes specific reference to a design-led approach). The LDP also makes reference to the need to consider SuDS within multifunctional open spaces (LDP paragraph 3.125 – 3.127 and 6.28 and Policy NH10) and as part of the green network (LDP paragraph 5.24) and generally as part of the design process (LDP Policy DP1, Policy DP14 criterion 16). Whilst other guidance could be considered in the formulation and assessment of projects, the



Council submits that the LDP, read and applied as a whole, already addressed the principle of the points made in the representation. **The Council submits that no modification of the LDP is necessary.**

Scottish Environmental Protection Agency (0252/10)

The proposed LDP 2016 sets out general points of principle with regards to the water environment, flood risk and climate change within Chapter 6 - *Our Cultural and Natural Heritage*. With specific reference to the suggested modifications to paragraph 6.29, the Council submits that there is no significant difference between the drafting already in the LDP and that proposed by SEPA. The Council submits that these matters would be dealt with as technical issues to be addressed at project level with the Flood Authority, in consultation with SEPA, and in accordance with the standards set within the relevant guidance (Sewers for Scotland Manual (CD 122), CIRIA SuDS Manual C753 (CD 118) and SuDS for Roads Manual) (CD 123) as appropriate. However, if the Reporter is so minded for additional clarification, then there may be merit in substituting within paragraph 6.29 the term 'greenfield' with 'pre-development'. **The Council submits that no modification of the LDP is necessary.**

Scottish Natural Heritage (0280/24)

Any application for development proposals will be subject to the consideration that, at the time of submission, appropriate provision for SuDS has been made, including the level and type of treatment appropriate to the scheme. Planning Advice Note 61: Planning and Sustainable Urban Drainage Systems (CD 017) states that *'To provide Sustainable Urban Drainage Systems (SUDS) requires a number of disciplines and agencies (developers, planners, drainage engineers, architects, landscape architects, ecologists and hydrologists) to work in partnership. Planners have a central co-ordinating role in getting SUDS accepted as an integral part of the development process.'* All technical details for the design and management of SuDS are contained within either SUDS for Roads Manual (CD 123), Sewers for Scotland Manual (CD 122) or CIRIA SUDS Manual (C753) (CD 118), as appropriate to the type of development. The LDP has been prepared in accordance with the Scottish Planning Policy 2014 (CD 013) priorities for Sustainability, and Placemaking (which makes specific reference to a design-led approach). The LDP also makes reference to the need to consider SuDS within multifunctional open spaces (LDP paragraph 3.125 – 3.127 and 6.28 and Policy NH10) and as part of the green network (LDP paragraph 5.24) and generally as part of the design process (LDP Policy DP1, Policy DP14 criterion 16). **The Council submits that no modification of the LDP is necessary.**

Magnus Thorne (0308/2)

The Local Development Plan has set out where allocated sites that may have the potential for flooding will need to undertake a Flood Risk Assessment as part of the planning application process. A Flood Risk Assessment is an identified requirement for the Pencraighill Site (DR8). LDP Policy NH10 will also apply and it requires provision of SuDS as a means of mitigating surface water issues to be delivered as part of the Development Management process, including ensuring that pre-development run-off rates are maintained or improved once a new development is in place. Policy NH10 requires that provision is made for appropriate long term management and maintenance arrangements to the satisfaction of the Council. However, the Council cannot specify or insist in a particular arrangement being put in place for this, since this is a matter for the developer. In respect of the Andrew Meikle Grove SuDS area, whilst the developers were expected to

build the SuDS facility in accordance with Scottish Water requirements (so it could be vested with Scottish Water) this was not the case, and the management and maintenance of the feature has been factored to home owners within the site as the developer's long term solution for the management and maintenance of the SuDS facility. **The Council submits that no modification of the LDP is necessary.**

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

#### Royal Society of Protection of Birds (0185/14)

The Council submits that the Flood Risk Management (Scotland) Act 2009 (CD 006) places responsibilities on local authorities to reduce overall flood risk and to promote 'sustainable' flood risk management (LDP paragraph 6.31). This reflects paragraph 255 of SPP (2014) (CD 013), in particular with regard to promoting natural as well as structural flood management measures. The LDP has also been prepared in accordance with the Scottish Planning Policy priorities for Sustainability, and Placemaking (which makes specific reference to a design-led approach). The LDP also makes reference to the need to consider SuDS within multifunctional open spaces (LDP paragraph 3.125 – 3.127 and 6.28 and Policy NH10) and as part of the green network (LDP paragraph 5.24) and generally as part of the design process (LDP Policy DP1, Policy DP14 criterion 16). The Council submits that the LDP already contains sufficient direction on these matters. **The Council submits that no modification of the LDP is necessary.**

#### Scottish Environmental Protection Agency (0252/11)

The Council submits that the points raised in SEPA's representation are already addressed at paragraph 6.31 of the LDP, within the pre-ambles to Policy NH11, which clearly states that the first principle is 'avoidance'. **The Council submits that no modification of the LDP is necessary.**

#### Scottish Environmental Protection Agency (0252/12)

The Council submits there is a possibility of climate change outputs changing within the life of the LDP. Due to this and the need to accommodate these effects in the application of LDP policy, the Council considers that a definitive allowance should not be specified in Policy NH11, nor should a guide for freeboard. SEPA provides guidance on these matters, and this can change over time. As such, the Council submits that the LDP position is appropriate. **The Council submits that no modification of the LDP is necessary.**

#### Musselburgh Area Partnership (0291/6)

The LDP has been developed in line with the policies and principles set out in SPP (CD 013) regarding flood risk management, in particular "place-making" and "sustainability". It contains Policy NH11: Flood Risk which makes specific reference to a Local Flood Risk Management Plan for Musselburgh. The Council has prepared its Flood Risk Management Plan (FRMP) (CD 121) which provides a coordinated approach to flood risk management planning across the LDP area, identifying areas at risk, objectives for managing flood risk and the measures for achieving these. Musselburgh is included within this study. At this stage flood risk management projects are being developed by the Council, including consideration of timings and responsibilities for implementation. This includes a flood protection scheme for Musselburgh, along the Esk through Musselburgh. Construction is likely within the cycle of the Flood Risk Management Plan 2016 - 2022. The Council

submits that an appropriate level of detail has been included within the LDP itself. **The Council submits that no modification of the LDP is necessary.**

### **Policy NH12: Air Quality**

#### Walker Group (0138/13) and Homes for Scotland (0353/14)

The Plan acknowledges that air quality is an important element in sustainable placemaking, contributing to health and well-being, as well as environmental protection. The main source of air pollution in East Lothian is emissions from road traffic. An Air Quality Management Area (AQMA) was declared in Musselburgh High Street in November 2013 due to annual mean levels of Nitrogen Dioxide resulting from road traffic emissions; an Action Plan (CD 088) has been prepared and was published in February 2017. Air quality continues to be monitored at other locations, including Tranent High Street, though National Air Quality Standards are currently met in these other locations. The Council submits that the LDP is not seeking contributions for improvements to bus fleets in East Lothian as asserted by the representation. The LDP at paragraph 6.33 acknowledges that there are air quality issues around Musselburgh High Street and that these need to be managed. In response to this the Council has prepared an Air Quality Action Plan (AQAP) for the Musselburgh area, and this has identified 13 measures for improving air quality in Musselburgh which include improvements to the bus fleet through the electrification of buses. However, whilst these measures will address the existing air quality concerns, the LDP acknowledges that additional development related traffic generated from new development sites allocated through this LDP will exacerbate those existing air quality issues unless further mitigation is provided. These further mitigation measures will include traffic management measures to manage the cumulative impacts on the local road network through Musselburgh and the associated air quality concerns arising from additional trips generated from new development sites. Policy T19: Transport Improvements at Musselburgh Town Centre of the LDP together with PROP T20 Transport Related Air Quality Measures: Relocation of Bus Stops and PROP T21: Musselburgh Urban Traffic Control System, form the basis of these mitigation measures. Policy T19 and PROP 21 make no mention of developers contributing to improvements to bus fleets. PROP T20 does not seek developer contributions towards the relocation of bus stops. However, developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards the traffic management mitigation measures required to manage the additional traffic generated from the new sites, and in so doing contribute to manage the Air Quality impacts of their development. The draft Supplementary Guidance: Developer Contributions Framework (CD 063) makes clear this is the case at paragraph 1.24 (bullet point 5). It identifies the sites allocated through the plan that are to make contributions to transport mitigation measures and the amounts payable for those mitigation measures. These contributions range from £265.93 per dwelling for sites close to Musselburgh Town centre and which modelling shows will significantly increase traffic flow within Musselburgh, to £1.69 per dwelling for sites with lesser increase in traffic flows. For the Windygoul South site in Tranent the contribution will be £6.20 per dwelling. **The Council submits that no modification of the LDP is necessary.**

#### Musselburgh Area Partnership (0291/8)

The LDP at paragraph 6.33 acknowledges that there are air quality issues around Musselburgh High Street that these need to be managed. In response to this the Council has prepared an Air Quality Action Plan (AQAP) (CD 088) for the Musselburgh area, which is

separate from the LDP but has been prepared in parallel with it. The AQAP has identified 13 measures to address the exceedence of the Annual Mean Air Quality Objective for Nitrogen dioxide in Musselburgh. Whilst measures will address the existing air quality concerns, the LDP acknowledges that additional development related traffic generated from new development sites will exacerbate existing air quality issues unless further mitigation is provided. It refers to ongoing traffic modelling work (done in parallel with the LDP) which is likely to result in traffic management mitigation measures. It would be reasonable to expect financial contributions from developers towards associated interventions. These mitigation measures include traffic management measures to manage the cumulative impacts on the local road network through Musselburgh and the associated air quality concerns arising from additional trips generated from new development sites. Policy T19: Transport Improvements at Musselburgh Town Centre of the LDP together with PROP T20 Transport Related Air Quality Measures: Relocation of Bus Stops and PROP T21: Musselburgh Urban Traffic Control System, form the basis of these mitigation measures. Developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards the traffic management mitigation measures required to manage the additional traffic generated from the new sites, and in so doing contribute to manage the Air Quality impacts of their development. The draft Supplementary Guidance: Developer Contributions Framework (CD 063) makes clear this is the case at paragraph 1.24 (bullet point 5). It identifies the zones (and thus sites allocated through the plan) where developers are to make contributions to transport mitigation measures and the amounts payable for those mitigation measures. **The Council submits that no modification of the LDP is necessary.**

**Water, Flood Risk, Air Quality & Noise Support**

Scottish Environmental Protection Agency (0252/23)(0252/24)(0252/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/19 & Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/18)

Support Noted.

**Reporter’s conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan and do not seek modifications. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Policy NH9: Water Environment and associated text including Advice Box 6**

2. Scottish Environment Protection Agency (SEPA) supports Policy NH9 but also seeks a modification to include the contents of Advice Box 6 within Policy NH9. I have therefore treated this as a proposed modification and an unresolved issue even though it was not categorised as such by the council.

3. Paragraph two of Policy NH9 explains that proposals that would have a detrimental impact on the water environment will not be supported. Advice Box 6 explains how to ensure that proposed development protects and enhances the water environment. The

evidence before me does not demonstrate that presenting this information in an advice box would be detrimental to delivering the outcomes sought by Policy NH9. Advice boxes have been used in various parts of the proposed plan to support policies. I therefore recommend no modifications.

#### **Policy NH10: Sustainable Urban Drainage (SuDS) and associated text**

4. The best practice guidance on Sustainable Urban Drainage Systems and Wildlife, referred to by Royal Society for the Protection of Birds, provides some useful examples of techniques and designs for SuDS. However, it is strongly enshrined in legislation and policy for England and Wales. Whilst some of its advice will be interchangeable, the documents referenced by the council have a direct relationship with Scottish legislation and policy. The plan reflects the relevant national guidance in an appropriate manner (subject to modifications recommended below). Therefore I recommend no modification.

5. Paragraph 6.29 of the plan explains how SuDS should be designed in terms of their purpose, capacity and consequential impacts on the flood risk of other sites. This is not fundamentally at odds with the direction of the Flood Risk Management (Scotland) Act 2009 and Scottish Planning Policy. However, SEPA's proposed modification to paragraph 6.29 presents a more accurate description of the flood map and flow paths for example. I therefore recommend making this modification.

6. Paragraph three of Policy NH10 generally acknowledges the role of SuDS in place making, green networks and biodiversity enhancement. I consider that these linkages could be expressed with greater clarity and that doing so would link more closely with the design section of the plan. Whilst Scottish Natural Heritage's proposed modification does not fundamentally change the plan it would emphasise the importance and relationship between a design-led approach to SuDS and place making. I therefore recommend making this modification to more overtly emphasise the importance of a design-led approach to SuDS with regard to wider place making considerations. I also note that the council's response refers to Policy DP14, criterion 16. I consider that this is a typographical error and that the council is referring to Policy DP4.

7. Policy NH11 already indicates that all relevant proposals will be assessed for flood risk. Magnus Thorne raises specific challenges that have become apparent with the operation and management of the SuDS implemented at Andrew Meikle Grove in East Linton and Site DR8 Pencraig Hill. Policy NH10 already requires a management regime to be in place and that SuDS are designed to Scottish Water standards so as to enable transfer to Scottish Water. The management regime and its transfer to Scottish Water or to another maintenance body is a matter for the developer and the respective body. The evidence before me does not propose any modification to the policy that could better resolve such matters. I therefore recommend no modifications.

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

8. Whilst natural systems are a legitimate form of flood risk management, and may be favoured by some representations, they are not the only form of flood risk management. Many forms of flood mitigation can contribute to sustainable flood risk management as advocated by the Flood Risk Management (Scotland) Act 2009 and Scottish Planning Policy paragraph 255. Policy NH11 considers many similar and inter-related issues that cover all types of flood risk management, including natural systems. Therefore I consider that there are insufficient grounds to introduce a new policy and no additional merit in

specifically referencing natural systems in its own policy. I therefore recommend no modifications.

9. Land-raising and compensatory storage could have consequential changes to flood risk in other areas in a way that the Flood Risk Management (Scotland) Act 2009 and Scottish Planning Policy paragraph 255 seek to prevent. Paragraph 6.31 of the plan identifies sustainable flood risk management and explains that flood risk can result from a variety of sources. However, it does not respond to the potential impacts of subsequent flooding elsewhere although it does reference the general principle of avoidance. The proposed modification by Scottish Environment Protection Agency to paragraph 6.32 at the end of sentence three highlights this aspect of risk avoidance without altering the general thrust of the plan. I therefore recommend this modification.

10. Following my request for further information, SEPA has withdrawn its representation 0252/12 with regard to Policy NH11 criterion G because it agrees with the council's response. As such, this matter is no longer before me as an unresolved issue.

### **Policy NH12: Air Quality**

11. Paragraph 6.33 of the plan acknowledges air quality issues around Musselburgh High Street Air Quality Management Area, mainly as a result of road traffic emissions. The Air Quality Management Plan for Musselburgh is not part of the proposed plan. It identifies 13 actions to tackle air quality in the Air Quality Management Area. Paragraph 6.34 of the plan refers to some of these actions relating to transport improvements, which are also covered by Policy T19: Transport Improvements at Musselburgh Town Centre and Proposals T20: Transport Related Air Quality Measures: Relocation of Bus Stops and T21: Musselburgh Urban Traffic Control System.

12. Paragraph two of Policy NH12 explains that development that would breach national air quality standards or significantly increase air pollution in an air quality management area will not be permitted unless appropriate mitigation is in place. It explains that in these circumstances financial contributions to strategic air quality mitigation measures will be necessary.

13. Walker Group and Homes for Scotland oppose contributions to mitigate air quality issues where these would be towards bus fleet improvements and relocating bus stops. This is because they consider these fail the test of reasonableness in Circular 3/2012: Planning Obligations and Good Neighbour Agreements. However, as indicated by the council, the plan does not seek developer contributions towards bus fleet improvements or bus stop relocation (Proposal T20). Instead they seek contributions towards green infrastructure and traffic management as described in the final sentence of paragraph 6.35.

14. I agree with the council that paragraphs 4.36 to 4.37 and also paragraphs 6.33 to 6.35 of the plan explain the impacts of air quality and the need to resolve this. I also agree that Policy T19 and Proposal T20 do not seek developer contributions towards bus fleet improvements and relocating bus stops. Proposal T21 seeks contributions from new development towards the Musselburgh Urban Traffic Control System in order to ameliorate their impact on the air quality of Musselburgh town centre. This is a traffic signalisation project that does not include contributions to bus stop relocation or bus fleet improvement. Proposal T21 is also contained in Table DEL1.

15. I consider that the council's approach is to identify a series of measures required for



air quality mitigation, and that only some of these will be delivered through developer contributions. I understand the mitigation measures sought through developer contributions to exclude those that are subject of concerns raised by Walker Group and Homes for Scotland. I therefore do not consider modifications to be necessary in this regard. However, the penultimate sentence of paragraph 6.34 could be read to imply that the council was seeking contributions towards bus fleet improvements and bus stop relocations, even though the policy framework does not seek to do this. Therefore, I recommend modification of the penultimate sentence of paragraph 6.34 to resolve this and to remove confusion.

**Reporter’s recommendations:**

Modify the local development plan by:

1. Replacing the second part of paragraph 6.29 (third, fourth, fifth and sixth sentences) commencing “A developed site...” with the following:

“.....A development site must control and release runoff rates at greenfield rates over a range of rainfall events including the 1 in 30 year event and the 1 in 200 year event in agreement with East Lothian Council as flood prevention authority. This helps manage flood risk within the development site and also ensures there is no increase in flood risk to adjacent and downstream sites. The SEPA surface water flood map shows areas that may be subjected to ponding from either pluvial or sewer flooding and can be used to indicate areas where further assessments are required, such as a flood risk assessment. This map does not show flow path direction. Pre development flow paths through the site should be maintained after the completion of the development.”

2. Amending the final sentence of Policy NH10: Sustainable Drainage Systems to read:

“Proposals must also demonstrate through a design-led approach how SuDS proposals are appropriate to place and designed to promote wider benefits such as placemaking, green networks and biodiversity enhancement.”

3. In paragraph 6.32, adding the following text after the third sentence:

“However, the avoidance principle should be applied whenever possible in compliance with Scottish Planning Policy.”

4. In paragraph 6.34, modifying the penultimate sentence and adding two new sentences immediately after it to read as follows:

“Developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards air quality mitigation measures. This excludes measures described in Proposal T20. Policy T8 and its supporting text describe the circumstances in which developer contributions may be sought towards improvements to the bus network as a consequence of new development.”

<b>Issue 29</b>	<b>Cultural Heritage</b>	
<b>Development plan reference:</b>	Cultural Heritage pgs 133-136	<b>Reporter:</b> Nick Smith
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Historic Environment Scotland (0228)                  Zoe Bennett-Levy (0263)                  Architectural History Society East Lothian Panel (0312)                  Brian Hall (0314)                  Musselburgh Grammar School Parent Council (0317)                  Mr W A Dodd (0323)                  Haddington &amp; District Amenity Society (0327)                  David Campbell (0361)                  Inveresk Village Society (0385)                  Scottish Government/Transport Scotland (0389)                  Scottish Power Generation (0391)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Cultural Heritage:                  New Policy                  Policy CH2: Development Affecting Conservation Areas                  Policy CH5: Battlefields                  Policy CH6: Gardens and Designed Landscapes                  Policy CH7: Greywalls, Gullane                  Policy CH8: West Road Field, Haddington                  Miscellaneous</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>New Policy proposed</b></p> <p><u>David Campbell (0361/6)</u></p> <p>Overall, the Cultural Heritage Section reads well but emphasis appears to have shifted away from generally applicable policies to the development of supplementary guidance for individual Conservation Areas. Generally applicable policies will still be needed, as there would appear to be a dangerous gap, caused by the disappearance of the detailed conservation policies. Something needs to appear in their place. The ideal candidate is the new, more flexible guidance contained in HES guidance notes, which deserve much wider dissemination. They could be incorporated into the Plan without any need for elaboration or paraphrase if the simple approach suggested above were adopted. Public understanding of conservation issues would be improved if the notes were highlighted this way as would the Council's own case officers, not all of whom have conservation qualifications.</p> <p><b>Policy CH2: Development Affecting Conservation Areas</b></p> <p><u>David Campbell (0361/7)</u></p> <p>There are areas of conservation areas in need of reappraisal. Ideally a policy commitment</p>		



is desirable, either as a free-standing new policy, or as an expansion of Policy CH2. In Section 6b – Our Cultural Heritage, p133 insert new final sentence to para 6.43: "Many of the boundaries to these areas are very old and will be reviewed."

On p134, add new final sentence to Policy CH2: "Guidance on more general problems such as door and window replacement (including double glazing), solar panels and roof lights will also be available, on the basis that HES guidance should always be consulted." The alternative to this is the cumbersome one of rewriting HES guidance notes in the form of CH policies, a procedure which is less likely to be effective than co-opting HES guidance into the Plan in the simpler way suggested.

Inveresk Village Society (0385/4)

There should be no further development in the grounds of existing houses within Inveresk village as this would spoil spacious gardens and increase traffic.

**Policy CH5: Battlefields**

Brian Hall (0314/2)

The Prestonpans battlefield site should be protected as a military graveyard and this should be combined with other attractions along the coast. The area needs to shake off its industrial image which should be replaced with an international reputation for leisure, education, tourism and natural beauty for current and future generations.

Scottish Power Generation (0391/9)

Policy CH5 – Scottish Power Generation does not object to Policy CH5, but reserves the right to make further representations should a third party propose to make changes to this paragraph as it relates to its assets.

**Policy CH6: Gardens and Designed Landscapes**

Scottish Government/Transport Scotland (0389/14)

The representation explains that Historic Environment Scotland (HES) now takes the lead on Gardens and Designed Landscapes not the Scottish Government.

Haddington & District Amenity Society (0327/11)

Include Clerkington as a designated designed landscape in line with protection already afforded to land to the south and east of the town. Similar consideration should be given to the north of the town.

**Policy CH7: Greywalls, Gullane**

Zoe Bennett-Levy (0263/4)

The LDP does not adequately protect the cultural heritage and setting of Category A listed Monkton House which is severely affected by PROP MH1, MH2 and MH3) and the LDP ignores the category B listed Monkton Gardens with Sundial and Garden Walls. Monkton House should be protected in the same way the LDP protects Greywalls Hotel (CH 7).

**Policy CH8: West Road Field, Haddington**Haddington & District Amenity Society (0327/13)

Support the approach to the West Road field in Haddington. The Council should be proactive in implementing this policy.

**Miscellaneous**Historic Environment Scotland (0228/3)

Historic Environment Scotland welcomes the wording and detail provided in the suite of cultural heritage policies which are in line with national policy for the historic environment. In particular Historic Environment Scotland welcomes the undertaking in para 6.44 to replace conservation area character statements with character appraisals and management plans in due course; welcomes the clarity of para 6.46 in explaining Policy CH3 and the preference for retention and reuse of unlisted buildings in a conservation area. Historic Environment Scotland further notes that Technical Note 13 could also refer to the consultation requirement with Historic Environment Scotland for applications affecting scheduled monuments and their setting and battlefields included on the inventory.

Architectural History Society East Lothian Panel (0312)

The Panel of the Architectural Heritage Society of Scotland states that the proposed LDP policy on Listed Buildings, Ancient Monuments and Conservation Areas lacks strength and consistency. Objection refers to the importance given to the historic environment and cultural heritage by the SDP and emerging LDP. Objector considers that the overall objectives of the plan set out at page 10 are not clear enough to be a policy. Omission of reference to Historic Environment Scotland and its practical advice notes is surprising. There should be a list of these. LDP will considerably weaken the control of development within East Lothian in respect of historic built and environmental assets.

Mr W A Dodd (0323/1)

Historic Environment Scotland guidance notes should be adopted as Supplementary Guidance by the Council.

Mr W A Dodd (0323/2)

Council needs to monitor the effect of its decisions on the historic environment.

Mr W A Dodd (0323/3)

The section of the LDP dealing with Listed Buildings is inadequate. There is no mention of arrangements for managing the future of C(s) listed buildings

Mr W A Dodd (0323/6)

The northern defences of Haddington consisted of a Town Wall (now a listed building) and a killing field, kept free of buildings. A statement of intent to maintain the remaining open character of the land to the north of the Town Wall would be appropriate in the LDP.

<p><u>Musselburgh Grammar School Parent Council (0317/6).</u></p> <p>No mention of Musselburgh’s unique culture and heritage and how this will be retained.</p>
<p><b>Modifications sought by those submitting representations:</b></p>
<p><b>New Policy</b></p> <p><u>David Campbell (0361/6)</u></p> <p>Insert a new Policy CH1, with the renumbering of further policies accordingly:</p> <p>Policy CH1. All development proposals affecting the cultural environment will be required to conform with relevant guidance from HES."</p> <p><b>Policy CH2: Development Affecting Conservation Areas</b></p> <p><u>David Campbell (0361/7)</u></p> <p>Insert new final sentence to para 6.43: "Many of the boundaries to these areas are very old and will be reviewed."</p> <p>Section 6b – Our Cultural Heritage, p134 add new final sentence to Policy CH2: Guidance on more general problems such as door and window replacement (including double glazing), solar panels and roof lights will also be available, on the basis that HES guidance should always be consulted.</p> <p><u>Inveresk Village Society (0385/4)</u></p> <p>Presumption against new development specific to Inveresk.</p> <p><b>Policy CH5: Battlefields</b></p> <p><u>Brian Hall (0314/2)</u></p> <p>None</p> <p><u>Scottish Power Generation (0391/9)</u></p> <p>None</p> <p><b>Policy CH6: Gardens and Designed Landscapes</b></p> <p><u>Scottish Government/Transport Scotland (0389/14)</u></p> <p>Remove ‘Government’ from the first sentence of section 6.54 on page 135 and replace with ‘Planning’ so it reads ‘Scottish Planning Policy requires...’</p> <p><u>Haddington &amp; District Amenity Society (0327/11)</u></p> <p>Designate Clerkington at Haddington as a designed landscape</p>

**Policy CH7: Greywalls, Gullane**

Zoe Bennett-Levy (0263/4)

Add similar policy to CH7 for Monkton House

**Policy CH8: West Road Field, Haddington**

Haddington & District Amenity Society (0327/13)

None

**Miscellaneous**

Architectural History Society East Lothian Panel (0312)

None

Mr W A Dodd (0323/1)

Suggested addition to end of para 6.39:

“In particular the current series of HES Guidance Notes published periodically, on managing change in the historic environment, set out the principles that apply to the alteration of some aspects of historic buildings. Each should inform planning policies and the determination of applications relating to the historic environment, and replaces the equivalent guidance in The Memorandum of Guidance on Listed Buildings & Conservation Area (1998). All these HES policies and guidance notes as they are published, will be material considerations in planning and/or listed building consent decisions thereafter”.

Mr W A Dodd (0323/2)

Suggested addition to para 6.37:

“Monitoring of the numbers of, and alterations to listed buildings, in extent, nature and spatial distribution of cases, will form part of an annual audit of East Lothian cultural assets, to guide the Council in the formulation of Statutory Supplementary Guidance on policies for their protection, repair and conservation. Such policies will be material considerations in planning decisions.”

Mr W A Dodd (0323/3)

Suggested addition to para 6.42:

“The Council as LPA will adopt as its special responsibility, the Category C(s) Listed Buildings of East Lothian, which can be regarded as peculiarly of Local but special architectural or historic interest, and it will provide effective means for their better conservation and interpretation as common cultural assets, to be passed to future generations.”

“Similarly, a Local List of buildings of architectural or historic interest in East Lothian will

be complied with the help of local societies and knowledgeable persons, so that buildings which are important to the character of East Lothian can be recorded and protected. In regard to alterations to such buildings any applicant must undertake and make available to the planning authority a professional survey and historical analysis, produced by a building archaeologist.”

Mr W A Dodd (0323/6)

Suggested Addition to Cultural Heritage Policy:

6. The northern defences of the medieval burgh of Haddington consisted of the Town Wall (now a listed building) and a broad ‘killing field’ stretching an arrow shot outside, kept free of buildings. Council houses have been built over part of this open space but it remains next to the length of the town wall running between Victoria Place and Dunbar Road, where the instructive relationship of defensive wall and open ground can still be appreciated. No new building within the setting of this stretch of the listed town wall will be supported. This site forms part of the landscape setting of Tenterfield House, a Listed mansion.”

Musselburgh Grammar School Parent Council (0317/6)

None specified

#### **Summary of responses (including reasons) by planning authority:**

##### **New Policy**

David Campbell (0361/6)

The Council submits that the policies within the Cultural Heritage section of the plan are appropriate and sufficient. The Council notes that Historic Environment Scotland supports the policies of the plan, as the basis for planning decisions that affect the cultural heritage within East Lothian. Historic Environment Scotland notes that the plan is in line with national policy for the historic environment. The Council submits that guidance produced by Historic Environment Scotland would be a material consideration in the determination of relevant planning applications and appeals and notes that it is appropriately referenced in para 6.39 of the LDP. Reference to this will also be included in the supplementary guidance which is to be prepared for when the LDP is adopted, thus ensuring there will be no gap in detailed conservation policy guidance. The Council submits that Circular 6/2013: Development Planning (CD022) expects LDPs to be as concise as possible. In that context, where material is considered too detailed for inclusion within the plan itself, minor policies or proposals should be included within guidance that accompanies the plan. This could take the form of statutory supplementary guidance or non-statutory supplementary planning guidance. In respect of the latter, the Council notes that the Chief Planner, in his letter of 15<sup>th</sup> January 2015 (CD025), expects the amount of statutory guidance produced to be kept to a minimum. As such, the Council submits that the detailed policies or proposals in respect of cultural heritage matters are best set out in supplementary planning guidance, as set out at paragraph 6.44 of the LDP. **The Council submits that no modification is necessary.**

**Policy CH2: Development Affecting Conservation Areas**David Campbell (0361/7)

The Council submits that the boundaries of its designated Conservation Areas remain valid, and that this is a reflection of the successful operation of cultural heritage policy within those areas since their designation. The Council submits that the boundaries of conservation areas can be reviewed when an LDP is operative, although the Council has previously done this during plan preparation given the similarities in terms of publicity and consultation etc between the two processes. The Council designated a new conservation area in Prestonpans and adjusted the boundaries of several other conservation areas in the preparation of the East Lothian Local Plan 2008, following consideration of conservation areas and their boundaries in the preparation of that plan. The Council submits that the boundaries of existing conservation areas do not have any urgent need to be modified, that no conservation area should be deleted, and at this stage the Council is not minded to designate any new Conservation Area(s). However the Council will review the boundary of any conservation area that is the subject of a conservation area appraisal and management plan in due course with appropriate consultation at that time. The Council submits that the detailed policies or proposals in respect of Cultural Heritage matters are best set out in supplementary planning guidance, as set out at paragraph 6.44 of the LDP. This will include all existing conservation area character statements, any replacement appraisals, conservation area management plans as well as more detailed conservation policies on shop fronts, advertisements, parking, colour schemes, installation of security features such as roller shutters within conservation areas or on listed buildings etc. This can also include those matters that the representation suggests be included such as repair or replacement of windows, installation of solar panels and rooflights. The Council submits that it is not essential to have all the areas that the supplementary guidance will cover stated in Policy CH2 and that the SPG will be a material consideration in the determination of a relevant planning application as will Historic Environment Scotland guidance. **The Council submits that no modification is necessary.**

Inveresk Village Society (0385/4)

The Council considers that the LDP has adequate policies in place to enable it to determine any planning applications for development in the grounds of existing houses within Inveresk and that any such planning applications should be considered on their individual merits. The LDP has sufficient policies, including those within the Design and Cultural Heritage sections and the Inveresk Conservation Area Character Appraisal (CD105) which is a material consideration in the determination of any such application, without the need for a preventative policy. The Council considers that the main road within Inveresk which is an A class road can cope with additional traffic. **The Council submits that no modification is necessary.**

**Policy CH5: Battlefields**Brian Hall (0314/2)

The plan acknowledges the important role of the battlefield within the area, as well as the other important assets here that will need to be considered as part of any development proposal for the land (see LDP paras 4.87-4.94). The Council also submits that it will prepare supplementary planning guidance in respect of battlefields (see LDP para 6.52) and this will provide opportunities to ensure that they are recognised for their economic,



educational and tourism potential along with the other natural, cultural and leisure tourism assets in the area. **The Council submits that no modification is necessary.**

### **Policy CH6: Gardens and Designed Landscapes**

#### Scottish Government/Transport Scotland (0389/14)

Comments noted. Whilst the Council does not consider the modification is required, it would not be opposed to amending the wording of paragraph 6.54 as suggested to remove reference to the Scottish Government if the Reporter is of the view that this would have merit. **The Council submits that no modification is necessary.**

#### Haddington & District Amenity Society (0327/11)

The Council submits that Clerkington is not on the national inventory of designed landscapes, and that is why it is not designated on the proposals map. That part of Clerkington which is a designed landscape of regional importance is included within a proposed Countryside Around Town area. The Council has explained in Technical Note 13 (para 4.13 – 4.26) (CD058) the reasons for the policy position it proposes to adopt here. Land to the south and east of Haddington is also included in the Countryside Around Towns area and parts are also located within Haddington Conservation Area. The representation also implies that land to the north of Haddington should be designated as a designed landscape though it may be that the intention was that it be protected through Countryside Around Towns designation. The Council submits that land to the north of Haddington is not a designed landscape and is not one of the candidates for survey by Scotland's Gardens and Landscape Heritage. The Council considers that the A1(T) is an effective boundary to development to the north of Haddington, and has identified the Garleton Hills Special Landscape Area (3) on the LDP Proposals Map which extends south to the A1(T). The Council therefore submits that there is no need for an additional Countryside Around Towns designation on land to the north of Haddington. **The Council submits that no modification is necessary.**

### **Policy CH7: Greywalls, Gullane**

#### Zoe Bennett-Levy (0263/4)

Para 2.25 of the LDP acknowledges the presence of A-listed Monkton House and its setting in relation to PROP MH2 which lies approximately 115m to the north east of the house and is in different ownership, but considers that there is scope to develop the site without harming cultural heritage assets. PROP MH2 applies in part to a site granted planning permission on appeal (ref: 13/01020/PPM Planning permission in principle for erection of 52 residential units and associated works (PPA-210-2043) (CD170n) and in part to an extension of that site to the south. Planning permission 13/01020/PPM was allowed on appeal with conditions and therefore the objection to that part of PROP MH2 is not able to be considered. The additional land for circa 50 units to the south is not considered by the Council to harm the cultural heritage assets of Monkton House. Simply by being visible from a listed building does not mean that it lies within the setting of the building. It is noted that the principal elevations of Monkton House do not look towards PROP MH2 but are orientated towards the A720 to the south and to Old Craighall Road to the north. The Council considers the setting of Monkton House to be principally within its own grounds though acknowledges its historical relationship with Monkton Gardens to the east. However, the LDP Proposals Map shows the grounds of Monkton House and

Monkton Gardens in the green belt which the Council considers is the most appropriate policy to apply to them. The Council was asked to consider a submission from the landowner for residential development for a site that extended into the field immediately to the north east of Monkton House, including Monkton Gardens, but did not consider that this was appropriate in respect of the setting of Monkton House or that of the scheduled monument located nearby. The Council also notes that Historic Environment Scotland has commented on PROP MH2 and its site assessment in the Environmental Report. The Council notes that HES made previous comment that it may object and this was on the basis of the potential impact on Monkton House and this was related to a previous boundary that extended into the field immediately to the north east of the listed building. This has now been altered Historic Environment Scotland is content that such impacts are less likely to be significant for its interests. Historic Environment Scotland recommends that the safeguarding of the setting of Monkton House as a heritage asset should be a consideration in the development of a masterplan for the site.

Policy CH7 of the LDP protects Greywalls at Gullane which has some difference in context and consideration. Greywalls is a Designed Landscape included on the National Inventory of Gardens and Designed Landscapes (Greywalls National Inventory of Gardens and Designed Landscapes entry (CD128)) and was purposefully designed to have views orientated in two directions; to the sea and to the hills with a viewpoint specifically provided in its walled garden hence the reference to the framed view in para 6.56 of the LDP. While any listed building should remain the focus of its setting the Council does not consider that the proposed site PROP MH2 detracts from the setting of Monkton House. However, the Reporter may wish to consider whether a similar reference to the settings of A-listed Monkton House and B-listed Monkton Gardens would be appropriate to include within PROP MH1 as well as PROP MH2. **The Council submits that no modification is necessary.**

#### **Policy CH8: West Road Field, Haddington**

##### Haddington & District Amenity Society (0327/13)

Support noted. The comment that the Council should be proactive in implementing this policy is also noted but the Council submits that the onus is on the developer rather than the Council as the landscaped park cannot be implemented without the commitment from the developer. **The Council submits that no modification is necessary.**

#### **Miscellaneous**

##### Architectural History Society East Lothian Panel (0312)

The Council submits that the policies within the Cultural Heritage section of the plan are appropriate and sufficient and provide the degree of clarity sought. The Council notes that Historic Environment Scotland supports the policies of the plan, as the basis for planning decisions that affect the cultural heritage within East Lothian. The Council submits that Circular 6/2013: Development Planning (CD022) expects LDPs to be as concise as possible. In that context, where material is considered too detailed for inclusion within the plan itself, minor policies or proposals should be included within guidance that accompanies the plan. This could take the form of statutory supplementary guidance or non-statutory supplementary planning guidance. In respect of the latter, the Council notes that the Chief Planner, in his letter of 15<sup>th</sup> January 2015 (CD025), expects the amount of statutory guidance produced to be kept to a minimum. The Council



therefore submits that the detailed policies or proposals in respect of Cultural Heritage matters are best set out in supplementary planning guidance, as set out at paragraph 6.44 of the LDP. This will expand on the policies of the plan, and will be prepared, consulted on and adopted as as soon as possible following adoption of the LDP. The Council submits that guidance produced by Historic Environment Scotland would in any case, be a material consideration in the determination of appropriate planning applications and notes that this is appropriately referenced in para 6.39 of the LDP. The Council does not accept the suggestion that the LDP weakens policy because the proposed supplementary planning guidance will provide the necessary detail similar to that contained in the current East Lothian Local Plan 2008. **The Council submits that no modification is necessary.**

Mr W A Dodd (0323/1)

The Council submits that advice or policy published by Historic Environment Scotland is already a material consideration in the planning process. It is for the decision maker to determine how much weight to be given to such considerations. The Council notes that an appropriate reference to national historic environment guidance is made in para 6.39 of the LDP. **The Council submits that no modification is necessary.**

Mr W A Dodd (0323/2)

The Council submits that Supplementary Planning Guidance (i.e. non-statutory guidance) is the appropriate approach to follow. This allows for a faster review of issues as they emerge and aligns with the Chief Planner's Letter (CD025) that the amount of statutory Supplementary Guidance prepared by Planning Authorities should be minimised. It is the duty of Historic Environment Scotland to designate record, survey and monitor listed buildings and to remove or add such buildings to the list. The objection would suggest a considerable amount of additional survey and analysis work for the Council, when this is already the responsibility of Historic Environment Scotland. Such duplication is not an efficient use of resources. The Council will however have regard to advice from Historic Environment Scotland in the preparation of the Guidance, which will also be published for consultation prior to adoption by the Council. **The Council submits that no modification is necessary.**

Mr W A Dodd (0323/3)

The policies of the Local Development Plan apply to all listed buildings, including category C listed buildings therefore there is no need for a separate policy. In any decision taken on a category C listed building regard will be had to the advice contained within Historic Environment Scotland guidance notes that apply to all listed buildings regardless of category.

In respect of there being a Local List of listed buildings produced for the area, this is neither a statutory duty nor priority for the Council. The Historic Environment Scotland lists are considered to be reasonably up to date for most burghs and parishes in East Lothian. Should there be any other building that any person thinks should be assessed as a candidate for listing this can be forwarded to Historic Environment Scotland for consideration. The Council submits that there is therefore no need for the Council to prepare a secondary local list. The Council will focus its efforts on conserving and enhancing designated cultural heritage assets in accordance with statutory requirements, in consultation with Historic Environment Scotland as appropriate. However, the Council

seeks to safeguard the character, appearance and setting of the built environment in its widest sense and will continue to do so. This will include publicising buildings at risk on the national register and working with others where possible to secure a future for them. **The Council submits that no modification is necessary.**

Mr W A Dodd (0323/6)

The Council submits that the town wall is a listed building and Policy CH1: Listed Buildings seeks to safeguard the setting of such structures, and that this is sufficient protection for the setting of the wall. It may be that this could be more appropriately addressed in the Conservation Area Appraisal and Management Plan. However, to seek to address it in the LDP for the specific reasons put forward would require a unique policy. Council submits that this would not be in the spirit of Circular 6/2013: Development Planning (CD022) which expects LDPs to be as concise as possible. **The Council submits that no modification is necessary.**

Musselburgh Grammar School Parent Council (0317/6)

It is acknowledged that there is no specific mention of Musselburgh's unique culture and heritage in the LDP, but the LDP section, Our Natural and Cultural Heritage, provides policies that are designed to protect important natural and built heritage assets throughout East Lothian. Specific to Musselburgh the Musselburgh Conservation Area Character Statement that is included within the current East Lothian Local Plan 2008 will be included in the new Supplementary Planning Guidance for Cultural Heritage to be prepared, consulted on and adopted as soon as possible after the adoption of the LDP. This will in time be replaced by a Conservation Area Character Appraisal for Musselburgh. The Council also has an approved town centre strategy for Musselburgh (CD087) which includes actions to prepare the conservation area character appraisal. **The Council submits that no modification is necessary.**

**Support**

Historic Environment Scotland (0228/3)

Support noted.

Scottish Power Generation (0391/9)

Scottish Power Generation's support for Policy CH5 noted.

**Note**

Historic Environment Scotland has additionally made a number of notes, advice and comments on a variety of sites across all cluster areas in the LDP, many but not all of which are for development briefs for particular sites. The Council submits that these are not representations to the LDP and has not therefore formally recorded these or responded to them. Where relevant, these will be taken into consideration at the time of finalising development briefs or at the time of a relevant planning application.

**Reporter's conclusions:****Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan, or which simply make comments and do not seek modifications to the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions. I have also added some new headings to provide clarity.

**New Policy and Guidance**

2. Historic Environment Scotland considers that the suite of cultural heritage policies is appropriate and consistent with national policy. The evidence before me does not indicate that the plan takes a contrary view to national policy. I also note that Historic Environment Scotland is satisfied with the approach to supplementary guidance and offers assistance to the council for the preparation of this material. I therefore recommend no modifications.

3. Historic Environment Scotland guidance notes are already material considerations and there is no need to repeat these. This guidance is already referenced in paragraph 6.39 of the plan. Other procedures relating to Historic Environment Scotland are described in other paragraphs in the cultural heritage section of the plan. There would be little additional merit in adopting these as supplementary guidance and therefore I recommend no modifications.

**Policy CH2: Development Affecting Conservation Areas**

4. Any revisions to conservation area boundaries would be carried out under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and, although it is sometimes useful to combine both consultation processes, this could be undertaken separately to the local development plan process. I accept the council's explanation that the current boundaries remain valid and that there is no urgent need to review them. Such a review could take place once the supplementary planning guidance on Conservation Area Character Statements and any replacement appraisals are in place. Therefore I do not consider any modifications are necessary to deal with this matter and so I recommend none.

5. The Inveresk Conservation Area Character Appraisal is already a material consideration to help determine whether proposed development in this area is appropriate. The evidence before me does not justify why the conservation area for Inveresk requires a preventative policy for garden development or a more stringent approach than would be used in other conservation areas. Therefore I do not recommend any modifications.

**Policy CH5: Battlefields**

6. It is not my role through this examination to convey any war grave designation upon the battlefield at Prestonpans or any other sites. Separate processes exist for this. The evidence before me does not suggest that paragraph 6.52 of the plan and Policy CH5 would fail to achieve the protection sought by Brian Hall. I therefore recommend no

modifications. Matters relating to visitor attractions and tourism are covered in Issue 11.

### **Policy CH6: Gardens and Designed Landscapes**

7. It is important for the plan to accurately distinguish between the roles and responsibilities of Historic Environment Scotland and Scottish Government. I therefore recommend making Scottish Government's proposed modification to paragraph 6.54.

8. Only proposals affecting gardens and designed landscapes on the national inventory are referred to Historic Environment Scotland. Technical Note 13 paragraph 4.16 explains that Clerkington is not on the national inventory, but it is the only garden or designed landscape of regional significance in East Lothian. The council explains that it has been recorded in its own historic gardens and designed landscape records. Policy CH6 protects all gardens and designed landscapes on both the national inventory and the council's own historic gardens and designed landscape records. Therefore Policy CH6 already protects the gardens and designed landscapes at Clerkington, as sought by Haddington and District Amenity Society. The society also seeks coverage of the Clerkington area by Policies DC8: Countryside Around Towns and DC9: Special Landscape Areas.

9. Following a further information request, Haddington and District Amenity Society has provided a detailed map showing the boundaries of the Clerkington area; taken from the Clerkington Designed Landscape Management Plan. The entirety of this geography, and a wider area, is also already covered by Policy DC8, as shown on the Proposal Map. The same map shows that the Clerkington area is not covered by Policy DC9. However, Policy DC9 is designed to protect local landscape designations and I consider that Policy CH6 already does this given that Clerkington is a garden and designed landscape. Matters relating to Policies DC8 and DC9 are considered in more detail in Issue 26.

10. Based on the information above I consider that the existing protection afforded to the gardens and designed landscape at Clerkington by Policy CH6 (and also DC8) already achieves the outcomes sought by Haddington and District Amenity Society. I therefore recommend no modifications.

11. Haddington and District Amenity Society also seek similar protection for the land north of Haddington although they have not specified the geographic extent of this area. The Proposal Map shows that this area is not covered by either Policy DC8 or Policy DC9. The council argues that the A1 road provides a physical separation between the town and the countryside to the north. I agree that this is the case. There is also no evidence to demonstrate the necessity for covering this area by Policies DC8 and/or DC9. However, were any of the land north of Haddington to be or to become part of a garden or designed landscape on the national inventory or the council's own records then it too would be protected by Policy CH6.

12. In response to Scottish Natural Heritage (0280/5) in Issue 11: Planning for Employment and Tourism, the council notes that Historic Environment Scotland removed both the Archerfield and Elvington estates from the National Inventory of Gardens and Designed Landscapes in September 2016. As these two estates are no longer on the inventory then Policy CH6 no longer applies and the designation of these two sites under this policy should be removed from Inset Map 3. I therefore recommend this modification. Should the council add these estates to its own record of regionally and locally important gardens and designed landscapes in the future then Policy CH6 would apply.

**Policy CH7: Greywalls, Gullane**

13. The Council explains that Policy CH7 protects Greywalls at Gullane specifically because it is a listed building and is also on the National Inventory of Gardens and Designed Landscapes. Listed buildings are protected by Policy CH1 and gardens and designed landscapes by Policy CH6. Greywalls at Gullane would therefore be afforded protection for both designations even if Policy CH7 had not been included in the plan.

14. I agree with the council that the context for the category A Listed Monkton House differs from that of Greywalls. Monkton House along with the category B Listed Monkton Gardens are already covered by Policy CH1 and Policy DC7: Development in the Edinburgh Green Belt. The evidence before me does not demonstrate that Monkton House and Gardens are on the national inventory of gardens and designed landscapes or the council's historic gardens and designed landscape records. However if this is the case or was to become the case in future, then Policy CH6 would provide appropriate protection. There are therefore insufficient grounds for a new policy specifically and only for Monkton House. I do not recommend any modifications. The matter of protecting the cultural heritage and setting of Monkton House and Monkton Gardens in relation to Proposals MH1, MH2 and MH3, is covered in Issue 3: Musselburgh Cluster.

**Policy CH8: West Road Field, Haddington**

15. There are no modifications I can recommend to the plan that would bring about progress any more quickly on this site.

**Miscellaneous**

16. Historic Environment Scotland seeks some modifications to Technical Note 13. However, this examination is for the local development plan and therefore I cannot recommend any modifications to related background documents.

17. WA Dodd suggests that the council should monitor all listed buildings and introduce a policy specifically for category C(s) listed buildings. However, responsibility for listing and monitoring listed buildings lies with Historic Environment Scotland and not the council. All categories of listed building are already covered by Policy CH1. There are therefore insufficient grounds to introduce a new policy or monitoring requirements.

18. WA Dodd also seeks an additional policy to protect the setting of Haddington town walls on the north side of the town centre. On my site inspection I saw the sections of the walls at Tenterfield Drive, just south of Tenterfield House. Here the north side of the wall is fronted by an area of grass. This area is not allocated for development in the plan. I also note the council's point that the town walls are listed and, as such, both the walls and their setting are already protected under Policy CH1. I do not consider that a new policy would bring about any greater protection for the walls and consider that the protection sought by WA Dodds is already apparent. I therefore recommend no modifications.

19. Musselburgh Grammar School Parent Council refers to a lack of any statement about how Musselburgh's 'unique culture and heritage' will be retained. The plan's cultural heritage section does not refer to particular settlements. The evidence before me does not identify any specific factors in Musselburgh, as opposed to any other settlement, that warrant specific mention and does not indicate what should be said. The council argues that specific text is proposed in supplementary planning guidance for cultural

heritage and the forthcoming Conservation Area Character Appraisal for Musselburgh. It suggests that this will identify the key heritage and cultural matters apparent in any settlement or locality. Detail such as this is more appropriate for supplementary planning guidance and is not necessary for inclusion within the local development plan. Therefore I do not recommend any modification.

**Reporter's recommendations:**

Modify the local development plan by:

1. In paragraph 6.54, sentence one, replacing the word "Government" with the word "Planning" so it reads "Scottish Planning Policy requires..."
2. Deleting the Policy CH6 designation from Inset Map 3 for both the Archerfield and the Elvington estates.

<b>Issue 30</b>	<b>Design Policies</b>	
<b>Development plan reference:</b>	Design – p.137-141	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Peter Burt Viking (0035) Walker Group (0138) Lothian Park (0256) Lothian Park (0257) Sirius Sport &amp; Leisure (0274) Scottish Natural Heritage (0280) Musselburgh Area Partnership (0291) North Berwick Community Council (0326) Haddington and District Amenity Society (0327) Persimmon Homes (0334) Homes for Scotland (0353) APT Planning &amp; Development Ltd (0393) Persimmon Homes (0397) East Lammermuir Community Council (0414) Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426) Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Policy DP2: Design Policy DP3: Housing Density Policy DP4 Major Development Sites Policy DP7: Infill, Backland and Garden Ground Development Policy DP9: Development Briefs</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DP2: Design</b></p> <p><u>Scottish Natural Heritage (0280/25)</u></p> <p>SNH state that Policy DP2 should more explicitly align with the SPP transport mode hierarchy and the policy principles of Designing Streets.</p> <p><u>Musselburgh Area Partnership (0291/11)</u></p> <p>Design of new development is non-descript 'Lego' style houses with little character or identity with the local area contrary to para. 1.16 of the LDP.</p> <p><b>Policy DP3: Housing Density</b></p> <p><u>Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426/22); Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0438/21)</u></p> <p>The principle behind the housing density policies and the need to increase density to efficiently increase land is noted. There is concern however as to this being prescriptive in DP3 such that all new developments should achieve a density of 30 units per hectare. The</p>		

supporting text indicates that density should arise out of the design process, however topographical and physical features on land may prevent higher densities being achieved. It is noted that in certain circumstances the policy allows design to dictate that densities may be lower and justified through masterplans and design statements.

#### Walker Group (0138/14)

It is disputed that low density equals less than 30 dwellings per hectare. We consider low density to be less than 20 dph and that development which is equal or higher than 30 dph is high density. Para. 7.13 - An average density of circa 30 dph is not appropriate to the character of the towns and settlements of East Lothian. It is inappropriate to require the use of flatted development in urban edge locations to meet an aspirational density standard of 30 dph without regard to the surrounding area. Development layouts should be a product of a design and the market rather than minimum standards.

#### Homes for Scotland (0353/15)

Policy DP3 should be reworded to be more flexible in density to allow increase and decrease from the 30 dwellings per hectare average on a site by site basis. Homes for Scotland considers that amending the wording of the policy to allow for an increase and decrease of the average 30 dph figure would be more flexible and ensure that delivery of new homes across East Lothian will be encouraged and supported rather than hindered in any way, recognising the diversity in the range of sites allocated within the Plan, and focussing on placemaking aspects of delivery, including meeting market demands, rather than simply densities achieved.

#### APT Planning & Development Ltd (0393/10)

Each site must be developed as an appropriate response to the sites' constraints, opportunities and specific characteristics. The physical, locational and market characteristics will best determine the density and mix of the proposed homes. In the interest of meeting housing delivery targets and in ensuring the efficient development of land, it is entirely appropriate to identify a target density but it must always be more important to ensure an appropriate development for each site as opposed to imposing a blanket density figure. The proposed amendments to the policy therefore allow greater flexibility subject to appropriate justification. East Lothian must seek to provide a genuine mix of new homes, not necessarily on one site, but across the County and cumulatively across all development sites, acknowledging that certain sites lend themselves better to higher or lower densities. Developers will know the market better than anyone else and will only build homes that they believe they can sell as quickly as possible. If East Lothian Council wishes to meet its targets for housing delivery to 2019 and beyond to 2024 it must encourage the development of sites, taking full account of placemaking principles and market demands, rather than impose standard density standards unilaterally across the County.

#### **Policy DP4 Major Development Sites**

#### Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/22 )

It is noted that this policy requires the submission of a masterplan of the entire site. In many cases this is appropriate, however, in cases where multiple developers may be on



site, and multiple phases are involved, a masterplan may not be wholly suitable. On other sites with multiple phases and multiple developers involved there has been success in utilising masterplan guidance to inform the design of the site in phases and allow flexibility for future developers to design the site as they see fit, within the parameters of design guidance. Policy DP4 should allow or this approach.

### **Policy DP7: Infill, Backland and Garden Ground Development**

#### East Lammermuir Community Council (0414/5)

Are there any other places within Spott and Oldhamstocks where housing could be sympathetically built e.g. as infill? We think there might be.

### **Policy DP9: Development Briefs**

#### Lothian Park (0256/4); Lothian Park (0257/4)

The Council's site Development Briefs are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the planning process, a degree of flexibility is necessary.

Accordingly, compliance with a site Development Brief should incorporate some flexibility.

The Council's Development Briefs do not currently have regard to implications of other adjacent sites.

There will be occasions where developers will proceed in advance of each other on sites which share a common road frontage. It is imperative that on these occasions, developers have regard for the Development Briefs of adjacent sites to avoid unintentionally frustrating development. For example, an allocated site could have a limited frontage for access due to topography or sightlines. If a new junction is located on the opposite side of the road, the access into the other allocated site may be prevented.

The proposed modification would ensure that mutual arrangements are taken into account by the Development Briefs on adjacent sites.

#### Scottish Natural Heritage (0280/26)

SNH welcomes this policy and the development principles established both in the policy and set out in the related draft supplementary guidance. Nevertheless, some sites have natural heritage impacts that we consider will be difficult to mitigate. SNH have highlighted which are of greatest concern within the representation.

#### Sirius Sport & Leisure (0274/5)

The Council's site Development Briefs are based on limited information and surveys. It is probable that through further detailed survey and design, an acceptable proposal could be delivered. At this stage in the planning process, a degree of flexibility is necessary.

Accordingly, compliance with a site Development Brief should incorporate some flexibility.

The Council's Development Briefs do not currently have regard to implications of other

adjacent sites.

There will be occasions where developers will proceed in advance of each other on sites which share a common road frontage. It is imperative that in these occasions, developers have regard to the Development Briefs of adjacent sites to avoid unintentionally frustrating development. For example, an allocated site could have a limited frontage for access due to topography or sightlines. If a new junction is located on the opposite side of the road, the access into the other allocated site may be prevented.

The proposed modification would ensure that mutual arrangements are taken into account by the Development Briefs on adjacent sites.

#### Homes for Scotland (0353/16)

Homes for Scotland is concerned that the Development Briefs published for consultation along with the Proposed Plan have not been produced with any input from the homebuilding industry who will be delivering housing sites within the Development Briefs. These Development Briefs have been written by East Lothian Council together with SNH, and some Members have indicated that specific aspects of some Development Briefs contradict ongoing discussions with East Lothian Development Management officers. We consider that these Development Briefs should hold very little weight and we have made separate representations on the Development Briefs to suggest that wording is added to explicitly state that these Development Briefs are works in progress to be used as a guide and that they will have very little weight in the decision making process. We are concerned that if these Development Briefs are adopted by the Council alongside the Local Development Plan, and Policy DP9 remains worded in its current form, homebuilders will be required to “conform” to the content of Development Briefs for which they have had no input. This could have an impact on delivery of sites within the Development Briefs. We consider that if Development Briefs were to be prepared in collaboration with developers, they will be far more deliverable and more likely to be adhered to if they are prepared in partnership, rather than a Development Brief imposed on the developer. The process of a planning permission in principle application could be speeded up as a lot of key issues for the site could be covered in the preparation of the Development Brief. In some other authorities, a collaborative Development Brief has been used effectively as a Planning Permission in Principle, speeding up planning permission by giving developers confidence to go straight to submitting a detailed planning application. We are happy to provide examples of where this has been successful in other planning authorities with some of our Members.

#### Persimmon Homes (0334/2)

Supports Homes for Scotland representation (Submission 0353) in respect of Policy DP9: Development Briefs. Development should not have to conform to a Development Brief if they are to be adopted with the LDP.

#### Persimmon Homes (0397/4)

It remains unclear as to whether the Draft Development Brief Supplementary Planning Guidance published for consultation alongside the proposed plan will be adopted alongside the Plan. Suggest the wording of Policy DP9 on page 141 should be amended to remove the absolute obligation for the requirement to conform to the Development Brief.

APT Planning & Development Ltd (0393/11)

Seeks deletion of Policy DP9. The preparation of the development briefs has been completed (admittedly in draft form) without any engagement with landowners, developers (where known) or Council colleagues in relevant departments (development management, transportation etc). The briefs do not take account of key physical, technical or economic characteristics, opportunities or constraints. In many instances, the briefs require access or works to take place on third party land, making them impossible to comply with in their present form. There is planning activity on a significant number of sites that are identified for allocation for residential development and this is critical to ensure the early delivery of new homes.

Pre-application discussions have taken place with Council officials and key consultees and in many circumstances, planning applications have been lodged with East Lothian Council. As the development briefs have been drafted without any reference to the ongoing planning processes, they are, in their current form, not fit-for-purpose and will create a level of conflict in the decision making process as well as (even in draft form) creating a level of expectation within communities who may already have been consulted on specific development proposals and now see a development brief that does not reflect the planning applications already lodged.

It is unreasonable to use previously unseen development briefs to challenge applications that have been submitted with all relevant supporting information and have been consulted on extensively with Council officials. We acknowledge that these conflicts occur to varying degrees at each site but as things stand we believe that policy DP9 should be deleted from the LDP. If it is to be retained, its language should be toned down and the status of the development briefs reduced. As presently worded, Policy DP9 states proposals must conform to the brief. As stated above, in many cases, the requirements of the briefs cannot be delivered. The briefs should only be seen as a guide at most and carry little, if any, weight as a material consideration. The future preparation and 'adoption' of development briefs should be undertaken by adopting a separate stakeholder consultation process to ensure appropriate and deliverable proposals are promoted through the briefs and sitting alongside established planning policies. To respond proactively to this situation, we have provided alternative development briefs for the sites CALA is involved in, building on the key aspects of the drafts but reflecting the significant amount of work undertaken in the preparation and submission of applications for planning permission on these sites.

**Design Miscellaneous**North Berwick Community Council (0326/6)

Greater effort should be made to properly implement the design policies of the plan.

Haddington and District Amenity Society (0327/14)

Design policies DP1 and DP2 are supported, but they are often not heeded in considering applications

Peter Burt Viking (0035/3)

We can insist on new houses being in keeping with the local community. Constraints on the appearance and colours on builders of individual houses do not seem to be applied to

big developers.

**Design Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/20); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/19)

The representee supports Policy DP1 which requires all new development to be well integrated into its surrounds and include landscaping and open spaces.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/21); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/20)

The representee supports Policy DP2 and notes Advice Box 11 which outlines the situations in which design and access statements are required to support planning applications.

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/24); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/23)

Support Policy DP8

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/24)

Support Policy DP9

**Modifications sought by those submitting representations:**

**Policy DP2: Design**

Scottish Natural Heritage (0280/25)

SNH recommend Policy DP2, bullet point 4 is altered to read:

“Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks both on- and off-site, including green networks, in the wider area ensuring access for all the community, favouring, active travel and public transport then cars as forms of movement.”

Musselburgh Area Partnership (0291/11)

No Modification sought

**Policy DP3: Housing Density**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/22); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/21)

No Modification sought

Walker Group (0138/4)

Revise the first sentence of policy DP3 to read: All new housing sites will be expected to achieve a minimum average density of 25 dwellings per hectare using a full range of housing types and sizes.

Homes for Scotland (0353/15)

Policy DP3 should be reworded to be more flexible in density to allow increase and decrease from the 30 dwellings per hectare average on a site by site basis. We suggest deletion of the final sentence of this Policy, replacing it with more flexible wording to ensure that the density proposed reflects the existing locality.

APT Planning & Development Ltd (0393/10)

Policy DP3: Housing Density should be replaced with the following:

*All new housing sites will be expected to respond to the particular circumstances of its location, in particular the accessibility of the site to public transport and other related services, and the need to encourage and support the provision of local facilities necessary to high quality urban living. It is the Council's aim to achieve a target density of 30 dwellings per hectare (net) using a full range of housing types and sizes. However, the Council recognises that design solutions for new housing sites need to account of placemaking principles and the need to meet market demands.*

*Therefore, density may be increased or reduced when appropriate. In particular, and in response to the specific site characteristics, and in attempting to ensure that a development compliments the townscape and landscape setting of the local area, lower densities may be more acceptable; this must be justified by developers to the satisfaction of the Council through masterplans and design statements.*

**Policy DP4 Major Development Sites**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/22)

Policy DP4 should read 'masterplans or masterplan guidance must be submitted prior to....'

**Policy DP7: Infill, Backland and Garden Ground Development**

East Lammermuir Community Council (0414/5)

No Modification sought

**Policy DP9: Development Briefs**

Lothian Park (0256/4);Lothian Park (0257/4)

The representation recommends that policy DP9 is modified to read as follows:

Proposals for the development of sites that are subject to a Development Framework or

Development Brief that has been adopted by the Council should generally conform to the relevant Development Framework or Development Brief. Where a site is adjacent to another allocated site, regard should be given to mutual connectivity and permeability between adjacent sites, and complementary landscaping and boundary treatments as appropriate.

Scottish Natural Heritage (0280/26)

Supports the policy, but for clarity, it should be made more clear that the Development Briefs within the Draft Development Briefs Supplementary Planning Guidance Parts 1 and 2, will form adopted Development Briefs when finalised.

Sirius Sport & Leisure (0274/5)

The representation recommends that policy DP9 is modified to read as follows:

Proposals for the development of sites that are subject to a development framework or Development Brief that has been adopted by the Council should generally conform to the relevant framework or Development Brief. Where a site is adjacent to another allocated site, regard should be given to mutual connectivity and permeability between adjacent sites, and complementary landscaping and boundary treatments as appropriate.

Homes for Scotland (0353/16)

If the Development Briefs published for consultation alongside the Local Development Plan are to be adopted with the Plan, we suggest that the wording of Policy DP9 is amended to remove the obligation on the developer to “conform” to the Development Brief.

Persimmon Homes (0334/2)

Wording of Policy DP9 and Policy MH17 should be amended to remove the obligation on a developer to 'conform' to the Development Brief.

Persimmon Homes (0397/4)

Amend wording of DP9 to allow a degree of flexibility.

APT Planning & Development Ltd (0393/11)

Delete Policy DP9. If it is to be retained, its language should be toned down and the status of the development briefs reduced.

**Design Miscellaneous**

North Berwick Community Council (0326/6)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Haddington and District Amenity Society (0327/14); Peter Burt Viking (0035/3)

No Modification sought

**Design Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/20) (0426/21) (0426/24) (0426/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/19) (0438/20) (0438/23) (0438/24)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

Scottish Natural Heritage (0280/25)

SNH seeks the removal of the words ‘*where appropriate*’ from policy DP2 when the policy seeks that development designs are to prioritise active travel public transport then cars as forms of movement. The Council submits that these words are important to ensure that the policy is drafted in a way that reflects the realities of how it should be interpreted and applied – i.e. there may be situations when it would be inappropriate for a development to prioritise active travel where, for example, the proposal is for storage and distribution uses and heavy vehicle access must be a key feature of the design and layout of the proposal, whilst making provision for other modes of travel. Similarly, parts of a development site may need to prioritise access for cars, such as at the main access points, whilst making provision for other modes of travel. The Council submits that the policies of the plan need to be read together and Policy DP4 (in respect of major development sites) and DP8: Design Standards for New Housing Areas (in respect of all housing proposals) applied along with the relevant supplementary planning guidance document adequately addresses the concerns raised by SNH. **The Council submits that no modification of the LDP is necessary.**

Musselburgh Area Partnership (0291/11)

The Area Partnership’s comments on the quality of new build housing design are noted. Design matters are considered for most of the LDP sites in the supplementary planning guidance, Draft Development Briefs (CD 061) and also in the Design section of the LDP (para. 7.1 onwards). Developers are required to consider the impact their development will have on the existing landscape and townscape of the area, to maximise the potential to make connections with its surroundings, and to reflect local vernacular styles. Policies DP1: Landscape Character and DP2: Design are both applicable. Detailed design issues are more appropriately dealt with at project level through the planning application process. Nonetheless, the Council submits that the policies of the plan are sufficiently robust to ensure appropriate design outcomes. **The Council submits that no modification of the LDP is necessary.**

**Policy DP3: Housing Density**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/22); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/21)

In considering this response, reference should also be made to the LDP 2008 PLI Written

Statement (Design and Density) and settlement density maps and the reporter's associated findings (CD077a; CD077b; CD077c and CD077d).

SPP 2014 (CD 013) is clear that the planning system has a vital role to play in delivering high quality places for Scotland. SPP2014 has two Principal Policies – one on “Sustainability” and one on “Placemaking”. These principals aim to create high quality places by requiring a design led approach to new development to ensure it exhibits the six qualities of successful places:

- |                        |                       |
|------------------------|-----------------------|
| 1. Distinctive         | 4. Welcoming          |
| 2. Safe and pleasant   | 5. Adaptable          |
| 3. Easy to move around | 6. Resource Efficient |

As housing is the largest single urban land use then the density at which new housing is built has a significant impact on the resource efficiency of new housing development. Scottish Planning Policy 2014 together with Scottish Governments policy statements on Creating Places (CD 014) and Designing Streets (CD 015) and PAN 67: Housing Quality (CD 018), collectively recognise the importance of increasing housing density whilst providing a full range and choice of house types and sizes, and the importance of good design, as well as highlighting the role of the planning system in delivering the Principal Policies of SPP 2014.

The Council does not believe that a policy specifying the range of house types that must be delivered by a developer is the most appropriate way of achieving the national policy objective of creating mixed communities at higher density. This would place an unreasonable burden on developers, forcing them to provide a specific range of house types and sizes dictated to them by the Planning Authority, with very limited flexibility and ability to make commercial decisions on the products to be sold. The appropriate policy stance on this is to set a minimum density requirement, which ensures that a full range and choice of house types and sizes will be provided and that the amount of greenfield land required for development is reduced. This will allow developers a greater degree of commercial flexibility to tailor the full range of houses to be delivered to the marketplace.

Policy DP3 of the LDP has been carried over from the East Lothian Local Plan 2008, having been tested at Public Local Inquiry in the preparation of that plan. The policy continues to have merit, for the reasons given at paragraphs 7.12 – 7.14, and if necessary the Council will refer to previous statements of case and the report of the public local inquiry. The Council submits that the policy does provide flexibility as it requires a ‘minimum average’ density to be achieved, and that an assessment of how best a site can absorb such development must be undertaken. This will include specific site constraints such as topographical and physical matters which can influence development design and layout. Policy DP3 therefore allows for densities to vary within a site by providing a full range and choice of house types and sizes to cater for all sectors of the market. Where appropriate, this density level can be increased, as explained by the policy. It is possible to justify lower density development, provided the justification for this is not an aspiration to build a limited range of house types in order to cater for a particular market sector.

POL DP3 states that 30 dph is the average density to be achieved. It is possible to achieve this density through building forms which are common to East Lothian. This is however a product of the design process which will be addressed at project level through the Development Management process. **The Council submits that no modification of the LDP is necessary.**



Walker Group (0138/14); Homes for Scotland (0353/15); APT Planning & Development Ltd (0393/10)

In considering this response, reference should also be made to the LDP 2008 PLI Written Statement (Design and Density) and settlement density maps and the reporter's associated findings (CD077a; CD077b; CD077c and CD077d).

SPP 2014 (CD 013) is clear that the planning system has a vital role to play in delivering high quality places for Scotland. SPP2014 has two Principal Policies – one on “Sustainability” and one on “Placemaking”. These principals aim to create high quality places by requiring a design led approach to new development to ensure it exhibits the six qualities of successful places:

- |                        |                       |
|------------------------|-----------------------|
| 1. Distinctive         | 4. Welcoming          |
| 2. Safe and pleasant   | 5. Adaptable          |
| 3. Easy to move around | 6. Resource Efficient |

As housing is the largest single urban land use then the density at which new housing is built has a significant impact on the resource efficiency of new housing development. Scottish Planning Policy 2014 together with Scottish Governments policy statements on Creating Places (CD 014) and Designing Streets (CD 015) and PAN 67: Housing Quality (CD 018), collectively recognise the importance of increasing housing density whilst providing a full range and choice of house types and sizes, and the importance of good design, as well as highlighting the role of the planning system in delivering the Principal Policies of SPP 2014.

The Council does not believe that a policy specifying the range of house types that must be delivered by a developer is the most appropriate way of achieving the national policy objective of creating mixed communities at higher density. This would place an unreasonable burden on developers, forcing them to provide a specific range of house types and sizes dictated to them by the Planning Authority, with very limited flexibility and ability to make commercial decisions on the products to be sold. The appropriate policy stance on this is to set a minimum density requirement, which ensures that a full range and choice of house types and sizes will be provided and that the amount of greenfield land required for development is reduced. This will allow developers a greater degree of commercial flexibility to tailor the full range of houses to be delivered to the marketplace.

Policy DP3 has been carried over from the East Lothian Local Plan 2008, having been tested at Public Local Inquiry in the preparation of that plan. The policy continues to have merit, for the reasons given at paragraph 7.12 – 7.14, and if necessary the Council will refer to previous statements of case and the report of the public local inquiry. The Council submits that the policy does provide flexibility as it requires a ‘minimum average’ density to be achieved. This allows for densities to vary within a site, by providing a full range and choice of house types and sizes to cater for all sectors of the market. Where appropriate, this density level can be increased, as explained by the policy. It is possible to justify lower density development, provided the justification for this is not an aspiration to build a limited range of house types in order to cater for a particular market sector.

POL DP3 states that 30 dph is the average density to be achieved for the reasons stated above. However, Policy DP3 must also be read in conjunction with other Design Policies such as DP1 and DP2 which requires development to (amongst other requirements) to be well integrated into its surroundings. The detailed design of development is however a

matter which would be addressed at project level through the submission of a planning application. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DP4 Major Development Sites**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/23); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/22 )

As part of any planning application for any allocated site, comprehensive masterplan solutions for the entire allocated site must be submitted and must conform to the relevant Development Brief (CD 061). Proposed masterplans must demonstrate how the relevant objectives for the allocated site will be secured, how development will be delivered on an appropriate phased basis and set out the design requirements to ensure the development will properly integrate with its surroundings and the character of the local area. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DP7: Infill, Backland and Garden Ground Development**

East Lammermuir Community Council (0414/5)

Throughout East Lothian there are a number of urban areas characterised by housing set in substantial areas of garden ground, with mature planting. These often fall within Conservation Areas. There is significant pressure to develop new houses in garden ground and in certain situations this may be detrimental to the character of these areas. Development such as infill is therefore limited in terms of potential sites. However, all housing development including infill must satisfy the criteria set out in Policy DP7. **The Council submits that no modification of the LDP is necessary.**

#### **Policy DP9: Development Briefs**

Lothian Park (0256/4) & Lothian Park (0257/4)

The Council submits that the draft Development Briefs (CD 061) were consulted on so applicants, landowners and developers amongst others could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the Development Briefs, when finalised, are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council also notes that other representations including from key agencies request that the Development Brief be given statutory weight. However, the Council submits that the Development Briefs should not be statutory documents. The Scottish Government is clear that the amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the Development Briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the Development Briefs, including the key agencies. The Council also submits that the finalised Development Briefs are to be drafted using words such as ‘may’ or ‘should’ rather than ‘will’ or ‘must’ where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy provides the scope for parts of the Development Briefs to be drafted more affirmatively to give them more clarity around non-negotiable aspects, and modifying the policy wording would remove this clarity for the

Council and applicants. The finalised adopted Development Briefs will reflect the above points. **The Council submits that no modification of the LDP is necessary.**

Scottish Natural Heritage (0280/26)

The Council submits that the draft Development Briefs (CD 061) were consulted on so applicants, landowners and developers amongst others could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the Development Briefs, when finalised, are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council also notes that other representations, including from key agencies request that the Development Brief be given statutory weight. However, the Council submits that the Development Briefs should not be statutory documents. The Scottish Government is clear that the amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the Development Briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the Development Briefs, including the key agencies. The Council also submits that the finalised Development Briefs are to be drafted using words such as ‘may’ or ‘should’ rather than ‘will’ or ‘must’ where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy provides the scope for parts of the Development Briefs to be drafted more affirmatively to give them more clarity around non- negotiable aspects, and modifying the policy wording would remove this clarity for the Council and applicants. The finalised adopted Development Briefs will reflect the above points. **The Council submits that no modification of the LDP is necessary.**

Sirius Sport & Leisure (0274/5)

The Council submits that the draft Development Briefs (CD 061) were consulted on so applicants, landowners and developers amongst others could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. This is consistent with front loading the development plan work. The Council submits that the Development Briefs, when finalised, are to be adopted as supplementary planning guidance, so the weight to be attached to them in decision making will be for the decision maker. The Council also notes that other representations, including from key agencies request that the Development Brief be given statutory weight. However, the Council submits that the Development Briefs should not be statutory documents. The Scottish Government is clear that the amount of statutory supplementary guidance produced by planning authorities should be limited to that which is essential. The Council submits that the balance of statutory and non-statutory guidance associated with its plan is appropriate in that context. The Council submits that the Development Briefs were published in draft form for comment, and they are a work in progress. Comments from stakeholders will help to finalise the briefs, including the key agencies. The Council also submits that the finalised Development Briefs are to be drafted using words such as ‘may’ or ‘should’ rather than ‘will’ or ‘must’ where appropriate. This provides the flexibility in their interpretation and application. The wording of the LDP policy provides the scope for parts of the Development Briefs to be drafted more affirmatively to give them more clarity around non-negotiable aspects, and modifying the policy wording would remove this clarity for the Council and applicants. The finalised adopted Development Briefs will reflect the above points. **The Council submits that no modification of the LDP is necessary.**

Homes for Scotland (0353/16)

The Council submits that the draft Development Briefs (CD 061) were consulted on so applicants, landowners and developers amongst others could influence their content at the appropriate stage in the process – i.e. alongside the proposed LDP. At this stage the Development Briefs have very limited weight in decision making. The Council intends to finalise and adopt the Development Briefs, when finalised, as supplementary planning guidance, having considered consultation responses on them, following adoption of the LDP. This will allow and findings from the examination of the LDP to be incorporated within the Development Briefs as appropriate. The Council submits that the language used in the Development Briefs includes words such as ‘should’ and ‘may’ or ‘will’ and ‘must’ where appropriate that there is some flexibility in their interpretation and application. The Council submits that this is a preferable approach to ensure they are applied appropriately rather than to modify the relevant policies within the LDP itself so as to limit the weight that can be given to such material considerations overall. This is particularly true in light of other representations that would rather the Development Briefs be adopted as statutory guidance rather than non-statutory guidance as proposed by the Council. **The Council submits that no modification of the LDP is necessary.**

Persimmon Homes (0334/2)

The Development Briefs (CD 061) have been published in draft form so the development industry and other stakeholders can comment on them and contribute to their development. At this stage the Development Briefs have very limited weight in decision making. The Council intends to finalise and adopt the Development Briefs as supplementary planning guidance, having considered consultation responses on them, following adoption of the LDP. This will allow and findings from the examination of the LDP to be incorporated within the Development Briefs as appropriate. The Council submits that the principle of compliance with the briefs should continue to be stated in a proposal. **The Council submits that no modification of the LDP is necessary.**

Persimmon Homes (0397/4)

The development briefs (CD 061) that were published for consultation are in draft form only. All consultation responses will be assessed and reported to Council for a decision to be taken on whether or not to adopt them alongside the LDP. **The Council submits that no modification of the LDP is necessary.**

APT Planning & Development Ltd (0393/11)

The Development Briefs (CD 061) have been published in draft form so the development industry and other stakeholders can comment on them and contribute to their development. At this stage the Development Briefs have very limited weight in decision making. The Council intends to finalise and adopt the Development Briefs as supplementary planning guidance, having considered consultation responses on them, following adoption of the LDP. This will allow and findings from the examination of the LDP to be incorporated within the Development Briefs as appropriate. The Council submits that the principle of compliance with the Development Briefs should continue to be stated in a proposal. **The Council submits that no modification of the LDP is necessary.**

## Design Miscellaneous

### North Berwick Community Council (0326/6)

The community councils support for the LDP design policies, and the request to apply them more rigorously in planning decisions, is noted. **The Council submits that no modification of the LDP is necessary.**

### Haddington and District Amenity Society (0327/14)

The LDP contains design policies to guide new development. This requires among other things that all new development should be well integrated into its surroundings by responding to and respecting landform (DP1). It must also be appropriate to its location in terms of positioning, size, form, massing, proportion and scale, and use a limited colour palette (DP2). Development Briefs (CD 061) have been prepared for allocated sites in the LDP which give some guidance on design. The intention of these policies and measures is to ensure good quality of design in East Lothian and apply to all new development. At project level these policies will be used to assess individual planning applications. **The Council submits that no modification of the LDP is necessary.**

### Peter Burt Viking (0035/3)

The LDP contains design policies to guide new development. This requires among other things that all new development should be well integrated into its surroundings by responding to and respecting landform (DP1). It must also be appropriate to its location in terms of positioning, size, form, massing, proportion and scale, and use a limited colour palette (DP2). Development Briefs (CD 061) have been prepared for allocated sites in the LDP which give some guidance on design. The intention of these policies and measures is to ensure good quality of design in East Lothian and apply to all new development. At project level these policies will be used to assess individual planning applications. **The Council submits that no modification of the LDP is necessary.**

## Design Support

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/20) (0426/21) (0426/24) (0426/25); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0438/19) (0438/20) (0438/23) (0438/24)

Support Noted

## Reporter's conclusions:

### Preliminary

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above matters raised in representations which are in support of the provisions of the plan and do not seek modifications. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**Policy DP2: Design**

2. Policy DP2 sets out a range of criteria which require to be satisfied in the design of all new build development. Bullet point one seeks to improve the design of new development by ensuring that it reflects the local context. Paragraph 7.11 refers to the preparation of design guidance which will assist the operation of Policy DP2, and Policy DP8 refers to supplementary planning guidance on design standards for new housing areas; this detailed guidance is likely to improve the quality and design of new development coming forward.

3. In response to the concerns raised by Musselburgh Area Partnership, the council cites a number of policies within the plan which aim to secure design outcomes which are appropriate to the area's sense of place, distinctiveness and identity. These are supported by various tools including supplementary planning guidance as referred to in Policy DP8 and the draft development briefs. Overall, I consider that the plan provides a suitable level of response to ensure the design of new development is fully considered with regard to its surrounding context and for these detailed matters to be considered as part of the development management process. Therefore no modifications are necessary.

4. Bullet point four of Policy DP2 deals with the requirement for a well-connected network of paths and roads to be provided. Scottish Natural Heritage (SNH) state that Policy DP2 should more explicitly align with the Scottish Planning Policy transport mode hierarchy and the policy principles of Designing Streets.

5. Scottish Planning Policy expects plans to promote opportunities for integration between different modes of travel and for priority to be given to active travel (walking and cycling) over public transport and, subsequently, private cars. The council highlights that the type of development proposed will have an influence on the extent to which it is able to facilitate, in all instances across the site, priority for active travel. Major housing proposals will be required to satisfy Policy DP4 and demonstrate how they will be accessed by a movement framework which favours walking and cycling. Policy T1 supports development in locations which are accessible by all modes.

6. The plan is to be read as a whole and I do not consider that the aims of Policy DP2 directly conflict with application of the transport mode hierarchy expressed within Scottish Planning Policy or are inconsistent with Scottish Government's Policy Statement: Designing Streets. Therefore, I recommend no modifications in response to the representation by SNH.

**Policy DP3: Housing Density**

7. The representations to this policy acknowledge the council's overall objective in wanting to control housing density, but consider the figure of a minimum 30 dwellings per hectare (dph) (net) as specified within the policy is too prescriptive and should either be reduced to 25 (with any density less than 20 considered 'low' and any above 30 considered 'high'), or more flexibility introduced to allow varying densities depending on the particular circumstances of the location. There is no specific suggestion in the representations that the changes requested seek to limit densities solely on satisfying a particular market sector. On this matter, I note that Policy DP3 allows for lower densities to be considered in particular circumstances but not where the only justification is to satisfy market demand.

8. The council response makes reference to the previous reporter's findings in the examination of the East Lothian Local Plan in relation to a similar policy seeking a minimum average density of 30 dph. [Reference is made to documents CD077a-d; this should be CD076a-d]. This adopted policy distinguishes between strategic sites and other sites in terms of its application. I am not bound by a previous reporter's recommendations. However I note in their conclusions on the representations to this matter, that as well as the design process, the reporter considers that certain key parameters need to be established at the outset to guide the form and nature of the development, one of which is density. The reporter further concludes that setting an average minimum density on large sites would not necessarily prejudice the achievement of good design or constrain delivery of a balanced mix of house types and built form.

9. The adopted housing density policy referred to above has been in place since 2008. The Monitoring Statement (CD069) reports the impact of the policy on the density of development achieved; approximately 30 dph in line with the policy and higher than the average density for new developments prior to the adoption of the local plan. The Monitoring Statement highlights the positive outcomes of this in terms of the overall design and layout of developments and the range of house types secured.

10. The council's basis for seeking a minimum density of 30 dph is to secure a range of environmental and design benefits as explained within paragraph 7.13 of the plan. I also note the definition provided of density and mixed use within the Glossary. The minimum threshold of 30 dph is derived from examples of such densities already secured within the area as referred to within the paragraph 7.13 and within the Monitoring Statement. In response to my further information request, the council has supplied additional evidence of increasing densities on certain local plan strategic sites and in developments approved between 2013 and 2017, which demonstrate an average density of 29 dph. The council highlights that in certain locations (Wallyford and Cockenzie) sites have provided in excess of this average, whereas elsewhere (Haddington and North Berwick) it acknowledges that this has proved more challenging.

11. The council also submits that the unit numbers for the site allocations within the plan are generally based on an average 30 dph. Some sites are expected to exceed this density and some will not reach it for a variety of reasons. Overall however, a balanced approach has been adopted which seeks to deliver on the housing numbers whilst responsive to the local characteristics, the need for open space, meeting key urban design principles and providing well integrated/socially inclusive communities. A density of 30 dph is considered by the council to be realistic for the majority of the allocations within the plan and only minor increases in unit numbers are expected.

12. The council has suggested, as a modification, that the plan could make explicit that any residual land remaining on a site (beyond that required to meet the allocated units) should contribute towards any future housing supply target or towards augmenting any potential failure in the five-year effective housing land supply. While I acknowledge this suggestion, Policy HOU2 already provides for circumstances where a five-year effective supply is not being maintained (consistent with SESplan Policy 7). In Issue 12, I conclude that the plan allocates sufficient land to meet the housing requirement. Therefore I see no need to make this explicit within the plan.

13. I note the support for lower densities in some instances within Policy DP3 and the acknowledgement within paragraph 7.14 that smaller sites may not always be able to achieve 30 dph. I can understand why the council would not wish to see a diminution in



the quality of new development but I do not consider that this is necessarily wholly attributable to density levels. I agree with the council and the submitted representations that a careful balance and flexibility is required to ensure that any prescribed minimum density does not lead to overcrowding or loss of amenity.

14. The policy now put forward as DP3 is relatively unchanged from that in the adopted local plan although a distinction is no longer made between strategic and other sites. It is also important to note that the adopted local plan policy would also have been framed in terms of relevant Scottish Government planning policy at that time.

15. One of the policy principles within Scottish Planning Policy 2014 is the expectation that land within or adjacent to settlements should be used for a mix of uses which will also support more compact, higher density, accessible and more vibrant cores. The emphasis here is on using higher densities and a mix of uses that enhance accessibility by reducing reliance on private cars and prioritising sustainable and active travel choices, such as walking, cycling and public transport.

16. Within SESplan, Policy 5 requires local development plans, where appropriate, to indicate the phasing and mix of uses to be permitted on any allocated housing site. No reference is made to achieving higher average densities per se.

17. I note the Walker Group's concerns that a minimum average of 30 dph is not appropriate to the character of East Lothian and will lead to flatted development in inappropriate locations. While I agree that a minimum average density of 30 dph may not be appropriate to apply in all instances, the principle approach can be a useful tool to use as a starting point in the design process. Although there is no mention of setting minimum density levels or what constitutes 'higher density' in Scottish Planning Policy or within SESplan, this does not prevent the council from adopting such an approach. It is within its discretion to operate such a policy and standards, provided the position adopted is rational and has some evidential basis.

18. In applying a minimum average density, a mix of higher and lower density housing development may be achieved throughout a site creating greater diversity in the housing mix. This opportunity is likely however to be more attainable on larger sites. Given the variety of sites allocated within the plan, overall flexibility should be afforded in determining the final suitable scheme. While Policy DP3 strives to secure higher average densities (at least 30 dph) as a minimum, I do not consider this to be exclusively so. The policy already allows for adequate consideration to be given to the design process and the circumstances of the site and its location, including (although not explicit within the policy) its overall size. This is also acknowledged within the preceding paragraphs to the policy.

19. The evidence before me does not suggest that Policy DP3 is overly restrictive or that its general application would not be consistent with the characteristics of the area. Neither do I consider that the policy requires to be reworded to be more flexible than it already is, or that it needs to specify a lower minimum density than 30 dph. The general intent of securing higher density development through a mix of house types is consistent with Scottish Planning Policy. Overall, therefore, I do not recommend any modification to Policy DP3 in relation to this matter.

#### **Policy DP4: Major Development Sites**

20. Scottish Planning Policy identifies a range of design tools to guide the quality of



development ranging from the more strategic such as development frameworks, to the more site-specific such as design statements. Only the latter are required by the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 to accompany major or national developments.

21. Scottish Planning Policy describes masterplans as suitable where a site may be phased and to describe and illustrate how a particular proposal will meet the vision and how it will work on the ground. Planning Advice Note 68 (PAN 68), which provides advice on masterplanning, recognises that masterplans are appropriate in a number of circumstances. One of these circumstances is where there are multiple developers or landowners involved. Here, the masterplanning process and the production of a masterplan can ensure that activities are coordinated and developers share a collective vision for the site.

22. The representations on this policy make reference to the success of 'masterplan guidance' to inform the design of a site in phases, allowing flexibility for future developers. I take from this description that this guidance comprises a series of design parameters applicable to the whole site or parts of it. I understand why the suggestion for this approach would provide more flexibility for individual developers. However I have reservations that it may not present sufficient detail in terms of a concept plan for the whole site. It is also not clear how such an approach would be able to take on board and convey the full range of information required as set out in Policy DP4. In my view, the lack of such information would not be appropriate for certain major developments and the suggested approach would weaken the design-led approach promoted by Scottish Planning Policy and PAN 68. For these reasons I do not recommend any modification in response to these representations.

23. Within Issue 6, a representation is raised with regard to the need for a masterplan for the development of Proposal TT9. Within Issue 4, the need for a development brief for Proposal EGT1 is queried and clarity sought over the application of Policy PS3: Development Briefs. Further representations are raised with regard to amending the terms of Policy MH17: Development Briefs in Issue 3 and Policy TT17: Development Briefs in Issue 6, and the title and content of Policy NK12: Development Briefs in Issue 9.

24. In response to my request for further information, the council confirms that all major developments are required to submit a masterplan (consistent with Policy DP4) and this requirement is also specified within certain proposals within the plan. The council explains that the latter is to emphasise the need for such a design approach particularly on the larger and more complex sites. However, the council accepts that this requirement is not specified for all major developments allocated within the plan and suggests a modification to clarify this. While I acknowledge the council's suggestion to either include specific references within each relevant proposal, or remove any references and retain the wording of Policy DP4, the plan is to be read as a whole. Policy DP4 is intended to apply to all major development sites, therefore I do not consider that any changes are necessary.

25. Further on this matter, Policies MH17, PS3, TT17 and NK12 currently require comprehensive masterplan solutions to be submitted as part of any planning application for any allocated site. They also state that proposed masterplans must conform to the relevant development brief. I assume that the requirement to submit masterplans applies only to proposals within the respective cluster areas however the policies are not specific. Further to my request, the council highlights that there is some duplication between these policies and Policy DP4 and that there is inconsistency with some allocated sites not being

of a major development type and not therefore requiring the submission of a masterplan. To resolve this, the council suggests modifications to the plan which would affect these policies and also identical policies HN9 and DR12. The council suggests that all six policies (MH17, PS3, TT17, HN9, DR12 and NK12) could be deleted or the wording of these policies modified in order to clarify the read-across with Policy DP4 (no specific wording has been provided).

26. There is clearly a discrepancy between these policies, the proposals within the plan and Policy DP4. However, Policy DP4 appears to establish the approach intended by the council. Although the council's suggestion to reword or delete the six policies could resolve the matter, only unresolved representations to Policies MH17, PS3, TT17 and NK12 are before us for consideration as part of this examination. In Issues 3, 4, 6 and 9, we recommend that these policies are deleted. Clearly this has a consequent effect on the other two identical policies in the plan and had we had similar representations before us, it would have been sensible to recommend that these should be deleted also.

### **Policy DP7: Infill, Backland and Garden Ground Development**

27. The representation by East Lammermuir Community Council is made in the context of its objection to housing allocations within Spott and Innerwick which are dealt with in Issue 8: Dunbar Cluster. No particular sites/development opportunities for inclusion as infill are suggested within the representation.

28. The council has explored opportunities for brownfield and infill development and concluded that in general, the settlements are well consolidated and have few meaningful remaining urban opportunities. Many of the towns and villages are also historic centres restricting the potential for development of housing in these areas. The reuse of urban brownfield land, where it complies with Policy DP7, continues to remain a priority and suitable opportunities can come forward as necessary under this policy. Therefore, I am unable to recommend any specific modification that would respond directly to the concerns raised in the representation.

### **Policy DP9: Development Briefs**

29. Policy DP9 requires development proposals to conform to the approved Development Framework or Brief relevant to the site. The main concerns raised in the representations relate to the lack of flexibility within the policy in needing to conform to such documents, particularly where the developers of such sites have not had an input into their production. A more collaborative approach is requested and that proposals should only be required to 'generally' conform.

30. In the council's response it makes reference to the request by Scottish Natural Heritage (SNH) for the development briefs to be made statutory supplementary guidance. In Issue 2, where this representation is specifically cited, Scottish Natural Heritage considers that the status of development briefs is not clear and as they will have an important role in securing natural heritage safeguards and enhancements, a sufficient 'hook' should be provided for in the plan to give them the required statutory weight.

31. The council indicates that the development briefs are intended as non-statutory supplementary planning guidance and have been consulted upon alongside the proposed plan. Currently, they are a 'work in progress' and the input of stakeholders will be used to finalise them. Final adoption will take place after the adoption of the plan. The council

also states that the final versions will include terminology which provides flexibility in their interpretation and application, however, some aspects within the briefs will require to be met and therefore the policy should continue to expect proposals to conform to them.

32. I note that the briefs are not yet finalised. It also appears the timing of their production may have overlapped with the submission of certain planning applications. The content of the draft briefs is not a matter for this examination, only the principle of their intended use as identified by plan, and in particular Policy DP9, is before me for consideration.

33. Within each cluster chapter of the plan it is made clear that the briefs are supplementary planning guidance. As non-statutory guidance, a sufficient 'hook' within the plan (as referred to within Circular 6/2013: Development Planning) would not be required.

34. In Policy DP9, it is only once the frameworks or briefs are adopted by the council that proposals must conform to them. There is an opportunity therefore for developers and landowners to shape them before adoption. Although I have no remit to amend the briefs themselves, I note that they contain different degrees of detail over what will be required. The council intimates that more flexible wording will be introduced in the final versions of the briefs and that modifying Policy DP9 as suggested in the representations would remove clarity around non-negotiable aspects.

35. The briefs essentially provide a level of further detail and advice relating to the specific proposals. They have been drawn up to be consistent with the plan policies. I consider that there may be very good reasons, for example, resulting from a physical change in circumstances across the site, why a proposal may not be able to conform to every element of a particular brief. That flexibility should not be prevented by the policies or proposals of the plan. With regard to any undisputed matters, these should be stated within the policies and proposals of the plan or within statutory supplementary guidance if they are to be non-negotiable. This includes any matters regarding natural heritage impacts.

36. While I note the concerns expressed over the lack of flexibility afforded by the policy, the status of the briefs is to be supplementary planning guidance and therefore as material considerations it will be for the decision maker to take them into account as they deem appropriate. Any amendments or updates could also be made to the briefs at any time and not tied to the development plan process. Therefore, despite the wording of Policy DP9 requiring development proposals to conform to the relevant framework or brief, there would still be a substantial degree of flexibility in the weight that could be attached to the terms of a framework or brief. For these reasons I do not consider it necessary to modify Policy DP9.

37. Where similar representations are made within each of the cluster Issues regarding specific proposals, we recommend that the references to conforming to the development brief or framework are retained, consistent with Policy DP9.

### **Design Miscellaneous**

38. I am unable to respond to the representations by North Berwick Community Council, Haddington and District Amenity Society and Peter Burt Viking as they principally concern the usage and implementation of the policies of the plan. No modifications are therefore necessary.

**Reporter's recommendations:**

No modifications.

<b>Issue 31</b>	<b>Delivery</b>	
<b>Development plan reference:</b>	Delivery (pgs 142-144)	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Walker Group (0138)  Messrs R and A Kennedy (0188)  Stewart Milne Homes (0261)  Wallace Land Investments (0285)  BS&amp;S Group (0286)  East Lothian Liberal Democrat Party (0300)  Stewart Milne Homes (0311)  North Berwick Community Council (0326)  Persimmon Homes (0334)  Hargreaves Services Ltd (0349)  Homes for Scotland (0353)  Musselburgh Conservation Society (0368)  The Scottish Government (0389)  Gladman Planning (0392)  Hallhill Developments (0395)  East Lammermuir Community Council (0414)  Taylor Wimpey UK Ltd and Mactaggart &amp; Mickel Homes Ltd (0426)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Policy DEL1: Infrastructure and Facilities Provision, also with read-across references to:  Proposals ED1 - ED7  Proposal HSC2: Health Care Facilities Provision  Proposals T9: Safeguarding of Land for Larger Station Car Parks  Proposal T10: Safeguarding Land for Platform Lengthening  LDP page 142 paras 8.1- 8.13  Developer Contribution Zones</p>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>Policy DEL1: Infrastructure and Facilities Provision</b></p> <p><u>Walker Group (0138/5)</u></p> <p>Whilst it is accepted that the additional trips to and from new development will increase demand for capacity on public transport - i.e. the rail network and on bus services. It follows that additional demand on public transport will generate additional revenue for the privately run rail and bus operators. With regard the rail network it is perverse for the Council to seek developer contributions towards a range of "as yet unspecified" interventions which are clearly the responsibility of the rail operator. It is clearly the responsibility of Network Rail as the owner, operator and infrastructure manager of Britain's main railway network to maintain, renew and develop the rail network. Requiring developer contributions from residential development does not meet the test in Circular 3/2012: Planning obligations. With regards the bus network whilst the Council subsidises bus services in a deregulated transport system it is limited in what it can do to further</p>		

assist service provision and also at para 4.15 where it states: Bus services are provided on a commercial basis by bus operators. The requirement to seek contributions towards improving the bus fleet of private commercial operators would not meet the test of Circular 3/2012. Planning obligations would be ultra-vires.

Messrs R and A Kennedy (0188/3)

Policy DEL1 "Infrastructure and Facilities Provision" should be altered to remove the obligation for specialist or special needs housing development, including specifically designed to meet the needs of the over 55 age group, to provide for 25% affordable housing.

Stewart Milne Homes (0261/3)

It is requested that this representation should be read in conjunction with the representation made on behalf of Stewart Milne Homes in support of the housing allocation at Pencraig Hill, East Linton (PROP DR8). The representor accepts the need for new development to be bought forward in association with supporting infrastructure and facilities. Although LDP policy states that the provision of infrastructure should be in accordance with Circular 2/2012, the representor questions whether all of the proposals related to Policy DEL1 meet the policy tests set out for Planning Obligations made under section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended). The representor questions calculations relating to Education Contributions for Dunbar Cluster and a lack of information within Technical Note 14 to fully understand the justification for the required contribution. Without further explanation Policy DEL 1 cannot be supported. The representor disagrees that the need for a Segregated Active Travel Corridor arises directly as a result of new development therefore is contrary to the tests in Circular 2/2012. The representor states that it is unacceptable and unreasonable to expect developers to fund improvements to the rail network as these facilities should be provided directly by network rail.

Wallace Land Investments (0285/5)

Representation on Developer Contributions Policy (DEL1). The Council has provided a comprehensive approach to defining the developer contributions being sought. Objection lists those items to which the Developer Contribution Framework relates and notes that the Council has undertaken a review of these against Circular 3/2012. However, the objection suggests that the Developer Contributions Framework seeks financial contributions to a number of matters which are not directly related to the impacts of the development strategy or individual sites. Contributions towards NHS facilities and the rail network are within this category, and in the objector's view this should be funded by the Scottish Government. Objector has undertaken a review of Technical Note 14, and this has highlighted a number of concerns over the transparency of the modelling assumptions used to derive the scale of impacts and subsequent cost to mitigate, including but not limited to education and transportation. Objector highlights the recent Court of Appeal judgement in the case of *Elsick Development Co Ltd v Aberdeen City and Shire Strategic Development Planning Authority* to quash the Planning Authority's Supplementary Guidance seeking contributions towards the mitigation of impacts on the transport network. The Objector suggests the deletion of a sentence from Policy DEL1 which reads 'within the contribution zone that applies to that intervention' would reduce the risk of ELC guidance being successfully challenged due to inconsistent methodology being used to derive contribution values. Add following sentence to penultimate paragraph of policy

DEL1: "Interventions will be funded from the infrastructure investment fund and at all times committed development will only be required to fund its proportionate share." Add following sentence to final paragraph of policy DEL1: "In formulating the overall costs of the planning obligations, regard will be given to the impact on development viability to ensure delivery of an effective site."

BS&S Group (0286/5)

Representation on Developer Contributions Policy (DEL1). Further clarity is requested in respect of education and transportation developer contribution requirements.

East Lothian Liberal Democrat Party (0300/5)

Not enough emphasis is placed on impacts of development on existing local infrastructure, including transport links, access, education and medical facilities. These issues should be fully addressed by the plan.

Stewart Milne Homes (0311/4)

Further clarity is requested in respect of education and transportation developer contribution requirements.

North Berwick Community Council (0326/3)

Plan does not adequately consider impacts on infrastructure and long-term sustainability, namely on health care, transport and car parking and arts and cultural facilities. The area partnership is exploring ideas for these.

Persimmon Homes (0334/3)

Persimmon Homes accept the need for new development to be brought forward in association with supporting infrastructure and facilities but considers that some LDP requirements for developer contributions fail to meet the tests of Circular 3/2012 namely PROP T3: Segregated Active Travel Corridor, which is viewed as a Council aspiration to serve the East Lothian community and does not arise directly as a result of new development and PROP T9: Safeguarding Land for Larger Station Car Parks and PROP 10: Safeguarding Land for Platform Lengthening. These are viewed as facilities that should be provided by Network Rail not developers.

Hargreaves Services Ltd (0349/10)

Hargreaves supports the approach taken to developer contributions but it would be helpful to see which matrices are used to calculate contributions required by East Lothian Council.

Homes for Scotland (0353/5)

Para 3.94 of the Proposed Plan refers to the Developer Contributions Framework Supplementary Guidance as the source for costs for education interventions, however we feel this could be clearer and more transparent on a few points. It would be better if the education analysis within the Technical Note 14 background paper was introduced to the Supplementary Guidance as an Annex to provide an evidence base for the contributions

requested, at the moment the Technical Note provides this rather than the Guidance itself. We understand that Scottish Futures Trust produces low, mean and upper estimates of construction/project costs. However, the Developer Contributions Framework guidance does not confirm which of these estimates has been adopted by East Lothian Council. We also seek clarification and justification for the Council not adopting the actual Scottish Futures Trust figure, but a higher one. We appreciate the Council is building in risk, but do not consider that the development industry should take the burden of this. We suggest the figure should not be higher than the estimate, and justification provided to be more transparent. The homebuilding industry is simply looking for as much clarity and transparency as possible in the process, to allow calculations of contributions to be made as early as possible and set out very clearly upfront. We acknowledge that the draft Supplementary Guidance on Developer Contributions goes some way to delivering this clarity. We consider that the LDP and/or Supplementary Guidance should acknowledge that where contribution levels exceed actual build costs (based on an open book approach), relevant contributions will be reimbursed. Homes for Scotland queries the education contributions that seem to be extracting wider benefits not necessarily linked to the scale of development. In some cases, a development will tip the school roll over capacity by a few pupils, but the development is expected to pay for new classrooms which are likely to result in surplus capacity. The Council or another developer could then benefit from the extra space. Greater clarification should be provided on the justification for this, giving necessary assurance that the contributions sought are, at all times, consistent with the scale of development. In addition, it seems that the Council is seeking additional General Purpose space, dining areas and sports halls when a development is the tipping point for capacity. This again is not necessarily linked in scale or kind (Circular 3/2012 tests) to the impact of development as the rest of the school and the future population will benefit from the expanded facilities. Analysis should be provided of what will happen to the extra space created by the loss of the old sports hall, and how this could be productively used.

#### Homes for Scotland (0353/6)

While we acknowledge that the majority of sites within the Proposed Plan do not have a requirement for developer contributions towards healthcare facilities, Homes for Scotland disagrees with the principle of charging the homebuilding industry for the provision of healthcare facilities. NHS as an organisation is funded through central government funding, and the burden should not be placed upon the development industry to cover any funding shortfall that may hinder the provision of primary healthcare facilities. Primary healthcare provision should not be for the council to provide for, and this certainly should not be for developer contributions to meet the cost of the necessary facilities. Most surgeries act as businesses, and developers should not be expected to supplement other businesses. It appears that a key issue with healthcare provision is the lack of practitioners rather than physical facilities. This is a national issue and not something that can or should be solved by the local authority or developers. We do not believe that these contributions conform to the tests set out within Circular 3/2012. The delivery of more homes is a national priority and the private homebuilding industry, which delivers the vast majority of new housing across Scotland, should be supported to increase delivery of homes, rather than having increasing burdens placed upon it. Provision of new homes has a positive effect on health and wellbeing, and should be supported as such.

#### Homes for Scotland (0353/8)

Homes for Scotland fundamentally disagrees with the inclusion of contributions towards



rail improvements including platform lengthening and increasing station car park sizes within the Developer Contributions Framework Draft Supplementary Guidance, and reiterated within Prop T10: Safeguarding Land for Platform Lengthening, and Prop T9: Safeguarding of Land for Larger Station Car Parks. Network Rail is funded by central government through Transport Scotland, and it is therefore not for the local authority to be burdened with improvements to Network Rail infrastructure either itself, or certainly not through seeking developer contributions towards improvement costs. Network Rail has an operator, who pays to operate the franchise as a commercial organisation, charging customers for use of the service. The increase in passengers over time as the population of East Lothian increases will, in turn, increase the revenue to the franchisee, and it is for Network Rail to seek any necessary remuneration from the operator to account for this and to increase the reinvestment back into the network to cover any necessary improvements. Seeking developer contributions towards the cost of upgrading Network Rail facilities places an unnecessary burden upon the development industry. Delivering more homes across Scotland is a national priority for the Scottish Government, and in order to achieve this, homebuilders must be supported to deliver homes, rather than having additional burdens added. An accumulation of the necessary education and transport contributions together with these new burdens may raise issues with viability for some home builders, and has the potential to slow the delivery of new homes that we are in acute need of.

The Scottish Government/Transport Scotland (0389/12)

The plan provides a good level of detail on the broad types and locations of contributions. The contribution zones set out details of education, transport and sports facilities contributions and paragraph 8.9 sets out the relevant policies to the developer contributions framework. However, It is not clear whether this covers all the items for which contributions will be sought. This should be clarified in accordance with paragraph 139 of circular 6/2013 which requires items for which financial of other contributions will be sought, to be in the plan itself rather than supplementary guidance.

Gladman Planning (0392/5)

Concerned that the Council is seeking developer contributions to offset existing deficiencies, for example on the transport network, and refers to para 1.33 of the plan.

Hallhill Developments (0395/9)

Although LDP Policy states that the provision of infrastructure and community facilities should be in accordance with Circular 2/2012, we question whether the various policies related to Policy DEL1 meet the Policy tests. Specifically, ED6, PROP T3, PROP T9 and PROP T10.

East Lammermuir Community Council (0414/12)

Why have contributions by developers to transport not been included as well as to education?

**Delivery Miscellaneous**

Musselburgh Conservation Society (0368/7)

The LDP should be more emphatic that development will not be permitted without all infrastructure to support it being in place. Doubtful about the ability to put in place all the necessary infrastructure improvements to support the amount of housing development proposed. If undeliverable for this reason SESPlan should review the SDP and a redistribution of allocations between authorities.

Musselburgh Conservation Society (0368/8)

Developer Contribution Zones – the proposed Craighall Primary Education Contribution Zone should be extended east to the A720 and the Campie Primary Zone should omit the strip south of the railway. Current catchment areas for Whitecraig and Campie would be divisive.

**Delivery Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/26); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/25)

The representor supports Policy DEL1 which requires the developers to make appropriate provision for infrastructure and community facilities required as a consequence of their developments. It is noted that the supporting text states that developers are not required to provide more mitigation than necessary to address the impact of their development.

**Modifications sought by those submitting representations:**

**Policy DEL1: Infrastructure and Facilities Provision**

Walker Group (0138/5) - also covered in Issue 18a (0138/11)

Delete last sentence of Para: 4.19: "Provision for the interventions set out below must be made by developments that generate a need for them as set out in the Developer Contributions Framework SG in accord with Policy T32 and Policy DEL1. Delete PROP T9 Safeguarding of land for larger car parks. Delete PROP T10 Safeguarding of Land for Platform Lengthening. Amend Policy T32 Transport Infrastructure Delivery Fund should be amended to clarify that rail infrastructure is excluded from the requirement to seek developer contributions. Comments made RE: Dev. Contributions Framework. Delete all references to the Rail Network Improvement Contribution Zone in the LDP Developer Contributions Framework. Delete PROP T9 & T10 from Table DEL1: Developer Contributions Framework.

Messrs R and A Kennedy (0188/3)

Remove the obligation for specialist or special needs housing development to provide for 25% affordable housing.

Stewart Milne Homes (0261/3)

Delete requirements for contributions towards the Segregated Active Transport Corridor and Rail related infrastructure. Before policy DEL1 and related policies and proposals and supplementary guidance are finalised, justification is required on the basis for developer contributions to education as set out in this representation.

Wallace Land Investments (0285/5)

Delete from Policy DEL 1 ‘within the contribution zone that applies to that intervention.’  
Add following sentence to penultimate paragraph of policy DEL1: “Interventions will be funded from the infrastructure investment fund and at all times committed development will only be required to fund its proportionate share.” Add following sentence to final paragraph of policy DEL1: “In formulating the overall costs of the planning obligations, regard will be given to the impact on development viability to ensure delivery of an effective site.”

BS&S Group (0286/5)

No Modification sought

East Lothian Liberal Democrat Party (0300/5)

No specific modification sought or suggested, but the objection would suggest that changes should be made to the plan.

Stewart Milne Homes (0311/4)

No Modification sought

North Berwick Community Council (0326/3)

Prepare an area plan for North Berwick that deals with the full range of issues raised by the Community Council.

Persimmon Homes (0334/3)

Delete requirements for contributions towards the Segregated Active Travel Corridor and rail linked infrastructure

Hargreaves Services Ltd (0349/10)

No Modification sought

Homes for Scotland (0353/5)

Homes for Scotland seek further clarity on education contributions.

Homes for Scotland (0353/6)

Homes for Scotland does not agree with the principle of seeking developer contributions for healthcare facilities, therefore we suggest the removal of the requirement for developer contributions towards new facilities at Blindwells.

Homes for Scotland (0353/8)

Remove reference to seeking developer contributions towards any rail improvement measures such as larger station car parks or platform lengthening within the text of the plan, within Prop T9 and T10, and within site specific proposals.

The Scottish Government (0389/12)

Provide details in policy DEL1 or the accompanying text of the broad items for which financial or other contributions will be sought.

Gladman Planning (0392/5)

Developer contributions should not be used to offset existing issues.

Hallhill Developments (0395/9)

Before Policy DEL1 and related policies and proposals and supplementary guidance are finalised, justification is required on the basis for developer contributions to education as set out in this representation (ED6).

East Lammermuir Community Council (0414/12)

No Modification sought

**Delivery Miscellaneous**

Musselburgh Conservation Society (0368/7)

There should be a more emphatic statement in this section that development will not be allowed to go ahead on individual sites without all the infrastructure required to support it being in place.

Musselburgh Conservation Society (0368/8)

The Proposed Craighall Primary Education Contribution Zone should be extended eastwards to the A720 and incorporate that part of the Campie Zone south of the railway line. The Whitecraig Primary Zone should omit land to the west of the A720 and the Campie Primary Zone should omit the strip south of the railway line.

**Delivery Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/26); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/25)

No Modification sought

**Summary of responses (including reasons) by planning authority:**

**Delivery – Policy DEL1: Infrastructure and Facilities Provision**

Walker Group (0138/5) – also covered in Issue 18a (0138/11)

All relevant agencies have been consulted at all stages of the plan and are aware of proposal T10. The draft Action Programme (CD045) also notes all interventions that will be required for successful delivery of each proposed development site. These will be required to be delivered if and when sites come forward and implemented by the appropriate agency/organisation. The East Lothian Transport Appraisal (CD041) and

model identifies that the additional passenger trips to and from new developments in the area will increase demand for capacity on the rail network. This increased demand can be met by longer trains if longer platforms are provided. The appraisal identifies the proportional impacts of development in specific zones that will generate a need for interventions assessed as necessary to provide the required capacity increases. However, as the rail network functions as a single route the increase in demand is conveyed up or down stream and impacts on all stations so all development has an equal proportionate share of the cost on the need for increased platform lengths. Consequently, the interventions to lengthen station platforms needs to be delivered over the whole network as the increased train length stop at all stations. The Council considers the transport requirements in proposals T9 and T10 to be consistent with the SDP (CD030) Policy 8 and Action 64 of the SDP Action Programme (CD045). These proposed interventions are justified by the Transport Appraisal prepared in line with Transport Scotland's guidance (CD029). Council have also set out all transport safeguards in East Lothian on the Proposals Map. Inset Map 24: Longniddry and Seton Mains sets out the safeguards for T9 and T10. Network Rail was renationalised in September 2014 and as a consequence operates as a public body. Accordingly, Network Rail receives funding from the United Kingdom and Scottish governments to maintain the existing asset base. Network Rail does not make a profit or operate as a private company. In this regard Network Rail should be considered in the same context as Transport Scotland or East Lothian Council as strategic or local roads authorities, and so there is a basis for seeking developer contributions.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### **Select Link Cordons**

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with "Committed" demand;
- PM LDP Mitigation network with "Committed" demand;
- AM LDP Mitigation network with "LDP" demand; and
- PM LDP Mitigation network with "LDP" demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$(Individual\ development\ hectares / total\ development\ hectares) * total\ zonal\ contribution$$

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

**Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$(LDP \text{ select link trips} - committed \text{ select link trips}) / LDP \text{ select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

**Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
PROP T17: A1(T) Interchange Improvements (Salter’s Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

Messrs R and A Kennedy (0188/3)

The Council submits that Policy HOU3 ‘Affordable Housing Quota’ includes all housing that is defined under use class 9 whether it be amenity, elderly or sheltered housing, as defined by The Town and Country Planning (Use Classes) (Scotland) Order 1997 (CD003). There is a need to provide specialist affordable housing for a variety of client groups, especially the over 55 age group. The Council recently accepted a commuted sum in lieu of onsite provision of retirement accommodation in North Berwick to help deliver such affordable housing elsewhere. The Council submits that its detailed response to this issue is addressed at Issue 14. **The Council submits that no modification of the plan is necessary.**



Stewart Milne Homes (0261/3)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD021) is set out in Technical Note 14 (CD059), and in particular within the Statement of Conformity with Circular 3/2012. In respect of affordable housing provision, this is a plan wide policy requirement and is addressed by Policy HOU3 and HOU4 so no contribution zone is identified. The Council's full response to these issues is dealt with at Issue 14. In respect of education the contribution zones are all identified within Appendix 1 of the LDP. The Council's full response to these issues is dealt with at Issue 15. In respect of community services, these contribution zones are also identified at Appendix 1 of the LDP. The Council's full response to these issues is dealt with at Issue 17. In respect of health and social care, the plan makes clear at HSC2 that the only contributions required will be from the Blindwells allocated site, and from any expansion are should it be confirmed as an allocation so the site boundaries would constitute the contribution zones. The Council's full response to these issues is dealt with at Issue 16 and 17. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework (CD063). The Council's full response to these issues is dealt with at Issue 18. Green Network contributions are set out in the development briefs (CD061) that accompany the LDP, and are no more than measures required to comply with open space and design policies etc of the LDP in so far as site layout and design is concerned. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development.

In terms of education issues for which a specific response is requested, the Council has assessed the accommodation required for additional education capacity in line with Scottish Government Guidance, 'Determining School Capacity 2014' (CD024). Technical Note 14 has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. The Council will not seek contributions for any existing deficiencies in either capacity or standard of accommodation. The Council submits in respect of its costs, it has extended many of its schools within recent years and has set a rate of £3,000 per square metre based on a range of school build contracts which it has competitively procured. It should also be noted that the Council is absorbing an element of risk contained within this rate, such as asbestos, ground conditions, capacity of existing services. It is therefore a reasonable position to take at this stage. It should be further noted that The Scottish Futures Trust cost per square metre was established as a metric for new buildings, and not for extensions that by their nature are more complex and expensive. The Scottish Futures Trust metric for new Primary Schools was £2350 per square metre in Quarter 2 of 2012 which equates to £2963 in Quarter 2 of 2017 based on BCIS all in TPI (Tender Price Index). In respect of transportation issues, the Council provides the following additional response.

**Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the



Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

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

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

The total LDP share of contributions was then calculated as:

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

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

## Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to

each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone. In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

***(Individual development hectares/total development hectares)\* total zonal contribution***

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### **Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

***(LDP select link trips –committed select link trips) / LDP select link trips.***

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### **Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
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PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

Wallace Land Investments (0285/5)

The Council does not support the deletion of the wording 'within the contribution zone that applies to that intervention' as suggested by the objector as this is a key part of the policy that ensures consistency with current Circular 6/2013 (CD022); other representations (e.g. 0389/12) seek that link to be explicitly demonstrated within the plan, including the identification of developer contributions zones where contributions will be sought (See Circular 6/2013 paragraph 139 last bullet of column detailing 'matters that should not be included within Supplementary Guidance'; or put another way matters that should be included within a plan. The Council does not support modification of the plan to add following sentence to penultimate paragraph of policy DEL1: "Interventions will be funded from the infrastructure investment fund and at all times committed development will only be required to fund its proportionate share." This is because the policy already requires contributions sought to be consistent with the tests of Circular 3/2012 (CD021).

Additionally, the Council submits that paragraph 8.11 of the pre-amble to Policy DEL1 is clear that service or infrastructure providers may give consideration to the possibility of (i.e. this is not guaranteed in all circumstances) front funding the provision of additional capacity, provided contributions towards this are made as appropriate in line with the Supplementary Guidance: Developer Contributions Framework (CD063). The Developer Contributions Framework is also clear at 1.15 – 1.19 that development will need to commit contributions in line with the provisions of the guidance itself. The Council does not support modification of the plan to add the following sentence to final paragraph of policy DEL1: "In formulating the overall costs of the planning obligations, regard will be given to the impact on development viability to ensure delivery of an effective site." The Council's expectations in this regard are set out at paragraph 8.13 of the proposed LDP and at paragraph 1.23 of the Developer Contributions Framework, consistent with related provision of Circular 3/2012 (see para 22 – 23). If the requirements for developer contributions specified by the plan and Supplementary Guidance are accepted by the examination, applicants will be expected to provide for these as the need for them has passed the tests of Circular 3/2012. Phased payments will be considered by the Council. In respect of transportation issues, the Council provides the following additional response.

## Active Travel

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

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

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

The total LDP share of contributions was then calculated as:

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

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

## Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
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- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

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These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

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The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

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However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

***(Individual development hectares/total development hectares)\* total zonal contribution***

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### **Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

***(LDP select link trips –committed select link trips) / LDP select link trips.***

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### **Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

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<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

BS&S Group (0286/5)

The Council submits that there is no need to modify the plan in light of this representation, which seeks further information in respect of the contribution levels set. The necessary information is provided in Technical Note 14 (CD059) and the Council's Transport Appraisal (CD041) in respect of sites proposed to be allocated by the proposed LDP. A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD021) is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. In respect of education the contribution zones are all identified within Appendix 1 of the LDP. The Council's full response to these issues is dealt with at Issue 15. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework (CD063). In respect of transportation issues, the Council provides the following additional response.

**Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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



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

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The total LDP share of contributions was then calculated as:

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

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
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## Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

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These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

## Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

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The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

## Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{(Individual development hectares / total development hectares)} * \text{total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

**Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{(LDP select link trips –committed select link trips) / LDP select link trips.}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

**Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18. The Council further notes that this site subject to this representation is not one proposed to be allocated by the emerging LDP. **The Council submits that no modification of the plan is necessary.**

East Lothian Liberal Democrat Party (0300/5)

The Council submits that the plan has considered as far as it can the impacts on infrastructure and facilities. Policies and proposals on the need for associated mitigation are contained throughout the plan. These policies are drawn together through Policy DEL1: Infrastructure and Facilities Provision, as well as through the Supplementary Guidance: Developer Contributions Framework (CD063). These policies of the plan and the statutory planning guidance seek to gather developer contributions for the associated interventions. They will apply to new development proposals and were prepared in collaboration with service and infrastructure providers and in the context of Scottish Government Circular 6/2013: Development Planning (CD022) and Circular 3/2012: Planning Obligations and Good Neighbour Agreements (CD021). The Council is also itself planning to deliver these interventions by making provision within its own capital plan for them where appropriate. **The Council submits that no modification of the plan is necessary.**

Stewart Milne Homes (0311/4)

The Council submits that there is no need to modify the plan in light of this representation, which seeks further information in respect of the contribution levels set. The necessary information is provided in Technical Note 14 (CD059) and the Council's Transport Appraisal (CD041) in respect of sites proposed to be allocated by the proposed LDP. A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD021) is set out in Technical Note 14, and in particular within the Statement of Conformity with Circular 3/2012. In respect of education the contribution zones are all identified within Appendix 1 of the LDP. The Council's full response to these issues is dealt with at Issue 15. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework (CD063). In respect of transportation issues, the Council provides the following additional response.

**Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

To calculate the total contributions of all local development sites the method used was to calculate the net increase in households and jobs as a result of the LDP development. The LDP development within the Segregated Active Travel Corridor buffer was summed and compared with the total household and jobs within the Segregated Active Travel

Corridor buffer in the “committed” scenario (which includes base + committed development). This was done to calculate the proportion of new development relative to existing and committed development.

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

The total LDP share of contributions was then calculated as:

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

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### **Road and Rail Based Infrastructure**

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

## Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

## Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

## Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$(Individual\ development\ hectares / total\ development\ hectares) * total\ zonal\ contribution$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

**Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$(LDP\ select\ link\ trips - committed\ select\ link\ trips) / LDP\ select\ link\ trips.$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

**Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
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PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18. The Council further notes that this site subject to this representation is not one proposed to be allocated by the emerging LDP. **The Council submits that no modification of the plan is necessary.**

North Berwick Community Council (0326/3)

The Council submits that the LDP has addressed infrastructure issues where it can, in line with Circular 3/2012 (CD021). There are a number of policies and proposals that address transport, education, health care and community facilities provision, as well as the draft Supplementary Guidance: Developer Contributions Framework (CD063) that sets out how developers will contribute to addressing the impacts of their developments. The service and infrastructure providers will also work to ensure that services are delivered outwith the context of the LDP. In terms of the Area Partnerships work, the LDP may be able to facilitate the ideas being considered once it becomes operative. Early discussions on how these might be progressed appropriately through the planning system would be welcome. **The Council submits that no modification of the plan is necessary.**

Persimmon Homes (0334/3)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD021) is set out in Technical Note 14 (CD059), and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework (CD063). In respect of transportation issues, the Council provides the following additional response.

**Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

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

To allow this comparison it was necessary to ensure parity in the assessment for residential and employment impacts. To do this it was necessary to convert the LDP residential data (using 30 dwellings to hectare) to correspond with the unit measurement



used in the employment modelling inputs (employees per hectare) drawn from the road based modelling work. Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

The total LDP share of contributions was then calculated as:

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

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with "Committed" demand;

- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

contribution was then calculated as:

$$(Individual\ development\ hectares / total\ development\ hectares) * total\ zonal\ contribution$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

**Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$(LDP\ select\ link\ trips - committed\ select\ link\ trips) / LDP\ select\ link\ trips.$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

**Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
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PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development. **The Council submits that no modification of the plan is necessary.**

Hargreaves Services Ltd (0349/10)

Noted, the Council direct Hargreaves to Technical Note 14 (CD059) published in support

of the draft Supplementary Guidance: Developer Contributions Framework (CD063). In respect of transportation issues, the Council provides the following additional response.

### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

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

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

The total LDP share of contributions was then calculated as:

$$\frac{\text{LDP development pseudo-hectares within catchment}}{\text{LDP + "Committed+Base" pseudo-hectares within catchment}} = \text{total LDP impact}$$

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation

apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
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- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP \text{ AM scenario trips} - \text{Committed AM scenario trips}) + (LDP \text{ PM scenario trips} - \text{Committed PM scenario trips}) = \text{Total Peak LDP impact}$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

***(Individual development hectares / total development hectares) \* total zonal contribution***

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

***(LDP select link trips –committed select link trips) / LDP select link trips.***

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
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PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

Homes for Scotland (0353/5)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD022) is set out in Technical Note 14 (CD059), and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. In terms of education issues for which a specific response is requested, the Council has assessed the accommodation required for additional education capacity in line with Scottish Government Guidance, 'Determining School Capacity 2014' (CD024). Technical Note 14 has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for the increased capacity, such as circulation space etc. The Council will not seek contributions for any existing deficiencies in either capacity or standard of accommodation. The Council submits in respect of its costs, it has extended many of its schools within recent years and has set a rate of £3,000 per square metre based on a range of school build contracts which it has competitively procured. It should also be noted that the Council is absorbing an element of risk contained within this rate, such as asbestos, ground conditions, capacity of existing services. It is therefore a reasonable position to take at this stage. It should be further noted that The Scottish Futures Trust cost per square metre was established as a metric for new buildings, and not for extensions that by their nature are more complex and expensive. The Scottish Futures Trust metric for new Primary Schools was £2350 per square metre in Quarter 2 of 2012 which equates to £2963 in Quarter 2 of 2017 based on BCIS all in TPI (Tender Price Index). The Scottish Futures Trust has no equivalent for building expansions. **The Council submits that no modification of the plan is necessary.**

Homes for Scotland (0353/6)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD021) is set out in Technical Note 14 (CD059), and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. In respect of health and social care, the plan makes clear at HSC2 that the only contributions required will be from the Blindwells allocated site, and form any expansion area should it be confirmed as an allocation so the site boundaries would constitute the contribution zones. The Council's full response to these issues is dealt with at Issue 16 and 17. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. **The Council submits that no modification of the plan is necessary.**

Homes for Scotland (0353/8)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD021) is set out in Technical Note 14 (CD059), and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework (CD063). In respect of transportation issues, the Council provides the following additional response.

**Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

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

To allow this comparison it was necessary to ensure parity in the assessment for



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

The total LDP share of contributions was then calculated as:

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

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal (CD041) Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$\text{Contribution} = \left( \frac{\text{Individual development hectares}}{\text{total development hectares}} \right) * \text{total zonal contribution}$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### Calculating the proportion of total mitigation costs to be met by developers

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$\text{Proportion} = \frac{\text{LDP select link trips} - \text{committed select link trips}}{\text{LDP select link trips}}$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### Mitigation Costs – Total Developer Contribution

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development. **The Council submits that no modification of the plan is necessary.**

The Scottish Government (0389/12)

The Council notes the comments made. The items for which developer contribution will be sought are set out Table DEL1. In respect of affordable housing provision, this is a plan wide policy requirement and is addressed by Policy HOU3 and HOU4 so no contribution zone need be identified. In respect of education the contribution zones are all identified within Appendix 1 of the LDP. In respect of community services, these contribution zones are also identified at Appendix 1 of the LDP. In respect of health and social care, the plan makes clear at HSC2 that the only contributions required will be from the Blindwells allocated site, and from any expansion area should it be confirmed as an allocation so the site boundaries would constitute the contribution zones. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework. Green Network contributions are set out in the development briefs that accompany the LDP, and are no more than measures required to comply with open space and design policies etc of the LDP in so far as site layout and design is concerned. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. However, the Council notes the terms of Circular 3/2012 (CD021), in particular paragraphs 12, 13 and 16. When taken together these paragraphs essentially require every planning application to be assessed on its own merits, and that it is not possible to identify all circumstances in which a planning obligation may be necessary and that this assessment should 'primarily' be identified in the development plan. In that context, the Council further submits that it is appropriate that paragraph 8.3 of the Proposed LDP makes clear that it is only the key interventions that are shown within the LDP. Paragraph 8.12 expands on this by explaining that "it has not been possible to identify all circumstances in which developer contributions will be required in the preparation of the Plan. This will be identified as soon as possible through the Development Management process". In addition, it should be noted that paragraph 1.21 of the Proposed LDP draft Supplementary Guidance: Developer Contribution Framework (CD063) clearly states in paragraph 1.21 that " Every effort has been made in the preparation of the LDP and this Supplementary Guidance to identify the need for 'developer contributions' in respect of uncommitted LDP sites. However, it has not been possible to identify all developer contributions that will be required. The need for developer contributions will be identified as early as possible in the Development Management process". This is particularly true in so far as windfall development is concerned. **The Council submits that no modification of the plan is necessary.**

Gladman Planning (0392/5)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD021) is set out in Technical Note 14 (CD059), and in particular within the Statement of Conformity with Circular 3/2012. The Council submits that there is no need to add this information as an appendix to the guidance itself, and that its publication as an associated explanatory technical note is an appropriate approach to follow. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework (CD063). In respect of transportation issues, the Council provides the following additional response.

**Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the

Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

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

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

The total LDP share of contributions was then calculated as:

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

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal (CD041) Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

## Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate. Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with “Committed” demand;
- PM LDP Mitigation network with “Committed” demand;
- AM LDP Mitigation network with “LDP” demand; and
- PM LDP Mitigation network with “LDP” demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to

each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone. In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

***(Individual development hectares / total development hectares) \* total zonal contribution***

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

### **Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

***(LDP select link trips –committed select link trips) / LDP select link trips.***

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

### **Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

Intervention	Indicative Cost	% Cost to developers
PROP T17: A1(T) Interchange Improvements (Salter's Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

The Council's full response to these issues is dealt with at Issue 18: it should be noted that the Council is not seeking to resolve existing deficiencies through developer contributions, consistent with Circular 3/2012. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development. The Council gives clarity within the LDP at paragraph 8.7 and in the draft Supplementary Guidance: Developer Contributions Framework that it is seeking contributions to offset existing deficiencies. The Council has made provision in its approved capital plan for any costs associated with resolving existing deficiencies in schools where additional capacity is required arising from the proposed plan. **The Council submits that no modification of the plan is necessary.**

#### Hallhill Developments (0395/9)

A full explanation of the approach followed in respect of the interventions required by the LDP, and their conformity with Circular 3/2012 (CD021) is set out in Technical Note 14 (CD059), and in particular within the Statement of Conformity with Circular 3/2012. Transportation contribution zones are identified within the LDP at Appendix 1, and these also relate to the Air Quality as explained within paragraph 1.24 of the draft Supplementary Guidance: Developer Contributions Framework (CD063). The Council's full response to these issues is dealt with at Issue 18. These geographies, policies and zones provide the basis for the assessment of planned as well as windfall development proposals as relevant. It should be noted that the assessment of windfall proposals will be undertaken on a cumulative basis as appropriate and if necessary over and above planned development. The Council has assessed the accommodation required for the primary schools in Dunbar. This is in line with Scottish Government Guidance, 'Determining School Capacity 2014' (CD024). Technical Note 14 has been prepared on this basis and details the accommodation requirements for pre-school and primary, based on the number of pupils projected to arise from new developments in the cluster on a cumulative basis. In addition to classrooms, this includes toilets, cloaks, general purpose spaces, dining and PE and any other essential core accommodation required to cater for



the increased capacity, such as circulation space etc. The Council will not seek contributions for any existing deficiencies in either capacity or standard of accommodation, and has identified its own responsibilities for providing 10 of the 50 additional pre-school places required at the primary school. The Council submits in respect of its costs, it has extended many of its schools within recent years and has set a rate of £3,000 per square metre based on a range of school build contracts which it has competitively procured. It should also be noted that the Council is absorbing an element of risk contained within this rate, such as asbestos, ground conditions, capacity of existing services. It is therefore a reasonable position to take at this stage. It should be further noted that The Scottish Futures Trust cost per square metre was established as a metric for new buildings, and not for extensions that by their nature are more complex and expensive. The Scottish Futures Trust metric for new Primary Schools was £2350 per square metre in Quarter 2 of 2012 which equates to £2963 in Quarter 2 of 2017 based on BCIS all in TPI (Tender Price Index). In respect of transportation issues, the Council provides the following additional response.

### **Active Travel**

The Council submits that the LDP adequately explains the nature and purpose of the Segregated Active Travel Corridor at paragraph 4.7 – 4.9. The active travel mitigation intervention is necessary to provide an alternative to car based trips associated with the LDP and the potential to enhance active travel provision to reduce car based trips across East Lothian, which is a key transport objective of the LDP.

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

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

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

The total LDP share of contributions was then calculated as:

$$\frac{\text{LDP development pseudo-hectares within catchment}}{\text{LDP + "Committed+Base" pseudo-hectares within catchment}} = \text{total LDP impact}$$

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

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

The costs used for the project and applied in the above calculation was £23,400,000.00 (See Transport Appraisal (CD041) Table at paragraph 6.1.1). However, only 23% (£5.33 m) of that figure is applied to new development within the buffer since the above calculation apportions this overall cost to the new development within the buffer only so development within that area is paying a proportionate share. Put another way, the above calculation divides the costs between those developers within the buffer and the local authority.

### Road and Rail Based Infrastructure

The Council submits that the LDP adequately explains the nature and purpose of road infrastructure interventions at paragraph 4.28 – 4.45. The strategic and local road interventions are necessary to mitigate the increase junction and node capacity to accommodate car based trips associated with the LDP. The following methodology was applied to calculate the level of developer contributions for the mitigating road and rail infrastructure interventions:

- Apply select link cordons to the networks and generate select link matrices. This process considers all traffic travelling through the mitigation and can isolate traffic that has an origin or destination at an LDP development site.
- Calculate total LDP traffic impact at the network location
- Calculate individual contribution of each development based on net traffic
- Determine the proportional contribution share for each development, based on the costs set out within the Transport Appraisal.

### Select Link Cordons

For each mitigation location, a set of select link matrices was produced by creating a cordon of select link points on the SRM network. For junctions, each approach arm was included in the analysis to ensure all traffic was captured. Individual links, to calculate bi-directional flows along a railway line for example, were also used where appropriate.

Select link matrices were then produced for the following four assigned networks:

- AM LDP Mitigation network with "Committed" demand;
- PM LDP Mitigation network with "Committed" demand;
- AM LDP Mitigation network with "LDP" demand; and
- PM LDP Mitigation network with "LDP" demand.

These scenarios were selected to give the best representation of the effects of the additional LDP traffic (over and above the committed scenario) on the proposed mitigation infrastructure.

### Calculating the LDP trip impact

To determine the impact of LDP trips on a mitigation scheme, the four select link matrices were used to calculate the net difference in travel demand through the mitigation. Both the AM and PM networks were used to generate a total peak effect as follows:

$$(LDP\ AM\ scenario\ trips - Committed\ AM\ scenario\ trips) + (LDP\ PM\ scenario\ trips - Committed\ PM\ scenario\ trips) = Total\ Peak\ LDP\ impact$$

The zones included in this analysis were determined by identifying only those in East Lothian which had proposed housing or commercial developments in the LDP. Zones with no LDP development were excluded from the calculation. Zones where LDP development existed, but no net new trips were generated, were excluded from the analysis through having zero values associated with them.

### Calculating the proportional impact of each development

The proportional share of cost for each aspect of mitigation that would be attributed to each development is calculated using the following steps. The total net number of LDP trips for each zone is calculated using the formula presented above. This figure, divided by the total LDP trips, gives the percentage share to be contributed by the zone.

In a number of cases, there is only one LDP development within an SRM model zone. This is made possible as the SRM includes “greenfield zones” which several of the larger development sites were allocated to. Therefore, the development site proportional share is equal to the zonal share.

However, there are also instances where a model zone contains more than one development site. To calculate the relative contribution required by each site within a single zone, the size of development is used to determine the proportion of the zonal share. As there are both residential and commercial sites within the proposals, a common denominator was required to allow the size of these different land uses to be compared directly. To do this, the following conversion factor was used to convert residential developments into “pseudo-hectares” of land:

- 1 hectare = 30 dwellings<sup>[1]</sup>

Employment figures were converted into pseudo-hectares by using the following development area to jobs factor: 1 hectare = 60 jobs (This is the average land area to employment value calculated across all East Lothian LDP employment sites). This allowed an overall per hectare equivalent to be generated for new development and for the baseline + committed development so that all development was measured using the same units.

With all sites now presented in a common unit system, the proportional share of the zonal contribution was then calculated as:

$$(Individual\ development\ hectares / total\ development\ hectares) * total\ zonal\ contribution$$

For zones with LDP development that have no select link trips associated with them (ie no traffic travelling through the proposed mitigation), these areas would not incur any contributions.

<sup>[1]</sup> East Lothian Council supplied an average figure to use in the analysis

**Calculating the proportion of total mitigation costs to be met by developers**

The issue of how much of the mitigation costs should be met by LDP developers is calculated using the following approach. The total contribution is calculated based on the total net impact of trips (LDP-committed) produced in the select link analysis. The proportional figure is then calculated as:

$$(LDP\ select\ link\ trips - committed\ select\ link\ trips) / LDP\ select\ link\ trips.$$

This percentage of the total cost can then be proportioned across all eligible developments using this methodology.

**Mitigation Costs – Total Developer Contribution**

The proportion of total mitigation scheme costs to be met by developers was calculated by isolating LDP development related impacts from baseline plus committed development impacts. Accordingly, the percentage of cost to be met by the developer contributions framework is shown in the Table below.

<b>Intervention</b>	<b>Indicative Cost</b>	<b>% Cost to developers</b>
PROP T17: A1(T) Interchange Improvements (Salter’s Road Interchange)	£1,150,000	22%
PROP T17: A1(T) Interchange Improvements (Bankton Interchange)	£1,150,000	27%
PROP T9 + PROP T10: Rail Station Package	£4,753,000	4%
PROP T21: Musselburgh Town Centre improvements	£260,000	9%
PROP T27 & T28: Tranent Town Centre improvements	£449,000	24%
PROP T3: Active Travel Corridor	£23,400,000	17%
<b>Total cost of all mitigation</b>	<b>£31,662,000</b>	<b>16%</b>

**The Council submits that no modification of the plan is necessary.**

East Lammermuir Community Council (0414/12)

The requirement for appropriate developer contributions towards transport and other infrastructure is included within each site proposal: “Any development here is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport networks as appropriate’, Policy T32 sets out the Transport Infrastructure Delivery Fund, consistent with Policy DEL1 and the Developer Contributions Framework Supplementary Guidance (CD063).” **The Council submits that no modification of the plan is necessary.**

**Delivery Miscellaneous**

Musselburgh Conservation Society (0368/7)

The Council notes the points made. The Council has set out the implementation requirements for new development in the LDP and the associated draft Supplementary

Guidance: Developer Contributions Framework (CD063) (SG) will provide the framework to collect contributions for the necessary supporting facilities and infrastructure. The Council considers that this provides an adequate framework to accommodate development without unacceptable impacts on local services and infrastructure and that its approach to delivery is sufficient to secure the infrastructure and necessary contributions to it. The SDP1 (CD030) is under review and a Proposed SDP2 (CD038) published for consultation. It is not possible to review and redistribute the development requirements of SDP1. LDP1 is required by law to be consistent with SDP1. **The Council submits that no modification of the plan is necessary.**

Musselburgh Conservation Society (0368/8)

The Council submits that the proposed Craighall Primary Education Contribution Zone is needed to establish a new primary school with early learning and childcare provision for the Craighall site (MH1). This will allow the eligible pre-school children and primary-aged children projected to arise from the Craighall allocation to be provided with education capacity at a new facility on the Craighall site (MH1) to be provided for by the applicant / developer of this site. Accordingly, the proposed contribution zone and primary school catchment area is broadly defined by the proposed Craighall site (MH1) boundaries. However, the formation of that catchment will be dependent on the adoption of the emerging Local Development Plan (LDP) in a format that would require these new education catchment arrangements and facilities to be delivered. If the emerging LDP is not adopted in this format, these new education catchment arrangements and facilities would not be required. As such, the Council submits that the proposed catchment review would allow existing pupils at the existing settlement of Old Craighall to continue to attend Campie Primary School, as they do currently. Also, pupils residing within existing houses would have a catchment school to attend, since the new school is not in place and will not be until a point agreed with the developer following the commencement of development. Therefore, it is not proposed to extend the proposed Craighall Primary Education Contribution Zone any further east to the A720 to include the strip of land from the Campie Primary Education Contribution Zone, south of the railway at this time. It may be that through time the Council chooses to review this situation. **The Council submits that no modification of the plan is necessary.**

**Delivery Support**

Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/26); Taylor Wimpey UK Ltd and Mactaggart & Mickel Homes Ltd (0426/25)

Support Noted.

**Reporter's conclusions:**

**Preliminary**

1. My conclusions on this issue should also be read in conjunction with the conclusions reached in Issues 15: Education, 16: Community, Health and Social Care Facilities, 18a: Transport General, 18b: Transport Active Travel, 18c Transport Public Transport, 18d: Transport Trunk Road Network and 33: Appendix 1 Developer Contribution Zones.
2. Following the Supreme Court judgment in the case of Aberdeen City and Shire Strategic Development Planning Authority v Elsick Development Company Limited

(Reference UKSC 66), the council and parties responding to this issue were asked to comment on any implications of the recent judgment relative to the council's intentions to operate Policy DEL1: Infrastructure and Facilities Provision in conjunction with those matters listed within Table DEL1: Developers Contributions, the Developer Contribution Zones set out within Appendix 1 and the draft Supplementary Guidance: Developer Contributions. The council response (FIR16) suggests modifications to the plan including Policy DEL1 which I consider further below.

3. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a number of matters raised in representations which are in support of the provisions of the plan. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

### **Policy DEL1: Infrastructure and Facilities Provision**

4. Policy DEL1 makes a general statement that all new development will be required to make appropriate provision for infrastructure and community facilities as a consequence, in accordance with Scottish Government Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Developer contributions will be required where a proposal generates a need for a key intervention (including identified by the plan or Action Programme) and it is within the contribution zone that applies to that intervention.

5. The representations on this issue are mainly concerned that developer contributions are being sought for matters which are not directly related to the impacts of the strategy or individual sites and do not meet the tests in Circular 3/2012. In particular, contributions towards health, certain schools, some road improvements, segregated active travel, rail and bus network improvements. Furthermore, the representations indicate that the Elsieck judgment highlighted above raises important implications for the council in seeking to secure cumulative financial contributions; to avoid the risk of challenge on these grounds, there is a need for a clear and direct link between new development and the improvements sought in order to meet the policy tests set out in the circular.

6. Wallace Land highlights a number of concerns over the transparency of the modelling assumptions used to derive the scale of impact and subsequent costs of mitigation. They highlight a number of principles with regard to education calculations which they find difficult to understand. They also highlight that many of the transport contributions identified per zone amount to small amounts and therefore it is difficult to reconcile this with the test of necessity. On this basis, they suggest the deletion of the reference to contribution zones within Policy DEL1.

7. The council explains that Scottish Government Circular 6/2013: Development Planning expects the interventions for which and locations where developer contributions will be sought to be clearly set out in the local development plan. The council indicates that the plan does this within Table DEL1, Policy DEL1 and Appendix 1. Consistent with the Circular, statutory supplementary guidance can be used to provide exact levels of developer contributions or methodologies for their calculation, providing there is an appropriate context or 'hook' to link it to the plan. The plan refers to the draft supplementary guidance in the section on Delivery and in relation to particular infrastructure proposals (education, sports pitches and changing facilities, active travel network, rail station car parks and platform lengthening, trunk road improvements, and local traffic management measures). These are also specified within Table DEL1.

8. Scottish Government comments that it is not clear whether paragraph 8.9 (Table DEL1) sets out all the items for which developer contributions will be sought. In response to a further information request (FIR21), the council has suggested that further references could be added to Table DEL1. While the council acknowledges that it is not possible at this stage to identify the likely nature and scale of all the requirements, it would be useful to forewarn applicants that contributions may be required. It suggests that references to Policies OS3 and OS4 dealing with open space and play space, and Policies T7, T8 and T31 dealing with information technology, bus network improvements and electric car and bus charging points respectively should be added to Table DEL1. While I accept that such references should be included for Policies OS3, OS4 and T8 in order to provide additional clarity, I do not accept that Policies T7 and T31 should be added as these policies currently make no reference to the need for developer contributions for these matters.

9. Furthermore, the council highlights that not all of these contributions can or will be specified within the supplementary guidance and many will be determined on a case by case basis. It is not entirely correct therefore for the plan to say that the policies and proposals that provide the basis for the supplementary guidance are set out in Table DEL1. The framework is not intended to cover all these aspects. To avoid further confusion, I recommend a more suitable introduction and title for Table DEL1.

10. Table DEL1 refers to Policy DC10: The Green Network. The council indicates that Green Network contributions are set out in the development briefs that accompany the plan and are no more than measures required to comply with open space and design policies of the plan in so far as site layout and design is concerned. I take from this response and the council's response in Issue 26 where this matter is also raised by Scottish Natural Heritage, that no financial contributions are expected to the Green Network and the relevant 'hook' to the supplementary guidance is not required. Therefore, I recommend that the reference to Policy DC10 is deleted from Table DEL1.

11. Circular 3/2012 sets out a number of policy tests which are to be applied where a planning authority wishes to promote planning obligations. Such planning obligations would generally be used to secure developer contributions. As a principle, for a planning obligation to be considered essential, it must have a relevant planning purpose and must always be related and proportionate in scale and kind to the development in question. These broad principles should be set out in the plan while the methods and exact levels of contributions should be included in statutory supplementary guidance. Cost matrices, for example, used to calculate contributions would be detailed matters for the supplementary guidance. The circular expects that any standard charges and formulae reflect the actual impacts of, and be proportionate to, the development and should comply with the general tests.

12. The matter of agreeing a planning obligation would be undertaken at the planning application stage although the development plan can provide the context for such negotiations. It is expected that a robust assessment of infrastructure requirements, the funding implications and the timescales involved is undertaken in order that the level of provision to be delivered under planning obligations can be identified. The plan states in paragraph 8.12 that it has not been possible to identify all the circumstances in which a developer contribution will be required. It is acknowledged that the plan can only go so far in establishing such need; the details of any contributions will be a matter for negotiation and considered against the necessary tests. Establishing only the principle of securing particular developer contributions through the development plan therefore is the

main focus of our deliberations for this part of the examination.

13. The outcome of the Elswick judgment is that a clear link should be established between the development and any mitigation offered as part of the developer's contribution. Assessing the cumulative impact of a number of proposed developments and the use of obligations to share costs proportionately is recognised as acceptable practice. In order to determine an application on its merits, the purpose for which developer contributions are to be sought must be connected with the proposed development and, importantly, it must be more than just a trivial connection.

14. The plan states that expected contributions will be keeping in scale and kind with the impact generated by the development, on an individual or cumulative and pro-rata basis as appropriate. It also states that "developers are not required to provide more mitigation than necessary to address the impact of their development.....Applicants are not expected to resolve existing deficiencies in provision." Such assurances are useful to those respondents (including Gladman Planning) who are concerned that developer contributions are to be used to offset existing deficiencies and I do not consider that any additional assurances can be introduced into the plan itself to resolve this.

15. The council explains how its approach complies with the legal tests and the relevant circulars and how it differs from that pursued in Aberdeen City and Shire.

16. With regard to education, contribution zones based on school catchments is to be used. Contributions will only be sought where school capacity increases are a direct result of the cumulative impact of development. Developer contributions already gathered are taken account of along with any council funding to resolve existing school capacity deficits and the contributions are shared proportionately. I also consider this matter in Issue 15: Education. While I note the need for clarity and certainty with regard to developer contributions, the actual details of what will be sought are matters for supplementary guidance and for consideration at the planning application stage.

17. In Issue 16, I discuss developer contributions towards primary care health facilities. Such contributions are only sought from the Blindwells development based on the total cost of the new facility divided by the number of dwellings. I note the view expressed that it is population growth that generates the demand for new health services and new housing only provides for the needs and demands of population growth. In the particular circumstances presented by Blindwells, there will be a need for new health care facilities as a direct consequence of development and therefore I consider it appropriate to identify the requirement for developer contributions towards such provision.

18. With regard to transport, some infrastructure mitigation measures relate to individual developments. For rail, some major road improvements and active travel, numerous sites will have a contributory impact along particular routes. Geographical zones have been defined and the scale of development within each zone and subsequent modelling has been used to determine the magnitude of the contribution to travel demand of each zone. These proportions have then been used to share the total cost amongst each of the relevant zones and this is then distributed to relevant sites on a pro-rata basis. We discuss this matter further in Issues 18a: Transport General, 18b: Active Travel, 18c: Public Transport and 18d: Trunk Road Network, where we conclude that it would not be unreasonable or unacceptable for the plan to seek developer contributions for such infrastructure on this basis to ameliorate the impact of proposed development.



19. In responding to Wallace Land Investment's point regarding the scale of contribution varying within zones, such an effect is to be expected if the strength of scale and kind relationship between individual sites and interventions is to be reflected. This does not mean that where this results in small amounts it is necessarily trivial. Therefore, I consider that the reference to contribution zones should remain within Policy DEL1. The threshold for the application of Policy DEL1 which excludes proposals of less than five dwellings and commercial development of less than 100 square metres also suggests a proportionate response in dealing with this matter.

20. In response to FIR16 and the Elswick judgment, the council has suggested a number of modifications to the text within the section on Delivery and to Policy DEL1. These are suggested to deal with operational implications for the manner in which the contributions framework should be used.

21. The suggested modifications include some moderation with regard to the use of the guidance in prescribing the exact level of contribution required. By introducing the word 'likely' with regard to the nature and scale of contributions, some flexibility is afforded to enable this to be determined on a case by case basis. I accept the council's explanation for this and consider such amendments go some way to resolving some of the outstanding concerns raised in the representations regarding the need for flexibility. Therefore I recommend that the text of the plan is modified as suggested by the council.

22. However I do not accept council modification number 6 which is to replace the transportation contribution zones within Appendix 2 with updated zones, as a consequence of the updated Transport Appraisal. This matter is also discussed in Issue 18a where we do not accept that changes to these zones are appropriate as there are no unresolved representations to this particular matter and this information was not available to interested parties during the period for representations.

23. Wallace Land Investments also suggests that the council's delivery mechanism should be more transparent in the policy to ensure that it is clear that the council is committed to a delivery process which depends on drawing down the total cost of the intervention irrespective of whether it has the full cost contribution from all identified proposals. While I support the reasons for this suggestion, the policy already requires contributions sought to be consistent with the tests of Circular 3/2012 and the plan (at paragraph 8.11) recognises that front funding and subsequent recovery of costs into a fund on a pro-rata basis could be a possibility. Therefore, no further changes are considered necessary.

24. The issue of considering the viability of development projects in formulating the overall cost of planning obligations is not specifically referred to in the plan. However I note that the draft supplementary guidance refers to exceptions in particular circumstances; where the merits of a proposal would clearly outweigh the public interest in requiring certain contributions. In general however, attempts will be made to find solutions to allow a more beneficial cash flow including the use of phased payment of contributions. As these matters are already referred to in the draft guidance, they do not require to be repeated within the plan itself.

25. East Lothian Liberal Democrat Party and North Berwick Community Council's concern that there is a lack of emphasis on the impacts on existing local infrastructure is mostly already addressed within the plan. The council has acknowledged relevant infrastructure issues where it can, in the knowledge that not all can be identified at this

stage and a suitable policy framework is in place to respond to issues as they arise. The council explains that the implementation of the plan will consider this further including the potential to reflect area partnership's aspirations.

26. The matters raised by Homes for Scotland regarding the adoption of a build cost figure higher than that used by the Scottish Futures Trust and the need for transparency in the calculation of school contributions is a detailed matter and responded to in Issue 15.

27. Messrs R and A Kennedy request that there should be no obligation for specialist or special needs housing to contribute towards affordable housing is responded to in Issue 14.

28. East Lammermuir Community Council's representation concerns the need for developer contributions towards primary education (in Innerwick and Spott) as well as towards transport. Within Proposal ED6: Dunbar Cluster Education Proposals, part B refers to developer contributions being sought towards phased extensions to primary schools as required to meet the need arising directly as a result of new housing development. I also note within the draft supplementary guidance, the reference to requirements for Proposal DR11 to make contributions towards the expansion of West Barns Primary School while sufficient capacity is considered to exist within Innerwick Primary School. Therefore, no modifications are necessary in response to this representation.

### **Delivery Miscellaneous**

29. The doubts expressed over the delivery of all necessary infrastructure, and the need to reflect on this in considering the scale of development identified by SESplan, is not a matter which I am able to consider at this time. This plan is required to conform to the approved strategic development plan (SESplan, 2013). Policy DEL1 states that new development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development. There are, therefore, suitable provisions in place.

30. Craighall Primary Contribution Zone is predicated on the allocation of sites within Craighall and therefore reflects the requirement to establish a new primary school. The council explains the rationale for the boundary and I have no reasons to doubt that it is not appropriate.

### **Reporter's recommendations:**

Modify the local development plan by:

1. Rewording paragraph 8.4 to read as follows:

"Further detail on the likely nature and scale of developer contributions is set out within Supplementary Guidance Developer Contributions Framework. The exact nature and scale of developer contributions required will be assessed on a case by case basis, based on the same approach used in the preparation of the Supplementary Guidance: Developer Contributions Framework. Applicants and developers must commit to provide for their developer contributions before planning permission will be approved for appropriate proposals."

2. In paragraph 8.5, replacing sentence three to read as follows:

“This is so developers and communities have early sight of the need for additional infrastructure and the likely nature and scale of associated developer contributions that will be required from new planned development in the area.”

3. In paragraph 8.5, replacing the text of bullet point three to read as follows:

“likely nature and scale of developer contributions that will be required from planned development to deliver the key interventions necessary to implement the plan.”

4. Amending paragraph 8.9 to read as follows:

“The LDP policies and proposals that provide the basis for seeking developer contributions are set out in Table DEL1 below.”

5. Amending the title of Table DEL1 to read as follows:

“Table DEL1: Developer Contributions Policies/Proposals.”

6. Adding the following policy reference to Table DEL1:

“Policy OS3: Minimum Open Space Standard for New General Needs Housing Development.”

7. Adding the following policy reference to Table DEL1:

“Policy OS4: Play Space Provision in new General Needs Housing Development.”

8. Adding the following policy reference to Table DEL1:

“Policy T8: Bus Network Improvements.”

9. Deleting from Table DEL1 the following policy reference:

“Policy DC10: The Green Network.”

10. Replacing the second and third sentences of paragraph 8.12 to read as follows:

“This will be identified as early as possible in the Development Management process, as will the exact nature and scale of all the required contributions. The availability or ability to provide additional capacity for windfall proposals in addition to planned development will also be assessed on a case by case basis.”

11. Rewording Policy DEL1 to read as follows:

“New development will only be permitted where the developer makes appropriate provision for infrastructure and community facilities required as a consequence of their development in accordance with Scottish Government Circular 3/2012 or any revision. Any necessary provision for interventions must be phased as required with the new development.

Developer contributions will be required from all new development proposals that meet or exceed the scale thresholds below, including windfall proposals:

- Proposals of 5 or more dwellings, including affordable homes; and
- Employment, retail, leisure or tourism proposals of 100 square metres gross floor space or larger.

The items for which developer contributions will be required shall include but not be limited to the key interventions identified by the LDP and its Action Programme. Developer contributions will be required where a development proposal would generate a need for an intervention and the proposed development is within a contribution zone that applies to that intervention.

The likely nature and scale of developer contributions required in association with the developments that are planned for by this LDP is set out within the Supplementary Guidance: Developer Contributions Framework.

The exact nature and scale of developer contributions required in association with all relevant new development proposals, including windfall proposals, will be assessed on a case by case basis.

Developer contributions will always be used to deliver the mitigation for which they were originally intended.

Planning conditions and/or legal agreements will be used as appropriate and required to secure any necessary provision from developers, which could include land and/or a capital contribution.”

<b>Issue 32</b>	<b>Proposals Map</b>	
<b>Development plan reference:</b>	Proposals Map (including inset maps)	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
Walker Group (0138) Muir Homes Ltd (0165) Gullane Community Council (0166) Donald Hay (0183) James Millar (Kilduff) Ltd (0204) A P Dale and R F Dale (0243) CRS Ltd (0251) Ritchie Brothers (0259) In-Site Property Solutions Ltd (0262)	Lord Wemyss Trust (0277) Wallace Land (0281) Taylor Wimpey (0330) Mr & Mrs R. Lothian (0345) SportsScotland (0367) Chris & Joy Clark (0377) Michael Izzi (0380) Neart na Gaoithe Off-shore Wind Ltd (0386) Scottish Power Generation (0391)	
<b>Provision of the development plan to which the issue relates:</b>	<b>Proposals Map (Inset Maps 1 – 45)</b>	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>All Maps</b></p> <p><u>Ritchie Brothers (0259/3)</u></p> <p>Delete references to areas designated as DC8 and replace with DC1. The modifications to the LDP Proposal Map are justified for the reasons explained in representation comment 0259/2.</p> <p><b>North Berwick Cluster – New Inset Map Created</b></p> <p><u>Wallace Land (0281/3)</u></p> <p>If the Council agrees that it needs to allocate further land to meet an identified housing shortfall in the development strategy to meet SESplan's housing land target (as explained in the Assessment of Housing Land Supply), then further residential land should be allocated at Fenton Barns as shown on the plan (section 9 of the Development Framework Report).</p> <p><u>CRS Ltd (0251)</u></p> <p>Designation of Fenton Barns as a settlement would initially allow appropriate infill development associated with a village use, complementing and supporting existing businesses. Without a settlement designation, all existing economic development in this location will continue to be treated as <i>development in the countryside</i> and contrary to the approved development plan. Disused land within the context of a designated settlement would be regarded as infill development. This would be supported by the Council's planning policy and highlights why designation as a settlement would help facilitate further development</p>		

**Landscape Designation - Inset Map 3**Neart na Gaoithe Off-shore Wind Ltd (0386/4)

Neart na Gaoithe Off-shore Wind Ltd seeks modifications of the Proposals Map (Inset Map 3) to illustrate site of extant planning permission 15/00634/PM. This planning permission relates to the Neart na Gaoithe Off-shore Wind Farm onshore transmission infrastructure.

Gullane Community Council (0166/14)

If NK8 is removed as a site, apply DC8. This sits perfectly with its location relative to another DC8 zoning.

Michael Izzi (0380/1)

Proposals Maps (Inset Map 3) should be amended to exclude Eskfield Cottages from the green belt and include it in a settlement boundary. Map is drawn in an inconsistent way that cuts across private garden ground.

Mrs R. Lothian (0345/2)

The Local Development Plan (LDP) Proposed Plan defines the site [Williamstone Farm Steading] within the 'countryside'. The entire area of land should be included within the settlement boundary as planning permission has been given for alterations and extensions works to the listed farmhouse and for the conversion of the steading to 3 residential houses.

**Inset Map 5 – Aberlady**SportsScotland (0367/5)

Proposals Map 5 Aberlady shows that the village bowling green and grass pitch are covered by LDP Policy OS1. The area of Craigelaw Golf Course which is included in this proposals map is covered by policy DC8 and not OS1. We have noted concerns with the wording of policy OS1 in our response to the LDP Written Statement – however recognise that the policy in its existing format affords some degree of protection to these outdoor sports facilities. In relation to the golf course, whilst not allocated as OS1, SportScotland would note that SPP provisions which seek to safeguard sports facilities would also apply.

Donald Hay (0183/3)

Inset Map 5 includes no reference to policy CH6, although Inset Map 3 clearly indicates that this policy should apply.

**Inset Map 9 – Dirleton**SportsScotland (0367/6)

Proposals Map 9 Dirleton shows an area of Archerfield Links Golf Course covered by policy TOUR1 as part of the wider estate. The policy supports the principle of hotel and leisure development on the estate. It states that infill housing will not be allowed. Whilst the existing golf facilities are clearly an important part of the hotel and leisure resort offer,

we would highlight that SPP provisions seek to safeguard such sports facilities from development – any further or future development of the estate should take this into account.

Muir Homes Ltd (0165/2)

Supports new site at Foreshot Terrace. Seeks modification of Direlton Village boundary to include this (Inset Map 9).

**Inset Map 10 – Drem**

James Millar (Kilduff) Ltd (0204/8)

This would be in line with Strategy Diagram 2: Transport in Section 4 and PROP T9 of the LDP which identifies “Park & Ride proposals” which we do not believe are clearly enough identified on the Inset Map.

**Inset Map 11 – Dunbar, Belhaven and West Barns**

SportsScotland (0367/7)

Proposals Map 11 Dunbar The harbour area is allocated as EMP2 which states that the Council will give preference to fishing or other industry uses related to the harbour. We have noted concerns with the wording of policy EMP2 in our response to the LDP Written Statement – sportscotland would seek that access for recreational purposes is safeguarded.

Taylor Wimpey (0330/2)

Allocate the Eweford land for residential led mixed use development through inclusion of a new proposal and identification of the site on the Proposals Map. However, if East Lothian Council and/or the Examination reporter do not consider this to be necessary, then we propose that the site is safeguarded for development. This latter would simply reflect the terms of LDP paragraph 2.132, which states that the site may be considered suitable in the longer term as a mixed used expansion area. To identify the site as a specific safeguard in the text and to delineate that safeguard on the Proposals Map would provide greater clarity on the position, and make it clear what area of land is being referred to in the text.

**Inset Map 14 – Elphinstone**

SportsScotland (0367/8)

Proposals Map 14 Elphinstone The full-size grass pitch to the west of the village centre is not allocated as open space under policy OS1. For consistency with other sites/proposals maps it is requested that this designation is applied.

**Inset Map 19 – Gullane**

Gullane Community Council (0166/7)

Inset Map 19 and page 51 Spatial Strategy for North Berwick Cluster map. The land to

the south of the school should be earmarked for education and should be treated in a similar way to Whitecraig Primary School and have designation SECF1. This should be treated as related to, but separate from, the Saltcoats NK7 site.

### **Inset Map 20 – Haddington**

#### Lord Wemyss Trust (0277/3)

The representation objects to Policy DC8 Countryside Around Towns shown on Inset Map 20. There is no justification in the Plan for designating a Countryside Around Towns policy for Haddington as articulated by DC8. In this regard, it is considered that the Council's extant Development in the Countryside Policy DC1 as amended by the various Policies DC1 to DC7 inclusive contained in the Proposed Plan in relation to the 'Countryside', has performed as an effective 'Greenbelt' policy for a significant number of years and, as such, there is no justification for applying a further layer of policy restriction. In very simple terms, there is no need.

#### In-Site Property Solutions Ltd (0262/4)

The proposed mixed residential and employment use allocation is based on the extant planning permission in principle, reference 13/00800/PPM; circumstances have changed since the time the Proposed Plan was initially prepared.

### **Inset Map 21 – Humbie**

#### Chris & Joy Clark (0377/3)

Reduce area of land allocated for TT15 from 1.7ha to 0.5ha.

### **Inset Map 22 – Innerwick**

#### Neart na Gaoithe Off-shore Wind Ltd (0386/5)

Neart na Gaoithe Off-shore Wind Ltd seek modifications to the Proposals Map (Inset Map 22) to illustrate site of extant planning permission 15/00634/PM. This planning permission relates to the Neart na Gaoithe Off-shore Wind Farm onshore transmission infrastructure

### **Inset Map 26 – Musselburgh and Wallyford**

#### SportsScotland (0367/9)

Proposals Map 26 Musselburgh - There is inconsistent designation of golf courses with Musselburgh Golf Course being designated under policy OS1 whilst Royal Musselburgh Golf Course is not designated. We would note that SPP provisions do not differentiate between public and private facilities and suggest a consistent approach may be more appropriate.

#### Michael Izzi (0380/3)

Proposals Maps (Inset Map 26) should be amended to exclude Eskfield Cottages from the green belt and include it in a settlement boundary. Map is drawn in an inconsistent way that cuts across private garden ground.



**Inset Map 28 – North Berwick**SportsScotland (0367/10)

Proposals Map 28 North Berwick - There is inconsistent designation of golf courses with North Berwick Golf Course and Glen Golf Course being only partially designated under policy OS1. We would note that SPP provisions do not differentiate between public and private facilities and suggest a consistent approach may be more appropriate.

**Inset Map 32 –Prestonpans, Port Seton & Cockenzie**SportsScotland (0367/11)

Proposals Map 32 Prestonpans, Port Seton & Cockenzie - There is no designation on the Meadowmill Sports Centre and associated grounds to the south of these settlements. This is inconsistent with the approach to other outdoor facilities (i.e. pitches) and we would recommend policy OS1 designation is applied particularly due to the site's importance as a local multi-pitch multi-sport facility for the local settlements. We would note that SPP provisions do not differentiate between public and private facilities and suggest a consistent approach may be more appropriate.

A P Dale and R F Dale (0243/2)

The site [land at Port Seton Links] is shown in Appendix 1 accompanying this representation, and in our view it should be allocated for residential use in the Local Development Plan. The site has a capacity of up to 90 homes.

**Inset Map 35 - Tranent**Walker Group (0138/15)

PROP TT1 is only required to provide housing. PROP TT2 will include community uses including the full sized grass pitch with changing facilities as part of the expansion of Windygoul Primary School. Amend inset map and show PROP TT1 as a housing site and not a mixed use site.

**Support****Inset Map 32 –Prestonpans, Port Seton & Cockenzie**Scottish Power Generation (0391/10)

Scottish Power Generation supports the EGT1 site boundary shown on the Proposal Map Scottish Power Generation considers this area to be key for infrastructure to support development on the main site. Scottish Power Generation reserves the right to make further representations should a third party propose to make changes to this paragraph as it relates to its assets. No modifications proposed.

**Modifications sought by those submitting representations:**

**All Maps**

Ritchie Brothers (0259/3)

Delete references to areas designated as DC8 and replace with DC1.

**North Berwick Cluster**

Wallace Land (0281/3)

A new Inset Plan is required for Fenton Barns which is designated as a settlement

CRS Ltd (0251)

A new inset Plan for Fenton Barns proposing a designated settlement

**Landscape Designation - Inset Map 3**

Neart na Gaoithe Off-shore Wind Ltd (0386/4)

Modify Proposals Map (Inset Map 3) to illustrate site of extant planning permission 15/00634/PM.

Gullane Community Council (0166/14)

Apply DC8 to site covered by proposal NK8 if this site is removed. Amend Proposals Map Inset 3 and Inset 19 (consequential).

Michael Izzì (0380/1)

Amend proposals map (Inset Map 3) to allocate Eskfield Cottages in a settlement boundary

Mrs R. Lothian (0345/2)

Proposal Map for North Berwick is modified to include Williamstone Farm within the settlement limit, subject to RCA1 and outwith the countryside designation.

**Inset Map 5 - Aberlady**

SportsScotland (0367/5)

None specified

Donald Hay (0183/3)

Inset Map 5 should be updated to include Policy CH6.

**Inset Map 9 - Dirleton**

SportsScotland (0367/6)

None specified

Muir Homes Ltd (0165/2)

The Dirleton Village boundary (Inset Map 9) should be amended in order to include the subject site at Foreshot Terrace, Dirleton.

**Inset Map 10 – Drem**

James Millar (Kilduff) Ltd (0204/8)

Identify a Safeguarding for Drem Expansion Area more clearly identify the car parking safeguard, and introduce a new safeguard for car parking to the south of the railway at Drem.

**Inset Map 11 - Dunbar, Belhaven and West Barns**

SportsScotland (0367/7)

None specified

Taylor Wimpey (0330/2)

Allocate the Eweford land for residential led mixed use development through inclusion of a new proposal and identification of the site on the Proposals Map.

**Inset Map 14 - Elphinstone**

SportsScotland (0367/8)

None specified

**Inset Map 19 - Gullane**

Gullane Community Council (0166/7)

The land to the south of the school should be earmarked for education and should be treated in a similar way to Whitecraig Primary School and have designation SECF1. This should be treated as related to, but separate from, the Saltcoats NK7 site.

**Inset Map 20 - Haddington**

Lord Wemyss Trust (0277/3)

The representation seeks removal of DC8 designation from Inset Map 20.

In-Site Property Solutions Ltd (0262/5)

Modification to Inset Map 20 - Haddington in relation to HN4. It seeks a change from Mixed Use Proposal to Mixed Residential Proposal.

**Inset Map 21 - Humbie**

Chris & Joy Clark (0377/3)

Reduce area of land allocated for TT15 from 1.7ha to 0.5ha.

**Inset Map 22 - Innerwick**

Neart na Gaoithe Off-shore Wind Ltd (0386/5)

Modify Proposals Map (Inset Map 22) to illustrate site of extant planning permission 15/00634/PM.

**Inset Map 26 – Musselburgh and Wallyford**

SportsScotland (0367/9)

None Specified

Michael Izzi (0380/3)

Amend proposals map (Inset Map 26) to allocate Eskfield Cottages in a settlement boundary

**Inset Map 28 – North Berwick**

SportsScotland (0367/10)

None Specified

SportsScotland (0367/11)

None Specified

A P Dale and R F Dale (0243/3)

Allocate the Port Seton Links for residential development through inclusion of a new proposal and identification of the site on the Proposals Map.

**Inset Map 35 - Tranent**

Walker Group (0138/15)

Amend inset map and show PROP TT1 as a housing site and not a mixed use site.

**Support****Inset Map 32 – Prestonpans, Port Seton and Cockenzie**Scottish Power Generation (0391/10)

None

**Summary of responses (including reasons) by planning authority:**Ritchie Brothers (0259/3)

The Council submits that the inclusion of this land within the area proposed to be designated as Countryside Around Town is justified for the reasons given in the Council's response to representation 0259 (see Schedule 4 no.26: Special Rural Landscapes). The Council submits that the CAT designations (CD 053) will be reviewed as part of the review of the LDP. Since this suggested modification to the proposals map would be consequential to the modification suggested by representation 0259, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

Wallace Land (0281/3)

No additional allocations are justified as the housing land supply is sufficient. Therefore, there is no justification for the addition of this site to meet the housing requirements within the lifetime of this plan. As such, since this suggested modification to the proposals map would be consequential to the modification suggested in representation 0281 at Issue 13, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

CRS Ltd (0251)

In respect of the definition of a settlement boundary at Fenton Barns, the Council submits that policies that seek to control development in the countryside would allow for the continued diversification of employment uses within existing buildings, as well as the expansion of existing businesses beyond their current site boundaries in to adjacent land within the countryside. This would be without the need to demonstrate an operational requirement for a countryside location (see LDP paragraph 5.5). Housing may be used as enabling development, subject to policy provisions. Until now, employment uses have made use of the existing war time buildings in the area – i.e. the buildings were there to be used and this is the reason that businesses located there, not because the location is of any wider strategic significance as an employment location. In terms of housing development, the Council also submits that the policies of the LDP would allow for some limited new build affordable housing here, as well as the conversion of existing buildings to residential uses, subject to policy provisions. As such the Council submits that policies of the plan on rural diversification and housing development in the countryside, taken together allow for an appropriate scale and nature of development in this area and that no change to the LDP is necessary to define this area as a settlement. **The Council submits that no modification of the plan is necessary.**

**Landscape Designation - Inset Map 3**Neart na Gaoithe Off-shore Wind Ltd (0386/4)

The Council submits that it is premature to safeguard routes for potential enhancements to the High Voltage Electricity Transmission Network for the reasons given in response to representation 0386/2 (see Schedule 4 Issue: 22b: Energy Generation and Transmission – other) and 0386/3 (see Schedule 4 Issue: 25: Diverse Countryside & Coast). The indicative illustration on Strategy Diagram 3 is sufficient. The Council submits that the suggested change to the Proposals Map is unnecessary. As such, since this suggested modification to the proposals map would be consequential on the modification suggested in representation 0386, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

Gullane Community Council (0166/14)

NK8 is considered a suitable site for development. Should the site be removed from the plan as a housing allocation, the Council considers that there is not a requirement in respect of it to protect the landscape setting of Gullane, prevent coalescence, or to provide green networks and recreation. It should therefore not be included in DC8. As such, since this suggested modification to the proposals map would be consequential on the modification suggested in representation 0166, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

Michael Izzi (0380/1)

The entire site at Eskfield Cottages, including the access road, is intended to be designated as Policy DC7: *Development in the Edinburgh Green Belt*. The Council acknowledges that the DC7 boundary as shown on Inset Map 26 does not currently reflect this. However, the entire site at Eskfield Cottages is considered appropriate for inclusion within policy DC7 given its character and setting. For this reason, the Council submits that the site should remain outside of any defined settlement boundary. Whilst the Reporter may see merit in amending the DC7 boundary on Inset Map 3 to clarify this matter, **the Council submits that no modification of the plan is necessary.**

Mrs R. Lothian (0345/2)

The steading buildings, by being Category B listed, are of special architectural or historic interest. They are all well contained within their landscape setting and are part of the historic form and character of this part of the East Lothian countryside. They make a positive contribution to the rural landscape and built heritage of the area. This is maintained by the designation of countryside. A change of designation to RCA1 would allow for potential alterations, extensions and structures and other curtilage development harming the character, integrity and appearance of the buildings, including the setting of the listed buildings. It could also lead to an intensification of the site in terms of density which would be harmful to the character and amenity of the area or cause harmful impacts on the privacy and amenity of neighbouring residential properties. As such, since this suggested modification to the proposals map would be consequential on the modification suggested in representation 0345/1, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

**Inset Map 5 - Aberlady**SportsScotland (0367/5)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of golf courses within East Lothian that are adjacent to a settlement or within the open countryside. Previous plans have designated these areas as open space, but for this plan the Council considers that the designation of these areas as countryside better reflects their location. The Council further submits that the application of policies DC1 and DC2 etc to such sites also provides further clarity concerning any acceptable after use of such sites, should the current use cease, than would the application of policy OS1 only. The Council submits that the continued use and diversification of sites as golf courses would be supported by policies that seek to manage development within the countryside, and that any applications for the change of use of such sites would be read together with SPP (CD 013) and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (CD 001). As such, **the Council submits that no modification of the LDP is necessary.**

Donald Hay (0183/3)

A total of six of the LDP Inset Maps have been produced at a scale which allows the whole of the East Lothian area to be shown. Inset Maps 1 - 4 identify relevant policy designations including CH6 with Inset Map 5 produced at a scale which allows individual settlements and their boundaries to be shown, in order for the relevant policy and proposal boundaries to be shown in detail. The policies detailed in Inset Maps 1–4 are not repeated in the individual settlement maps as a number of these apply to wide areas that could not be shown in their entirety on the individual settlement maps. There is however a statement at the top of each settlement map which states 'Please refer to other inset maps 1-4 and the relevant settlement maps'. This is designed to direct the user to other maps (such as Inset Maps 1-4) in order for all the relevant policies, proposals and other implications to be identified for their area of search. As such, **the Council submits that no modification of the plan is necessary.**

**Inset Map 9 – Direlton**SportsScotland (0367/6)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of golf courses within East Lothian that are adjacent to a settlement or within the open countryside, and in this case, located within a wider area that is subject to an area wide proposal that is specific to this location. The Council further submits that the application of policy TOUR1 to this site provides clarity concerning the Council's position on any future development here, rather than the application of Policy OS1 alone. The Council submits that the continued use and diversification of the golf courses would not be contrary to Policy TOUR1, and that any applications for the change of use of such facilities would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (CD 001). As such, **the Council submits that no modification of the plan is**

**necessary.**

Muir Homes Ltd (0165/2)

The Council does not support the proposed site at Foreshot Terrace for the reasons given within responses to Schedule 4 Issue: 13 – New Sites. The suggested modification to Inset Map 9 would be consequential on the modification suggested in representation 0165, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

**Inset Map 10 - Drem**

James Millar (Kilduff) Ltd (0204/8)

No further housing land allocations or safeguards are justified as part of the LDP as the housing land supply is sufficient, and for the reasons given in Schedule 4 Issue No:13: New Sites. There is therefore no justification for the addition of this site to meet the housing requirements within the lifetime of this plan. Inset Map 10 shows the safeguards for both the car park and the area for platform lengthening. There are no park and ride facilities proposed for Drem. The suggested modification to the proposals map would be consequential on the modification suggested in representation 0204, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

**Inset Map 11 – Dunbar, Belhaven and West Barns**

SportsScotland (0367/7)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0367/1 dealt with at Issue 11, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

Taylor Wimpey (0330/2)

The Council submits that the current strategic housing allocations (with approved planning permissions) should be substantially complete before any more housing land allocations of the scale proposed through this representation at Eweford Farm are considered at Dunbar. This will be a matter that can be considered in the review of this LDP. In respect of Blindwells, the Council has safeguarded the Blindwells Expansion Area, in line with SDP1 (CD 030). The Council submits that this is on the basis that SDP1 expects the LDP to identify Blindwells as a location that can be safeguarded for development beyond the life of this plan, but this is not a requirement of the strategic plan in respect of other sites/locations. The Council removed proposed land safeguards from its Draft Proposed Local Development Plan within the west of East Lothian, and has indicated within the written statement of the plan the potential future direction of the spatial strategy for the area. This will be subject to the scale and nature of development requirements and the environmental and infrastructure opportunities and constraints prevalent at the time the LDP is to be reviewed and should the need for further development land feature as a consideration within this. Other than at Blindwells, the identification of formal safeguard areas at this stage may be perceived to prioritise certain locations over others as potential development locations. However, this would need to be considered in the context of the



scale of any additional development requirements and the timescales within which they may need to be met, as well as the opportunities and constraints that would feature in formulating an appropriate updated strategy for the future planning of the area. This could have a bearing on the size and preferential location of any sites that may need to be allocated or safeguarded for development in future LDPs. Importantly, there is no approved SDP context to safeguard such a size of site in this specific location at this stage, and similarly there is no basis against which the Council could select appropriate boundaries to define an appropriate size of site – e.g. include and exclude certain areas of land/ownerships. The Council therefore submits that the indication of potential future development locations provided by the written statement of the plan is the appropriate approach to follow at this stage and that the LDP should not be modified in light of this representation. This suggested modification to the proposals map would be consequential on the modification suggested in representation 0330/3 dealt with at Issue 13: New Sites, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 14 - Elphinstone**

##### SportsScotland (0367/8)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of sports facilities within East Lothian that are adjacent to a settlement or within the open countryside. The Council further submits that the application of policies DC1 and DC2 etc to such sites provides further clarity concerning any acceptable after use of such sites, should the current use cease, rather than the application of policy OS1 alone. The Council submits that the continued use and diversification of sites as playing fields would be supported by policies that seek to manage development within the countryside, and that any applications for the change of use of such sites would be read together with SPP 2014 (CD 013) and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (CD 001). As such, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 19 - Gullane**

##### Gullane Community Council (0166/7)

The Council submits that the expansion of Gullane Primary School campus has not been assessed as required at this stage, but the plan indicates that a potential expansion of the facility's campus may take place, should it be required in future, to the south of the school site within the Saltcoats site NK7 (see LDP page 79-80 Proposal ED7). This is unlike other schools where the need for campus expansion has been assessed as required during the plan period, and thus land has been safeguarded to accommodate their campus expansion where required. The Council submits however that the plan indicates where additional campus land may need to be provided at Gullane in future within the text of the plan so that this can be taken into account within the layout of development for site NK7. This is also shown indicatively within the draft Development Brief (CD 061) for that site. The Council's position in terms of retaining the allocation of NK7 is detailed within Schedule 4 Issue 9a: Gullane. As such, **the Council submits that no modification of the plan is necessary.**

**Inset Map 20 - Haddington**Lord Wemyss Trust (0277/3)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0277, and given the Council's position in respect of that representation that is dealt with at Schedule 4: Issue 7, **the Council submits that no modification of the plan is necessary.**

In-Site Property Solutions Ltd (0262/5)

The Council notes that the application for a care home on the land allocated for employment and which the Council is minded to grant is subject to the completion of a Section 75 agreement. Proposal HN4 therefore reflects the extant planning permission in principle for the site. The Council further submits that Policy EMP1 which would apply to this site would not presume against such a use, and in the circumstances would be the most appropriate policy to apply. This suggested modification to the proposals map would be consequential on the modification suggested in representation 0262/1 that is dealt with at Schedule 4: Issue 7, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

**Inset Map 21 - Humbie**Chris & Joy Clark (0377/3)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0377/1 and 0377/2 that are dealt with at Schedule 4: Issue 6, and given the Council's position in respect of those representations, **the Council submits that no modification of the plan is necessary.**

**Inset Map 22 - Innerwick**Neart na Gaoithe Off-shore Wind Ltd (0386/5)

The Council submits that it is premature to safeguard routes for potential enhancements to the High Voltage Electricity Transmission Network for the reasons given in response to representation 0386/2 (see Schedule 4 Issue: 22b: Energy Generation and Transmission – other) and 0386/3 (see Schedule 4 Issue: 25: Diverse Countryside & Coast). The indicative illustration on Strategy Diagram 3 is sufficient. The Council submits that the suggested change to the Proposals Map is unnecessary. As such, since this suggested modification to the proposals map would be consequential on the modification suggested in representation 0386, and given the Council's position in respect of that representation, This suggested modification to the proposals map would be consequential on the modification suggested in representation 0386, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

**Inset Map 26 – Musselburgh and Wallyford**SportsScotland (0367/9)

The comments from SportsScotland are noted. However, in respect of the proposals map

the Council submits that there are a number of golf courses within East Lothian that are adjacent to a settlement or within the open countryside and green belt. Previous plans have designated these areas as open space, but for this plan the Council considers that the designation of these areas as countryside or green belt better reflects their location. The Council further submits that the application of policies DC1 and DC2 etc to such sites also provides further clarity concerning any acceptable after use of such sites, should the current use cease, than would the application of policy OS1 only. The Council submits that the continued use and diversification of sites as golf courses would be supported by policies that seek to manage development within the countryside or green belt, and that any applications for the change of use of such sites would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013. As such, **the Council submits that no modification of the plan is necessary.**

Michael Izzi (0380/3)

The entire site at Eskfield Cottages, including the access road, is intended to be designated as Policy DC7: *Development in the Edinburgh Green Belt*. The Council acknowledges that the DC7 boundary as shown on Inset Map 26 does not currently reflect this. However, the entire site at Eskfield Cottages is considered appropriate for inclusion within policy DC7 given its character and setting. For this reason, the Council submits that the site should remain outside of any defined settlement boundary. Whilst the Reporter may see merit in amending the DC7 boundary on Inset Map 3 to clarify this matter, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 28 – North Berwick**

SportsScotland (0367/10)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of golf courses within East Lothian that are adjacent to a settlement or within the open countryside. Previous plans have designated these areas as open space, but for this plan the Council considers that the designation of these areas as countryside better reflects their location. The Council further submits that the application of policy DC1 to such sites also provides further clarity concerning any acceptable after use of such sites, should the current use cease, than would the application of policy OS1 only. The Council submits that the continued use and diversification of sites as golf courses would be supported by policies that seek to manage development within the countryside, and that any applications for the change of use of such sites would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (CD 001). As such, **the Council submits that no modification of the plan is necessary.**

#### **Inset Map 32 –Prestonpans, Port Seton & Cockenzie**

SportsScotland (0367/11)

The comments from SportsScotland are noted. However, in respect of the proposals map the Council submits that there are a number of sports facilities within East Lothian that are

adjacent to a settlement or within the open countryside. The Council further submits that the application of policies DC1 and DC2 etc to such sites provides further clarity concerning any acceptable after use of such sites, should the current use cease, than would the application of policy OS1 only. The Council submits that the continued use and diversification of sites as playing fields would be supported by policies that seek to manage development within the countryside and countryside around town areas, and that any applications for the change of use of such sites would be read together with SPP and Policy OS1. The Council also submits that SportsScotland would be consulted on such applications in accordance with Regulations 25 & 30 and Schedule 5 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2008 (CD 001). As such, **the Council submits that no modification of the plan is necessary.**

A P Dale and R F Dale (0243/3)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0243 that are dealt with at Schedule 4: Issue 13, and given the Council's position in respect of that representation, **the Council submits that no modification of the plan is necessary.**

### **Inset Map 35 - Tranent**

Walker Group (0138/15)

This suggested modification to the proposals map would be consequential on the modification suggested in representation 0138/2 dealt with at Issue 34 and 0138/3 dealt with at Issue 6, and given the Council's position in respect of those representations, **the Council submits that no modification of the plan is necessary.**

### **Support Proposals Map**

#### **Inset Map 32 – Prestonpans, Port Seton and Cockenzie**

Scottish Power Generation (0391/10)

Scottish Power Generation's support the EGT1 site boundary shown on the Proposal Map is noted.

### **Other Mapping Issues**

Whilst not affecting the interpretation of the LDP, there may be a number of mapping improvements which the Reporter may see merit in recommending:

### **Proposals Map**

#### **Special Landscape Areas (SLA)**

In respect of Inset Map 4, some minor modifications to the Special Landscape Area boundaries may be of merit. This would be to better tie the boundaries to their intended features on the 1:10,000 map. On published mapping this issue is not apparent, but the boundaries may benefit from minor improvement that would not materially affect the LDP.

## Geological Conservation Review (GCR)

On Inset Map 1, the boundaries of Ramsar Sites ([www.ramsar.org](http://www.ramsar.org)) (CD 171), Special Protection Areas and SSSI's (<http://gateway.snh.gov.uk/sitelink/index.jsp>) (CD 172) within the normal East Lothian boundary for planning control purposes have been shown. The inclusion of background mapping outwith East Lothian could be taken as implying that there are no such sites outwith East Lothian, which is not the case. As such, the background mapping outwith the East Lothian planning boundary could be removed to make it clearer that such sites are only shown on the map if they are located within East Lothian. This will have no effect on the application of LDP Policy regarding such nationally recognised sites which would apply regardless of whether or not such sites are noted on the Proposals Map. SNH maintain the boundaries of such sites and information on their location and boundaries is readily available from them

### Inset Map 1

The Council notes there is a text box with 'text' next to the Traprain Law shown on Inset Map 1. The Reporter may see merit amending Inset Map 1.

### Inset Map 2

The Council notes that the map key states '*BGS 'Geodiversity Sites'*'. This should read '*Local Geodiversity Sites'*'. As such, the Reporter may see merit in amending Inset Map 2.

### Inset Map 3 and Inset Map 11

The Council notes that the boundary for Policy DC8 should extend around the whole of the Seafield Caravan Park site at West Barns/Belhaven (see Technical Note 8). As such, the Reporter may see merit amending Inset Map 3 and 11.

### Inset Map 4

The Council notes that the Forth Islands are shown only as 'Largely Unspoilt Coast' on Inset Map 4. They may also be shown as 'Special Landscape Areas'. The Reporter may see merit in amending Inset Map 4.

### Inset Map 26

#### *PROP MH12 and MH13*

The Council notes that there may be a discrepancy between the boundary of PROP MH12 and the planning application ref. 10/00341/PPM approved on appeal (PPA-210-2018) 30 September 2013) (CD 131). As such, the Reporter may see merit in amending the Proposals Map in respect of the boundary of MH12 and MH13.

#### *Other Matters*

The Council notes that the printed version of Inset Map 26 does not have any text boxes labelling the site allocations. The Council submits that the finalised version of this map should include these annotations as appropriate. There is also a text box with reference to '*MH19'* on Inset Map 26 (digital version only). There is no policy/proposal under this reference. As such, the Reporter may see merit in amending Inset Map 26 accordingly.

**Inset Map 28**

The Council notes that Inset Map 28 shows the site at Mill Walk Business Park, which is an employment location, as a Local Centre. The Reporter may see merit in amending Inset Map 28.

**Reporter's conclusions:****Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above a matter raised in a representation which is in support of the provisions of the plan. Therefore, unless this relates to an issue which is unresolved, it will not be addressed in my conclusions.
2. A number of matters raised in the representations also concern consequential changes if certain policies or sites are added or deleted from the plan as a result of representations made elsewhere. To avoid duplication, in dealing with each request, I include reference to the relevant issue that this matter is considered under.
3. The council has also included within this issue, other mapping issues which it considers could provide improvements. While I note the council's suggestions, I am only tasked with dealing with unresolved representations to the plan. Therefore, I provide no recommendations with regard to these matters. However, the council is able to make any consequential modifications to the text or maps which arise from our modifications.

**All Maps**

4. Within Issue 26, Ritchie Brothers request that Policy DC8 Countryside Around Towns is deleted and replaced with Policy DC1 Rural Diversification which would mean consequential changes to the proposals map. In Issue 26, we conclude that Policy DC8 should remain therefore no modifications are required.

**North Berwick Cluster – New Inset Map Created**

5. Wallace Land and Investments suggestion to allocate Fenton Barns for residential development and the representation by CRS Ltd to identify a settlement boundary around the existing built development at Fenton Barns would have consequential changes to the proposals map. These matters are responded to in Issue 13 and are not supported. Therefore, no modification is required.

**Landscape Designation – Inset Map 3**

6. The scope of the content of the proposals map is set out on the first page of the document and does not include all proposals, only those which are useful to convey at a wider scale. Inset Map 3 does not include onshore transmission infrastructure. Locations for this type of infrastructure are not necessary to display at this wider scale. They are also more susceptible to change which would not generally affect the other infrastructure shown on Inset Map 3. The council has chosen to indicate potential electricity grid connections diagrammatically on Strategy Diagram 3. This is sufficient for the purposes of this plan. Therefore, no modification to Inset Map 3 is recommended in response to the

representation by Neart na Gaoithe Off-shore Wind Ltd.

7. In Issue 9a, we conclude that Proposal NK8 Fenton Gait East, Gullane is to be retained within the plan. Consequently, no modification to the Inset Map 3 is required.

8. My recommendation to delete Proposal MH13 Howe Mire from the plan in Issue 3 means that the green belt would continue to exist immediately to the north of Eskfield Cottages. Accordingly, it would seem logical to maintain the land occupied by Eskfield Cottages within the green belt.

9. The request to identify Williamstone Farm Steading within the settlement boundary is considered in Issue 9 where we conclude that it should remain in the countryside. Therefore no modification is required.

### **Inset Map 5 - Aberlady**

10. SportScotland comments on the plan's approach in terms of the protection afforded to Craigiellaw Golf Course which is not designated under Policy OS1: Protection of Open Space. Similar comments by SportScotland are made in relation to other golf courses within East Lothian within this Issue.

11. The council explains that the plan designates golf courses adjacent to settlements as countryside, which better reflects their location and would allow Policies DC1: Rural Diversification and DC2: Conversion of Rural Buildings to Housing to apply. The council response suggests that golf courses are still protected from inappropriate development through Policy OS1, as well as Scottish Planning Policy. Scottish Planning Policy, paragraph 226, generally safeguards outdoor sports facilities (which includes golf courses) from development. In Issue 17, our recommended modifications to Policy OS1 and the supporting text in paragraph 3.123 would ensure all recreational, leisure and amenity open space and facilities, including outdoor sports facilities, would be safeguarded under Policy OS1, regardless of its significance or whether it is designated as such on the inset maps. Therefore, no modification to Inset Map 5 is necessary.

12. Policy CH6 deals with proposals affecting gardens and designed landscapes as identified in the national inventory or sites of local or regional importance. The council explains that the inset maps are produced at different scales to show a variety of information. Inset Map 3 which covers the whole of East Lothian includes the designated areas covered by Policy CH6 whereas Inset Map 5 is at a settlement scale. As all relevant maps are meant to be consulted in the consideration of specific proposals I do not consider it necessary that Policy CH6 is added to Inset Map 5.

### **Inset Map 9 – Dirleton**

13. The council explains that the plan designates golf courses adjacent to settlements as countryside which better reflects their location and would allow Policies DC1: Rural Diversification and DC2: Conversion of Rural Buildings to Housing to apply. In this case, the Archerfield Links Golf Course is also partly covered by Policy TOUR1 which supports the principle of high quality golf based hotel, leisure and recreation development at Archerfield Estate. The council response suggests that golf courses are still protected from inappropriate development through Policy OS1, as well as Scottish Planning Policy. Scottish Planning Policy, paragraph 226, generally safeguards outdoor sports facilities (which includes golf courses) from development. In Issue 17, our recommended

modifications to Policy OS1 and the supporting text in paragraph 3.123 would ensure all recreational, leisure and amenity open space and facilities, including outdoor sports facilities, would be safeguarded under Policy OS1, regardless of its significance or whether it is designated as such on the inset maps. Therefore, no modification to Inset Map 9 is necessary.

14. The representation by Muir Homes to allocate the site at Foreshot Terrace is responded to in Issue 13. As we do not recommend the allocation of this site, consequent settlement boundary changes to Dirleton are not required.

#### **Inset Map 10 – Drem**

15. The request to safeguard a Drem expansion area is responded to in Issue 9: North Berwick Cluster. We do not recommend the safeguarding of an expansion area at Drem. This representation also requests that the reference to Drem Station within Proposal T9 dealing with car parking provision should be reflected in Inset Map 10 and a wider area of car park provision should be indicated to the north and south of the station. On Inset Map 10, I note that an area labelled 'Transport Safeguard' is already included to the north of the station. With regard to a larger area of car parking being identified to the south, we respond to this matter in Issue 18c: Public Transport. We do not agree that this is required. Therefore, no modification to Inset Map 10 is recommended in response to this representation.

#### **Inset Map 11 – Dunbar, Belhaven and West Barns**

16. In Issue 11, we respond to SportScotland's request to include recreational uses as preferred uses in harbour areas. We do not accept that this is necessary and we consider that the policy strikes a sensible balance ensuring that there is sufficient flexibility for other uses. Therefore, no modification to Inset Map 11 is recommended in response to this representation.

17. In Issue 13 we respond to the request by Taylor Wimpey to allocate or safeguard the land at Eweford for residential led mixed use development. We do not support such a proposal. Therefore no modification to Inset Map 11 is required.

#### **Inset Map 14 – Elphinstone**

18. The council's response in relation to the matter raised by SportScotland is that while not all grass pitch sites are designated as open space under OS1, they would still be protected by Policy OS1 and Scottish Planning Policy. SportScotland would also be consulted on any applications to change the use of such sites. In Issue 17, our recommended modifications to Policy OS1 and the supporting text in paragraph 3.123 would ensure all recreational, leisure and amenity open space and facilities, including outdoor sports facilities, would be safeguarded under Policy OS1, regardless of its significance or whether it is designated as such on the inset maps. Therefore, no modification to Inset Map 14 is recommended in response to this issue.

#### **Inset Map 19 – Gullane**

19. The matter of identifying any potential expansion of the primary school within Proposal NK7: Saltcoats, Gullane is discussed in Issue 9a. While it is acknowledged that it is a possibility that an extension might be required (as highlighted in NK7 and ED7) I do not consider it necessary to reflect this on Inset Map 19. The council indicates that an



extension has not been assessed as required at this stage therefore no safeguarded area can be identified. However the matter can be taken account of in any detailed layout submitted for the site. Therefore, no modification to Inset Map 19 is recommended in response to this representation.

### **Inset Map 20 – Haddington**

20. The representation by Lord Wemyss Trust requests the removal of the designation Countryside Around Towns at Haddington. In Issue 26 we respond to this request and do not recommend a modification to remove the designation. Therefore, no modification to Inset Map 20 is required.

21. In Issue 7 we do not agree that Proposal HN4 requires to be modified to reflect the latest planning permission. Therefore, no modification to Inset Map 20 is required in response to this representation.

### **Inset Map 21 – Humbie**

22. In Issue 6, we recommend the deletion of Proposal TT15: Humbie North. Therefore it is not necessary to respond to this request to amend the site area and no modification to Inset Map 21 is required in response to this representation.

### **Inset Map 22 – Innerwick**

23. The scope of the content of the proposals map is set out on the first page of the document and does not include all proposals, only those which are useful to convey at a wider scale. Inset Map 22 does not include onshore transmission infrastructure. Locations for this type of infrastructure are not necessary to display at the settlement scale. They are also more susceptible to change. The council has chosen to indicate potential electricity grid connections diagrammatically on Strategy Diagram 3. This is sufficient for the purposes of this plan. Therefore, no modification to Inset Map 22 is recommended in response to this representation.

### **Inset Map 26 – Musselburgh and Wallyford**

24. The council explains that the plan designates golf courses adjacent to settlements as countryside which better reflects their location and would allow Policies DC1: Rural Diversification and DC2: Conversion of Rural Buildings to Housing to apply. The council response suggests that golf courses are still protected from inappropriate development through Policy OS1, as well as Scottish Planning Policy. Scottish Planning Policy, paragraph 226, generally safeguards outdoor sports facilities (which includes golf courses) from development. In Issue 17, our recommended modifications to Policy OS1 and the supporting text in paragraph 3.123 would ensure all recreational, leisure and amenity open space and facilities, including outdoor sports facilities, would be safeguarded under Policy OS1, regardless of its significance or whether it is designated as such on the inset maps. Therefore, no modification to Inset Map 26 is recommended in response to this issue.

25. My recommendation to delete Proposal MH13: Howe Mire from the plan in Issue 3 means that the green belt would continue to exist immediately to the north of Eskfield Cottages. Accordingly, it would seem logical to maintain the land occupied by Eskfield Cottages within the green belt. I note the council's comments that in its view, Inset

Map 26 does not currently reflect that the entire site at Eskfield Cottages, including the access road, is within the green belt. At the scale presented on the inset map, I consider this to be unclear. Notwithstanding, there will be an opportunity to refine any detailed boundaries once account is taken of my recommendation to delete MH13. No modification is therefore recommended in response to this representation.

**Inset Map 28 – North Berwick**

26. The council explains that the plan designates golf courses adjacent to settlements as countryside which better reflects their location and would allow Policies DC1: Rural Diversification and DC2: Conversion of Rural Buildings to Housing to apply. The council response suggests that golf courses are still protected from inappropriate development through Policy OS1, as well as Scottish Planning Policy. Scottish Planning Policy, paragraph 226, generally safeguards outdoor sports facilities (which includes golf courses) from development. In Issue 17, our recommended modifications to Policy OS1 and the supporting text in paragraph 3.123 would ensure all recreational, leisure and amenity open space and facilities, including outdoor sports facilities, would be safeguarded under Policy OS1, regardless of its significance or whether it is designated as such on the inset maps. Therefore, no modification to Inset Map 28 is recommended in response to this issue.

**Inset Map 32 – Prestonpans, Port Seton and Cockenzie**

27. The council's response in relation to the matter raised by SportScotland is that while not all sports facilities are designated as open space under OS1, they would still be protected by Policy OS1 and Scottish Planning Policy. SportScotland would also be consulted on any applications to change the use of such sites. In Issue 17, our recommended modifications to Policy OS1 and the supporting text in paragraph 3.123 would ensure all recreational, leisure and amenity open space and facilities, including outdoor sports facilities, would be safeguarded under Policy OS1, regardless of its significance or whether it is designated as such on the inset maps. Therefore, no modification to Inset Map 32 is recommended in response to this issue.

28. In Issue 13 we respond to the request by Mr A P Dale and Mr R F Dale to allocate land at Port Seton Links for residential development. We do not support such a proposal. Consequently, no modification to Inset Map 32 is required.

**Inset Map 35 - Tranent**

29. In Issue 6, we agree that it is necessary to amend Proposal TT1 to remove a reference to mixed use on the site given that Proposal TT2 is identified separately. In Issue 6, we also recommend a modification to Inset Map 35 for consistency.

**Reporter's recommendations:**

No modifications.

<b>Issue 33</b>	<b>Appendix 1: Developer Contribution Zones</b>	
<b>Development plan reference:</b>	Appendix 1(Pages 145 – 214)	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Network Rail (0181) Gladman Planning (0213) Wemyss and March Estate (0295)</p>		
<b>Provision of the development plan to which the issue relates:</b>	<p>Developer Contributions Zones - Education (Pg 145 – 178) Developer Contribution Zones – Transportation (Pg 179 – 193)</p>	
<b>Planning authority’s summary of the representation(s):</b>		
<p><b>Appendix 1 Contribution Zones</b></p> <p><u>Network Rail (0181/21)</u></p> <p>The developer contributions maps set out in Appendix 1 in relation to rail are welcomed. More detailed information on the contributions and how these would be assessed to provide the rail infrastructure required would assist, along with detail on the Developer Contributions Framework Supplementary Guidance.</p> <p><u>Gladman Planning (0213/10)</u></p> <p>The introductory section of the plan (paragraph 1.33) suggests existing capacity issues in the transport network are as a result of cumulative impact of population growth in, and commuting through and from the area. Whilst developer contributions are recognised as justified when fairly and reasonably relate in scale and kind to the proposed development (Circular 3/2012), they should not be sought in order to offset existing issues.</p> <p><u>Wemyss and March Estate (0295/9)</u></p> <p>Local junction modelling has been undertaken for Salter’s Road Interchange A1 (T) as presented in the supporting Transport Appraisal. However, there is no gravity model and traffic assignment presented for each of the proposed LDP site allocations. The Salter’s Road Interchange primarily serves Whitecraig and Wallyford and the potential impact of development at PS1 - Longniddry South on this junction is expected to be negligible. Unless ELC can confirm the impact of the proposed allocation with detailed trip assignments/traffic modelling results then the PS1-Longniddry South must be removed from the Salter’s Road Interchange contribution zone.</p>		
<b>Modifications sought by those submitting representations:</b>		
<b>Appendix 1 Contribution Zones</b>		

Network Rail (0181/21); Gladman Planning (0213/10)

No Modification sought

Wemyss and March Estate (0295/9)

Amend contribution zone for Salter's Road Interchange A1(T)

**Summary of responses (including reasons) by planning authority:**

**Appendix 1 Contribution Zones**

Network Rail (0181/21)

Support welcomed. In respect of wider questions raised within the representation, Network Rail is directed to the Transport Appraisal (CD041) prepared in support of the LDP as well as Technical Note 14 (CD059) prepared in support of the Developer Contributions Framework. **The Council submits that no modification is necessary.**

Gladman Planning (0213/10)

It is the role of the LDP (consistent with Scottish Government Circulars 6/2013 and 3/2012) (CD022 and CD021) to identify the key additional infrastructure capacity, new facilities or other interventions that will be required in association with the development of LDP sites, and to ensure that applicants or developers make provision for the delivery of these as appropriate. The need for the key interventions is based on assessment of the impact of planned development on an individual and cumulative basis as appropriate. Detail on how applicants or developers must provide for their developer contributions towards the delivery of key interventions necessary to deliver this Plan is detailed in Supplementary Guidance: Developer Contributions Framework.

Developer contributions for interventions will not be sought to resolve pre-existing deficiencies or problems, or to achieve objectives not necessary to overcome an obstacle to the approval of planning permission for an appropriate development; however, proportional developer contributions will be required from uncommitted developments to uncommitted interventions, if those interventions would address pre-existing issues as well as the impact of uncommitted development. This is the basis against which the Developer Contributions Framework has been prepared, consistent with Circular 3/2012 (CD021).

Every effort has been made in the preparation of the LDP and the Supplementary Guidance to identify the need for 'developer contributions' in respect of uncommitted LDP sites. However, it has not been possible to identify all developer contributions that will be required. The need for developer contributions will be identified as early as possible in the Development Management process. This will include any fresh proposals for committed sites and for windfall proposals. For all development proposals early engagement and collaborative work with service or infrastructure providers will be essential to seek to scope the full extent of likely developer contributions that may be associated with a proposal. **The Council submits that no modification is necessary.**

Wemyss and March Estate (0295/9)

The Council submits that it has undertaken sufficient Transport modelling at a strategic

and local level in accordance with Transport Scotland's Development Planning and Management Transport Appraisal Guidance (DPMTAG) methodology (CD029). The Council has considered the impacts of the housing and employment allocations and has sufficiently developed and modelled within the Strategic Regional Model (SRM12), s-paramics micro-simulation model and the use of junction modelling tools the existing road, rail and Public transport impacts and interactions to determine the nature and scale of infrastructure mitigations necessary. The 2012 version of the SESplan area regional model was used. This is a multi-modal transport model, which covers the entire SESplan area, and features road and public transport assignment models (which reflect traveller route choice). This is strategic in nature and provides aggregate representations of transport links and zones throughout the East Lothian area. The Council submits that in considering the impacts of the housing and employment allocations it has sufficiently developed and modelled within the Strategic Regional Model (SRM12), the strategic and local road network the impacts and interactions of traffic to determine the nature and scale of infrastructure mitigations necessary. The Council has assessed the travel demand forecasts with full build out to 2014 and made provision for appropriate infrastructure interventions. The Council is satisfied that all productions including background grow and committed development has been taken into account in the modelling exercise. Consequently, the output from the model does reflect that trips produced from PS1 - Longniddry South impacts on Salter's Road interchange and that this impact in addition to other trips accumulates to the intervention required. **The Council submits that no modification is necessary.**

#### Reporter's conclusions:

1. Network Rail has made a similar request in Issue 18a: Transport General, for further detail on the level of contributions. We consider such matters are more appropriate for supplementary guidance, not the development plan.
2. Gladman Planning's concerns that developer contributions may be sought to offset existing issues is responded to in Issue 31. On this matter, I note the various references contained within the plan (for example, paragraph 8.7), which outline the council's approach and I do not consider that there are additional assurances that could be introduced to resolve this.
3. Wemyss and March Estate object to the inclusion of their site (PS1 Longniddry South) within the contribution zone for Salters Road Interchange (Proposal T17) as shown in Appendix 1. The council explains how it has determined contribution zones and the underlying modelling work. The matter of seeking developer contributions towards major road improvements is considered in Issue 31: Delivery and Issue 18a: Transport General where we accept the general principle and those matters for which contributions are to be sought as outlined in Table DEL1 and expressed within Appendix 1. In Issue 18d: Trunk Road Network, we highlight the completion of the micro-simulation work shown in the updated DPMTAG report provided by the council. Transport Scotland is satisfied with this detailed work and agrees with the conclusions. The updated report is likely to inform the finalisation of the draft Supplementary Guidance: Developer Contributions Framework.
4. The contribution zones are included within the plan for the purposes of identifying the particular circumstances where developer contributions would be sought, consistent with Circular 3/2012: Planning Obligations and Good Neighbour Agreements and Policy DEL1. In Issue 31, we recommend modifications to the plan, which indicate that the likely nature and scale of developer contributions required would be assessed on a case-by-case

basis. Such assessment may ultimately affect the way the zones are interpreted on an individual basis but we are unable to anticipate this or the actual level of contributions. Consequently, I do not consider it justifiable to amend the contribution zone for Salter's Road Interchange as requested.

**Reporter's recommendations:**

No modifications.

<b>Issue 34</b>	<b>Local Development Plan Miscellaneous</b>	
<b>Development plan reference:</b>	Across the whole Plan	<b>Reporter:</b> Claire Milne
<b>Body or person(s) submitting a representation raising the issue (including reference number):</b>		
<p>Alan Buchanan (0041)  Dennis W Harding (0052)  Lynne Simpson (0125)  Walker Group (0138)  Brian Morland (0153)  Martin White (0158)  Kirsty Towler (0164)  J M Stevenson (0175)  E MacDonald (0176)  Wemyss &amp; March Estates (0315)  Musselburgh Grammar School Parent Council (0317)  East Lammermuir Community Council (0414)  Conchita Campbell (0440)</p>		
<b>Provision of the development plan to which the issue relates:</b>	None specifically	
<b>Planning authority's summary of the representation(s):</b>		
<p><b>LDP General Comments</b></p> <p><u>Alan Buchanan (0041/1)</u></p> <p>The document is difficult to interpret and read. It isn't an easy pleasant read and this will discourage a wider public involvement of the plans and process.</p> <p><u>Dennis W Harding (0052/2)</u></p> <p>The consultation website only seemed to cater for positive support, and encouraged respondents to delay in responding. This doubtless benefits the developer but is not conducive to local democracy.</p> <p><u>Lynne Simpson (0125/1)</u></p> <p>The LDP is not presented in a way that is easy for people without expertise in planning matters to read and digest.</p> <p><u>Walker Group (0138/2)</u></p> <p>The term "mixed use" is used throughout the LDP and Main Strategy Diagram lists it separately from housing and employment. Clarification of what exactly is meant by mixed use is required to guide development.</p>		

Brian Morland (0153/1)

Unaware of the Main Issues Report at the time it was publicly available and next time there is a Main Issues Report local residents should be notified.

Martin White (0158/3)

No EIA has been made at the level of the overall effect of the 4 sites in Gullane. No cumulative assessment has been done.

Kirsty Towler (0164/1)

The emerging LDP seems of limited merit as it does not identify land for future development but simply a series of existing consents.

The main issue is the lack of infrastructure to support levels of infrastructure to support additional housing.

The amount of employment land identified is miniscule.

The road and rail network cannot cope with existing level of traffic and ELC has failed to obtain funding to improve matters.

J M Stevenson (0175)

Housing development should be on brownfield and inland sites, developers seem to get the opportunity to develop on the best sites. Development should be directed along the Tyne Valley from Pathhead to Dunbar (Tyne Valley Ribbon).

Employment - new jobs should be provided in localised areas and the Tyne Valley 'Ribbon' should be explored.

Tourism - The proposals are likely to impact on tourism due to wrecking the characteristics of lowland East Lothian.

Agriculture - Why does ELC not have a high rise building instead of taking prime agricultural/coastal land.

E MacDonald (0176/1)

The LDP is a travesty. Its proposals for housing, energy generation, industrial development and transport in no way concur with its objectives. Objects to PROP PS1, PS2, BW1, HN2, NK7, NK8, NK9, NK10 and NK11. Would also object to proposed sites with extant planning permissions but cannot. Objects to housing proposal NK7, NK8 & NK9. East Lothian is seriously overdeveloped - a massive commuter area with housing coalescence from Musselburgh to Dunbar; Loss of identities of communities; Impact on tourism; There are sufficient luxury homes which are wasteful of energy and encourages the use of cars.

Musselburgh Grammar School Parent Council (0317/2)

Musselburgh Grammar School Parent Council considers the LDP has a lack of structure



being a series of policies lacking cohesion to deliver an enlarged community that is a great place to live and work. There is no education impact summary and overall it is difficult to read and piece together with too many long documents making it very hard to understand or to properly engage people in.

East Lammermuir Community Council (0414/1)

Council chose to consult on the LDP over a period of time which included the Community Council elections which undermines the capacity of the CC to make full and informed comments for a significant part of the consultation period. This displays a deliberate disrespect for our voluntary roles as community councillors.

As was the case for the MIR it appears that land proposed for housing in the LDP was without any discussion with the landowners (Innerwick).

East Lammermuir Community Council (0414/9)

Could there be any way of asking developers to offer construction apprenticeships?

Conchita Campbell (0440)

Away during representation period, notes where to view documentation upon their return.

**LDP Support**

Wemyss & March Estates (0315/7)

LDP has addressed many of the major issues facing East Lothian and is a very worthwhile and positive document and we are happy to offer our conditional support.

**Modifications sought by those submitting representations:**

**LDP General Comments**

Alan Buchanan (0041/1); Dennis W Harding (0052/2); Lynne Simpson (0125/1); Brian Morland (0153/1); Martin White (0158/3); Kirsty Towler (0164/1); J M Stevenson (0175); E MacDonald (0176/1); Musselburgh Grammar School Parent Council (0317/2); East Lammermuir Community Council (0414/1)(0414/9); Conchita Campbell (0440)

No Modification sought

Walker Group (0138/2)

Clarification of what exactly is meant by mixed use is required to guide development.

**LDP Support**

Wemyss & March Estates (0315/7)

No Modification sought

**Summary of responses (including reasons) by planning authority:****LDP General Comments**Alan Buchanan (0041/1)

Noted. The LDP has a contents page which sets out what is within the document allowing the reader to find a specific area if need be. It has been split into Clusters firstly on and west to east geography, based on the Spatial Strategy for the area. It is then split into sections that are more topic specific. Additionally there is a colour code throughout the document to help guide the reader. However, it is noted that planning in general is a complex subject and the ability to make it reader friendly is a difficult task. As the representor does not make reference to specific issues/difficulties with reading the plan, Council acknowledge feedback on the layout/style of the proposed LDP. **The Council submits that no modification is necessary.**

Dennis W Harding (0052/2)

There were 3 main ways of responding to the consultation on the LDP; by writing in, email, or use of the Consultation hub. The Hub was set up to reflect the structure of the LDP and for each section asked for suggested modifications followed by the justification for that modification. It was not canvassing support. The Hub did not open until the start of the consultation period, rather than opening immediately upon the Council approval of the documents (a delay to allow for printing of documentation). This may be why the respondent considers using it encouraged a delay to the making of the response. **The Council submits that no modification is necessary.**

Lynne Simpson (0125/1)

The LDP is a complex document covering many areas and used by many audiences, and is a quasi-legal document as well as a public statement of intent. To some extent the problems noted are unavoidable, however, it is the Council's intention that the LDP is a clear statement of policy for everyone to be able to understand, and the comments are noted. **The Council submits that no modification is necessary.**

Walker Group (0138/2)

The term mixed use used in respect of proposed site allocations within the plan is applied where more than one land use other than housing is proposed. This normally applies where there is housing, employment, retail or community uses intended for one site. There may be situations where the application of that term may be reviewed. In this respect the Council notes the Walker Group's concerns in respect of Proposal TT1 (0138/5). The Council submits that this term was applied to that site to reflect that an expansion of Windygoul Primary School is proposed, but accepts that the primary school site is separately defined by Proposal TT2. However, the Council considers that the 'mixed use' term could apply to Proposal TT1 without prejudicing a residential development on the site as proposed, so submits that a modification of the LDP is unnecessary both in terms of the TT1 description and the expansion of the term mixed use within the glossary of the LDP. **The Council submits that no modification is necessary.**

Brian Morland (0153/1)

The Council notes that the representor was unaware of the Main Issues Report which it was published, notwithstanding the statutory publication requirements and wider public consultation events, adverts and video etc that was produced to raise the profile of the document there, is no requirement to notify residents directly if sites are included in a Main Issues Report. The Main Issues Report was well publicised as detailed in the Participation Statement and Statement of Conformity with this, and in the Consultation Feedback: Summaries and Key Messages (April 2015) (CD070). **The Council submits that no modification is necessary.**

Martin White (0158/3)

The Council submits that Environmental Impact Assessment is a project level assessment tool, not one that can be used in plan making. The Council submits that it has prepared a Strategic Environmental Assessment (SEA) Environmental Report (ER) to accompany the LDP (CD060). This Draft Environmental Report, including the associated site assessments, has been prepared by the Council in consultation with the Consultation Authorities (SEPA/HES/SNH). The Council submits that the SEA ER provides the necessary 'strategic' environmental assessment of the LDP strategy, policies and sites. The Scottish Government's expectation that the SEA and ER is to be proportionate and focus on 'significant environmental effects of the plan' (PAN 2/2010 para 3.1 bullet 2) (CD019b); it is not to be a detailed assessment of project level impacts, as would be expected through a project level Environmental Impact Assessment (PAN 1/2010 para 6.5) (CD016). In a strategic sense the cumulative impacts of the LDP spatial strategy on SEA objectives is set out at page 93 – 100 of the SEA ER (CD060). This assessment finds that a negative impact on landscape would be an environmental effect of the compact or dispersed spatial strategy, and that this derives from a need to allocate land to accommodate the SDPs requirements. The SEA Environmental Report (CD060) also identifies a series of mitigation measures, including the design policies of the plan itself and development briefs (supplementary planning guidance on site layout and design) and the Developer Contributions Framework (statutory Supplementary Guidance prepared to ensure that the cumulative impact of development on infrastructure and facilities can be mitigated). Additionally, the Council has completed a Habitat Regulation Appraisal (CD043) and Appropriate Assessment of the LDP, and has included the recommendations of that assessment into the plans' proposals where necessary. The Council further submits that masterplans will be required to accompany major development proposals. The Council therefore submits that the necessary assessments, including cumulative assessments, have been undertaken and that appropriate mitigation measures either form part of the plan, are associated with it, or will be required in association with planning applications. **The Council submits that no modification is necessary.**

Kirsty Towler (0164/1)

Approximately 40% of the sites allocated for proposed future development have planning consent. Many of these consents relate to sites allocated by previous plans or for which planning permission has already been approved during LDP preparation, either on appeal or in recognition of there being a shortfall of effective housing land in the area. The LDP provides the vision for how East Lothian's communities will grow and develop in the future. The intention is that they provide certainty for communities and investors alike about where development should take place and where it should not and the supporting infrastructure required for growth. This is important regardless of the fact planning

permission has been granted, as a granted planning permission may not be implemented in the correct timeframe by the developer and the permission may expire, allowing the LDP to guide any new proposals for that site.

The LDP identifies the key additional infrastructure capacity, new facilities or other interventions that will be required in association with the development of LDP sites, and ensures that applicants or developers make provision for the delivery of these as appropriate. This is set out in Policy DEL1.

The approved SDP requires the LDP to retain at least 76 hectares of allocated employment land (CD030). It identifies four strategic employment locations in East Lothian which the LDP is to retain (sites at Craighall, Musselburgh and at Blindwells, Macmerry and at Spott Road Dunbar). The LDP also sets out mixed use proposals for some developments which will give the opportunity for employment uses. **The Council submits that no modification is necessary.**

J M Stevenson (0175)

The Strategic Development Plan for South East Scotland (SDP) (CD030) and the associated Supplementary Guidance on Housing Land sets the Housing Land Requirement for each local authority area within the city region, including for East Lothian. The Housing Land Requirement for the period 2009-2024 for East Lothian is set at 10,050. East Lothian Council is not able to reallocate its requirement. There are limited developable urban brownfield sites in East Lothian and those that are available have been supported by Council.

Employment - it is unclear exactly where the Tyne Valley Ribbon is. However the LDP is required to maintain strategic employment sites at Craighall, Macmerry, Blindwells and at Spott Road Dunbar by SESPlan. A significant challenge for the Council is to increase job density in East Lothian and to ensure that opportunities for job creation and economic growth are generated alongside an increase in population and the delivery of new homes. EMP1 sets out the preferred business and employment locations within East Lothian.

Tourism - The LDP policies and proposals seek to ensure that a balance is found between encouragement of tourism, including activity based tourism (e.g. walking and cycling) and the economic benefits that it provides and the protection of for example, important landscape and nature conservation interests. Specific policies are in place to protect listed buildings, conservation areas, tourist attractions e.g Dunbar Castle Vaults, Greywalls, SPAs etc.

Agricultural - East Lothian has an attractive landscape and any development must be sympathetic to its surroundings and be in keeping with its context. High rise development in East Lothian would detract from the area. The plan expects 30 dwellings per hectare (Policy DP3) to be delivered across the plan, subject to policy provisions. This will promote an acceptable form of development for the area and move towards higher density development. **The Council submits that no modification is necessary.**

E MacDonald (0176/1)

The representor's comments are noted. The Council submits that many of the objections raised arise from the need to accommodate the SDPs development requirements for East Lothian, and to mitigate the impacts of the associated development through provision of

additional infrastructure capacity or facilities. The Council submits that because its LDP must be consistent with the SDP the Council must identify sufficient and appropriate land to accommodate as well as plan to mitigate the SDPs development requirements. A number of objections are submitted opposing the principle of allocating certain sites: PS1; PS2 (see Issue 4); BW1 (see Issue 5); HN2 (see Issue 7); NK7; NK8; NK9; NK10 and NK11 (see Issue 9), and the Council responses to these objections are set out in the respective Schedule 4s. The Council submits that East Lothian is part of the wider Edinburgh city region, and has a relationship with the city in terms of being part of the wider Edinburgh Housing Market Area (and accommodating mobile housing demand) as well as being part of the Edinburgh Labour market Area. Taken together, these two characteristics mean that some people do want to live in East Lothian and work in Edinburgh as well as there being a need to accommodate need and demand for housing, economic and other types of development that might be perceived to originate only from East Lothian. The Council submits that its planning strategy seeks to identify land for development in appropriate sustainable locations to meet these development pressures in suitable locations, which maximise opportunities to use public transport, reduce the need to travel and the distances that need be travelled as well as associated CO<sup>2</sup> emissions. The policies of the plan seek to ensure that this new development can be delivered in an appropriate way that respects and responds to the characteristics of the local area in which it is to be situated. The Council submits that the plan provides a positive policy framework to support tourism developments in appropriate locations and circumstances, such as within the countryside where this can also assist rural diversification. The Council further submits that POLICY SEH1 and SEH2 of the plan seek to reduce energy consumption and improve the energy efficiency of buildings, as well as promote energy generation from renewable or low carbon sources, as far as is reasonably possible through the planning system. **The Council submits that no modification is necessary.**

#### Musselburgh Grammar School Parent Council (0317/2)

It is acknowledged that the LDP is a complicated document with many appendices. These are required to provide sufficient detail to allow people to understand the issues involved in planning for the future of East Lothian, for example, the draft development briefs supplementary planning guidance provides further detail on how the Council sees a site being developed. The LDP has a contents page which sets out what is within the document allowing the reader to find a specific area if need be. It has been split into geographical Clusters west to east, based on the Spatial Strategy for the area. It is then split into sections that are more topic specific. Additionally there is a colour code throughout the document to help guide the reader. However, it is noted that planning in general is a complex subject and the ability to make it reader friendly is a difficult task. The Council has tried to ensure that the text of the LDP only contains the information required. Supporting information is generally kept to technical notes but it is acknowledged that there is no summary of the education position. The consultation questionnaire was designed to allow people to respond to specific issues or to all issues that they had an interest in and to be as user friendly as possible. **The Council submits that no modification is necessary.**

#### East Lammermuir Community Council (0414/1)

The Council submits that the timing for the publication of the proposed LDP was not deliberately timed to undermine the ability of the Community Council to comment. The Council determined on 15 November 2015 that the proposed plan be put out to public representation once the required technical work was finalised. On 6 September 2016

Council agreed to publish to Proposed Plan as the technical work was finalised. The Proposed Plan was out to representation for a period of 7 weeks to allow all members of the public, Key Agencies, Governmental Bodies, Neighbouring Authorities, Local Area Partnerships and Community Councils the opportunity to comment on the plan. The extant East Lothian Local Plan is out-of-date, and it is important to advance the Local Development Plan toward adoption to ensure up-to-date development plan coverage for the area as soon as possible.

The sites at Innerwick west (PM/DR/HSG091) and Innerwick east (PM/DR/HSG104) (CD060g) were consulted on through the Main Issues Report. This allowed for the owners, members of the public and statutory consultees to express their opinion on the proposed allocations. As a result of MIR consultation, the site at Innerwick east has been proposed for housing allocation in the LDP. **The Council submits that no modification is necessary.**

East Lammermuir Community Council (0414/9)

Developers should be approached directly for apprenticeships. This is not a consideration for the LDP, however, the Council through other services has started a construction academy and addresses this matter through contracts. **The Council submits that no modification is necessary.**

Conchita Campbell (0440)

Noted.

**LDP Support**

Wemyss & March Estates (0315/7)

Conditional support welcomed.

**Reporter's conclusions:**

**Preliminary**

1. My examination of the plan is limited by regulations to addressing only the unresolved issues which have been raised in representations. The council has listed above matters raised in representations which are in support of the provisions of the plan and does not seek modifications. Therefore, unless these relate to an issue which is unresolved, they will not be addressed in my conclusions.

**LDP General Comments**

2. A number of representations criticise the general structure of the plan and the difficulty in understanding it. The representations make no specific suggestions as to how the plan may be made easier to read. While I note the structure of the plan described by the council in its response and the colour coding used, I did not find these obvious on first reading the document. The ability to navigate to different sections of the plan could be improved further by simply adding additional references to the Contents. Beyond this, I accept that the complex nature of the information presented limits how much this could be made clearer. In the absence of any specific suggestions in the representations for me to

consider I am unable to recommend any modifications.

3. I note the reference to mixed use in the Main Strategy Diagram alongside particular proposals. This appears to correspond with the proposals identified within each of the cluster areas. I also note the definition of 'Density and Mixed Use' within the Glossary although the description appears to focus more on how to determine development density rather than define mixed use.

4. The council clarifies in its response that the term 'mixed use' has been applied where more than one use other than housing is proposed. I note the term is used for proposals where there may be a combination of at least two land uses such as housing and employment, housing and community uses or housing and a school. The specific concerns of the Walker Group relate to Proposal TT1. This is responded to in Issue 6 where we recommend that the term mixed use should be removed from this proposal in this particular instance as land for the expansion of the school is identified separately. Other than this, I consider the council's general approach with regard to mixed use to be clear and consistent.

5. The concerns raised by Martin White essentially relate to the assessment underpinning the identification of sites for housing in Gullane. The requirement for an Environmental Impact Assessment (EIA) to be submitted is in association with certain types of development as specified in The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. EIA is generally carried out prior to the submission of a planning application. A Strategic Environmental Assessment (SEA) has been undertaken alongside the preparation of the plan. The draft Environmental Report considers the environmental impacts of the spatial strategy including the relative merits of a compact growth strategy alongside a more dispersed approach. Representations objecting to the cumulative effect of the proposed allocations within Gullane are responded to in Issue 9a. While the SEA has been undertaken at a strategic level, appropriate mitigation for the cumulative impacts of development on local infrastructure and facilities is identified within the plan and will be sought through relevant development proposals.

6. The representations by Kirsty Towler, J M Stevenson and E MacDonald highlight a number of concerns relating to the already advanced progress of sites to be allocated within the plan, the lack of infrastructure to support the level of new housing, the lack of employment land and allocations in the right locations (the Tyne Valley Ribbon is suggested), impacts on tourism and the loss of prime agricultural/coastal land. Specific objection is also raised to certain allocated sites within the Prestonpans, Blindwells, Haddington and North Berwick Clusters – our response on these is dealt with in Issues 4, 5, 7, 9 and 9a.

7. Many of the other concerns raised are responded to in Issue 2: Spatial Strategy, Issue 12: Planning for Housing and Issue 11: Planning for Employment where the principle of the scale of housing and employment allocations required and the locations chosen is considered in detail. We endorse the spatial strategy of the plan, the overall scale of development proposed and the majority of the land allocations, including the use of prime agricultural land for development where this is necessary as a part of a sustainable settlement strategy. The amount of land allocated for employment purposes is considerably in excess of the SESplan requirement. Given the overall timescales in bringing forward this local development plan, and the shortfall in housing land supply acknowledged by the council in the interim, it is inevitable that certain sites may have

gained planning permission. Overall, the amount of housing land allocated in the plan is sufficient to meet the SESplan requirement. We are also satisfied that key infrastructure required is identified in the plan and suitable measures are to be put in place to provide or fund these, including developer contributions. A number of relevant policies are in place to encourage tourism development and to protect the landscape, nature conservation interests and the cultural heritage of the area.

8. The matter of development density is considered in Issue 30. There is a clear recognition within the plan that higher density development will be sought in particular instances (through Policy DP3) although 'high rise' is not specifically endorsed and each development proposal will require to demonstrate an appropriate design response which reflects the circumstances of the site and its location.

9. I agree with the council that the request by East Lammermuir Community Council for developers to offer construction apprenticeships is not a matter for the local development plan but for the implementation of the plan.

10. Three representations (Dennis W Harding, Brian Morland and East Lammermuir Community Council 0414/1) raise specific concerns about the participation process in preparing the plan. I have considered these concerns earlier in the examination of conformity with the Participation Statement, however for completeness I also deal with them here.

11. The council explains that the consultation hub was set up to reflect the structure of the proposed plan and the Schedule 4 format, and was not canvassing support. With regard to the Main Issues Report, the council states that there is no statutory requirement to notify residents directly of sites proposed at that stage, but highlights the general consultation undertaken throughout this process. The council further submits that the timing of the consultation on the proposed plan was not deliberately timed to undermine the ability of the community council to comment.

12. Having considered all the evidence, I consider that the information submitted by the council in its Statement of Conformity demonstrates that its actions with regard to consultation and the involvement of the public and planning stakeholders as respects the proposed plan have been generally in conformity with those set out in the Participation Statement of the authority.

**Reporter's recommendations:**

No modifications.