
# Evidence Report Overview and Position Statement - (ELC 062)

## 1. Introduction

This Evidence Report has been prepared by East Lothian Council in accordance with the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2019, and the Town and Country Planning (Development Planning) (Scotland) Regulations 2003.

The submission of the Evidence Report to Scottish Ministers was approved by East Lothian Council's Full Council in August 2024. It was subsequently submitted to the DPEA for Gate Check. On 1st April 2025, the Reporter issued a decision commenting on some elements of the Evidence Report and stating that some evidence was missing or not clearly explained. As a result, the Evidence Report was deemed insufficient to support the preparation of the Local Development Plan and was returned to the Council for amendment.

This updated version of the Evidence Report addresses the Reporter's recommendations and is being resubmitted in September 2025. The updates are proportionate and focused on the necessary additions, as advised by the DPEA. The Evidence Report only addresses the points raised by the Reporter and the remainder is unchanged. It is not based on a revised baseline of information and updates are only provided where a draft document referenced in the original submission has subsequently been finalised. This approach reflects the guidance provided by the Chief Planner where they state that any additional work on the Evidence Report should not be an onerous or time-consuming affair and not be a rewrite of the whole document.

Appendix 1 highlights the points raised by the Reporter with references to where they have been addressed in the Evidence Report.

## 2. Approach to Producing the Evidence Report

East Lothian Council's approach included:

- - Gathering data and policy documents relevant to NPF4 and the Council area.
- - Conducting public engagement to understand the lived experiences of residents.
- - Engaging with key agencies, infrastructure providers, and the development industry.
- - Collaborating across Council services to align with adopted strategies.
- - Reporting to Council Committee.

## 3. Structure of the Evidence Report

The Evidence Report comprises:

- Storymap (ELC 001) – A spatial overview of key evidence and source of key spatial data. The operates as an executive summary of the Evidence but also allows the user to interact with spatial data sets thus making the evidence more accessible. The Storymap format has been retained as it was very well received by key stakeholders such as Councillors, Community Councils and senior management. Information in this document has been endorsed by the key agencies and in many instances the information included has been provided though key agency liaison. The Storymap consists of the following sections:
  - Characteristics of the Area
  - A Retrospective on the Current Plan
  - Policy context for LDP
  - Overarching Themes for LDP2 (Climate, Nature, Health and Infrastructure)
  - Evidence for LDP2 Spatial Strategy
  - Policy Context for LDP2
  - Area Partnership Evidence

- Topic Papers – Detailed thematic papers that include links to more detailed evidence, summary of the evidence, summary of comments received (from the general public and other general stakeholders), actions for the Proposed Plan and whether there are any disputes. The subjects covered are as follows:

  - - (ELC 003) Climate Topic Paper – Details the climate related trends in East Lothian and how the future work of the LDP will be taken forward alongside the implementation of the Councils Climate Change Strategy.
  - - (ELC 004) Health Topic Paper – Details of the health statistics relevant to the County and possible approaches that could be investigated as part of the Proposed Plan to combat them. This paper has been developed with assistance from the East Lothian Social Care Partnership.
  - - (ELC 005) Review of Current Plan Topic Paper – Reviews the success of the LDP1 spatial strategy and the extent to which it has achieved its aims. It also looks at the

- - (ELC 006) Spatial Strategy and Infrastructure Topic Paper – Sets out the key infrastructure and other characteristics of the area that will guide the future spatial strategy. It contains information on:
    - Health infrastructure (Developed with assistance from NHS Lothian)
    - Education Capacity (Information provided by East Lothian education Service)
    - Energy Networks including information from energy operatives
    - Planning Obligations (including the process for reviewing the current methodology)
    - Water supply and waste water capacity (information provided through liaison with Scottish Water)
    - Flooding (information agreed with SEPA along with the Strategic Flood Risk Assessment)
    - Telecommunications
    - Other information such as details of cultural venues
    - Vacant and Derelict Land

      This Topic Paper includes all the comments made by SEPA, Scottish Water and NatureScot.

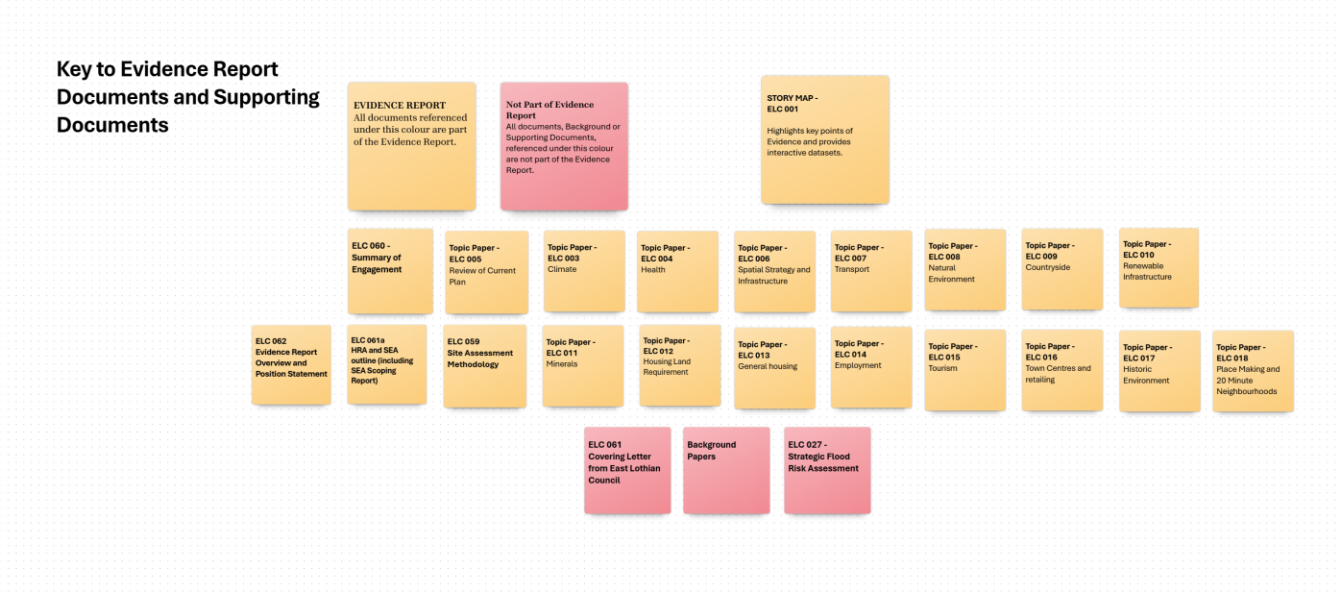
- - (ELC 007, and 7a) Transport Topic Paper Sets out the transport trends the county is experiencing and the options through which sustainable travel can be delivered in the future. The Topic Paper is backed up by a number of modelling sources showing detailed statistics of transport movements. The paper includes the outcomes of baseline modelling that will be used as the basis for the transport assessment of LDP2. The paper has been developed with and signed off by Transport Scotland, also included are the next steps in working with Transport Scotland to progress the Proposed Plan. The Appendix (ELC 007a) includes details of the STAG assessments that have been carried out to investigate proposals in the west of the County.
- - (ELC 008) Natural Environment Topic Paper – sets out the natural characteristics of the area, challenges that the area faces and process through which they will be addressed as part of the Proposed Plan. The paper includes comments made by NatureScot and information provided by Forest Scotland as part of the parallel development of the Tree and Woodland Strategy.
- - (ELC 009) Countryside and Coast Topic Paper. Sets out the countryside characteristics and issues affecting the area. It also includes information on the future review processes for the Green Belt and the Countryside Around Towns.
- - (ELC 010) Renewable Energy Infrastructure Topic Paper. Sets out details of the recent trends and sets out an outline of the method through which impacts of energy development on the landscape will be assessed.
- - (ELC 011) Minerals Topic Paper – Sets out information on current minerals sites and future requirements. Also provides information on the approach to future minerals surveys.

- - (ELC 012) Housing Land Requirement Topic Paper – Sets out the context and methodology for arriving at the Housing Land Requirement.
- - (ELC 013) General Housing Topic Paper – provides evidence on affordable housing, adaptable housing, gypsy and travelling people accommodation and other specialist needs provision. This Topic Paper has been jointly written with the Councils housing Service.
- - (ELC 014) Employment Topic Paper – This paper reviews the current availability of employment land, the key sectors in the area and challenges in future delivery. This paper has been endorsed by Scottish Enterprise and written in collaboration with the Councils Economic Development Service.
- - (ELC 015) Tourism Topic Paper – Set out the key challenges and opportunities facing the tourism sector and recent trends in visitor activity and key attractions. It includes the context for the future discussions on short term let policy.
- - (ELC 016) Town Centres Topic Paper – includes details of the characteristics of the County's town centres and their performance in relation to footfall and vacancy rates, compared with the national perspective.
- - (ELC 017) Historic Environment Topic Paper – sets out details of the conservation areas, listed buildings and other heritage assets. Also sets out how related management plans and guidance will be reviewed. The content includes information from Historic Environment Scotland and the overall content has their endorsement.
- - (ELC 018) Placemaking and 20 Minute Neighbourhoods Topic Paper – includes details on the 20 minute neighbourhood credentials of the key towns in the County, the results of place standard assessment of communities and the future challenges in trying to achieve 20 minute communities.

Also, part of the Evidence Report are the following:

- - (ELC 060) Summary of Evidence Report Engagement Topic Paper – This sets out the process through which the Council engaged with stakeholders as part of the development of the plan. It highlights that considerable efforts have been made to engage with stakeholders and incorporate their views into the Evidence Report.
- - (ELC 005) Review of Current Plan Topic Paper.
- - (ELC 062) Evidence Report Overview and Position Statement (This document).
- - (ELC 061a) HRA and SEA Outline.
- - (ELC 059) Site Assessment Methodology - This document sets out the stages process through which sites submitted to the LDP will be assessed. It uses the template prepared by the key agency working group and add some additional planning criteria such as deliverability, a change suggested by representatives of the housing industry.

The Evidence Report is also supported by a number of other documents as set out in the diagram below:




## 4. Engagement Summary

Significant engagement was undertaken, fulfilling the requirements of Section 16B of the Planning Act. This included:

- - Consultation with key agencies, children and young people, disabled persons, Gypsies and Travellers, and the public.
- - Engagement with community councils.
- - Engagement with key public bodies.
- - Joint preparation of information with other Council services.
- - Joint engagement as part of the development of other Council strategies.
- - Details are provided in the Summary of Engagement Topic Paper (ELC 060). Appendix 1 of this document sets out how the Council has addressed the requirements of section 16B of the Planning Act.

The Key Agencies are all of the view that the Evidence Report is sufficient and there are no disputes from key public bodies or other services of the Council. A great deal of the Evidence Report has been produced in collaboration with all the above organisations or departments.

As part of the Evidence Report preparation the Council engaged consultants to undertake engagement with young people in primary, and secondary school and youth groups. The results of this engagement are highlighted in many of the Topic Papers and produced in a report at the end of the Summary of Engagement Topic Paper (ELC 060).

## 5. Legislative Compliance

The Evidence Report also addresses the legislative requirements under Sections 15(5) of the 1997 Act. The following table sets out where in the Evidence Report the different elements have been addressed.

| Requirement | Content | Where Addressed |
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| | | |
| (a) | Principal physical, cultural, economic, social, built heritage and environmental characteristics of the district | Characteristics of the Area section of Storymap. |
| (b) | Principal purposes for which the land is used | Characteristics of the Area section of Storymap |
| (c) | Size, composition, health and distribution of the population | Spatial Strategy and Infrastructure Topic Paper (ELC 006), Health Topic Paper (ELC 004) and Characteristics of the Area, Health and Spatial Strategy sections of Storymap. |
| (ca) | Housing needs, including students, older people, and disabled people | Topic Paper (ELC 012) Housing Land Requirement, General Housing Topic Paper (ELC 013) and Housing section of Storymap. |
| (cb) | Availability of land for housing, including for older and disabled people | Topic Paper (ELC 012) Housing Land Requirement, General Housing Topic Paper (ELC 013) and Housing section of Storymap. |
| (cc) | Desirability of allocating land for resettlement | Spatial Strategy and Infrastructure Topic Paper (ELC 006). |
| (cd) | Health needs and effects of development on health | Spatial Strategy and Infrastructure Topic Paper (ELC 006), Health Topic Paper (ELC 004) and health and spatial strategy sections of Storymap. |

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| (ce) | Education needs and effects of development on education | Spatial Strategy and Infrastructure Topic Paper (ELC 006) and spatial strategy section of Storymap. |
| (cf) | Rural areas with substantial population decline | Spatial Strategy and Infrastructure Topic Paper (ELC 006). |
| (cg) | Capacity of education services | Spatial Strategy and Infrastructure Topic Paper (ELC 006) and spatial strategy section of Storymap. |
| (ch) | Desirability of maintaining cultural venues and facilities | Spatial Strategy and Infrastructure Topic Paper (ELC 006). |
| (d) | Infrastructure (communications, transport, drainage, water, energy, health, education) | Spatial Strategy and Infrastructure Topic Paper (ELC 006) and spatial strategy section of Storymap. |
| (e) | How infrastructure is used | Spatial Strategy and Infrastructure Topic Paper (ELC 006) and spatial strategy section of Storymap. |
| (f) | Anticipated changes in any of the above matters | Spatial Strategy and Infrastructure Topic Paper (ELC 006) and spatial strategy section of Storymap. |

Other requirements of the Planning Act are addressed as follows:

| Requirement | Content | Chapters Addressing It |
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| 16B(3)(a) | Planning authority's view on matters in Section 15(5) | See above |
| 16D(1) | Play sufficiency (Play Sufficiency Assessment Regulations 2023) | ELC 063 |
| 16B(2) | Views of key agencies and others | Summary of Evidence Report Engagement Topic Paper (ELC 060) |

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| 16B(3)(b) | Housing needs of older and disabled people, and analysis of actions taken | General Housing Topic Paper (ELC 013) and Housing section of Storymap. |
| 16B(3)(d) | Local Place Plans | Summary of Evidence Report Engagement Topic Paper (ELC 060) and Local Issues section of Storymap. |

## 6. Strategic Environmental Assessment (SEA)

In compliance with the Environmental Assessment (Scotland) Act 2005, a SEA Scoping Report (included in ELC 061a) has been produced. The Report set out how the likely environmental effects of the development plan will be assessed during the next stage of the LDP process. ELC 061a provides an overview of how the SEA process will be undertaken for LDP2.

## 7. Habitats Regulations Appraisal (HRA)

The HRA, required under the Habitats Directive and Conservation Regulations, evaluates potential impacts on European sites. The Council has produced an HRA document (included in ELC 061a) to guide the Proposed Plan stage and set out the future approach to this subject.

## 8. Statements of Agreement, Dispute, and Evidence Gaps

While the Council is confident in the sufficiency of the evidence gathered, some disputes and gaps remain due to data availability and stakeholder capacity.

The only dispute is on housing numbers and the housing land requirement where housing representatives proposed higher figures based on alternative approaches. More information is provided on this issue in the Housing Land Requirement Topic Paper (ELC 012). There were many other alternative approaches submitted into the process but these relate to policy development and are for the next stage of the LDP process and there is no requirement for their inclusion as disputes. Many of these points are summarized as future actions of the Proposed Plan in the Topic Papers.

Given the nature of the LDP process it is also not possible to have all information available at the one time, particularly as some of it relates to policy work which is reserved for the next stage of the LDP process. There are many future processes such as Green Belt review, landscape capacity assessment and conservation area appraisals that the Council does not see as evidence gaps but are highlighted at the request of the reporter to provide information on the next stage of the Plan. Any actual gaps or future workstreams are highlighted in the Action for Proposed Plan and Disputes section of each Topic Paper.

When the Evidence Report was originally submitted there were two Evidence Gaps. The first was a lack of information on student accommodation that has now been resolved through the production of a joint university accommodation strategy. The second was in relation to health infrastructure data. Significant progress has been made in gathering this information and although more work still requires to be done to address the impacts on health infrastructure the gap that was identified has been filled.

| Appendix 1 – Council Response to Gatecheck Comments | | | | | | |
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| **Council Action Number** | **Gatecheck Reference** | **Action Required by Gatecheck** | **Related Points made by Reporter** | **Where addressed in Evidence Report at present** | **Action Taken by Council** | **Reference in Evidence Report** |
| **1.0** | Para 1.1 bullet point 1 | a clearly distinguishable, non-repetitive and easy to follow evidence report document | para 2.2 Make clear which elements of the Gate Check submission are intended to form the evidence report, avoiding repetition. The evidence report should have a logically ordered contents page and reading guide (Pages 30 – 33 of | | Storymap renamed Part 1 of the Evidence Report. Story map rearranged into tile format with fewer headings. Storymap edited to only include a summary of the evidence and associated imagery/links/shapefiles. Everything else deleted or moved to the topic papers. The current summary sheets have been renamed Topic | **Throughout Evidence Report** |

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| | | | the Local Development Planning Guidance, including figure 7, provide advice on matters for inclusion in the evidence report). Information which more appropriately forms part of the evidence base should be clearly hyperlinked in the evidence report and adequately summarised and explained. | | Papers. they retain the template (from the SG Guidance). The Topic Papers also form part of the Evidence Report. Any other information is recast as background documents and will not be part of the Evidence Report. All the public responses from the consultation are included in the Topic Papers and have been removed from the Storymap and the background papers. The responses from the Key Agencies and other public bodies have been summarised in the 'Summary of Engagement Topic Paper' document along with the Councils response. These responses are | |

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| | | | | | referenced in each relevant Topic Paper under the Summary of Engagement section. Details of any future actions to address the issues raised should be covered in the Action for Proposed Plan section. | |
| **2.0** | Para 1.1 bullet point 1 | including working hyperlinks to evidence; | | | All hyperlinks checked in the Topic papers. Links at start of Topic Papers revised to prevent referencing becoming unsyncronised. Overall documents list updated to reflect any changes made. | **Changes made at start of each Topic Paper and Document masterlist.** |
| **3.0** | Para 1.1 bullet point 2 | a transparent and consistent record of engagement with key agencies and other stakeholders, particularly in relation to views on the evidence gathered and | para 2.2 Explain the approach taken to key agency and other stakeholder engagement at both evidence gathering and | The report already has information on final key agency comments. | Same as Action 13 for Spatial Strategy Topic Paper. General process for either gathering missing information or using existing information in developing spatial | **Added to Summary of Evidence Report Engagement Topic Paper (ELC 060).** |

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| | | the extent to which views have been taken into account; | reporting stages, with clear recording of responses and how these have been taken into account. Also Section 3a - para 1.1 - 1.24 | | strategy added to Spatial Strategy Topic Paper. | |
| **4.0** | | | Lack of indication of how comments from Key Agencies taken into account in Evidence Report. | Final position statements are included from most of the key agencies. Some did not reply which has not been documented. | More detail of engagement with key agencies, and summary of notes from meetings with them and other public bodies added. | **Added to Summary of Evidence Report Engagement Topic Paper (ELC 060).** |
| **5.0** | par 1.24 | There is no comprehensive record of views expressed and how these were taken into account. I was not provided with all associated correspondence or notes of meetings so | | | **See Action 4** | **Added to Summary of Evidence Report Engagement Topic Paper (ELC 060).** |

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| | | have been unable to otherwise clearly determine the sufficiency of engagement. | | | | |
| **6.0** | | I do not consider that the evidence report or the associated background papers provide a clear and consistent record of engagement with key agencies and other public sector stakeholders. Under “Summary of stakeholder consultation”, a list of all of those stakeholders consulted on each topic area, together with a summary of their comments; | | | Specific comments received from key agencies and public bodies added to the Evidence Report in the Topic Papers. | **Added to Summary of Evidence Report Engagement Topic Paper (ELC 060).** |
| **7.0** | | Under “Areas where there is agreement or | | | Under 'Areas where there is Agreement or | **Reference added to last** |

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| | | dispute on issues and possible approaches" a list of all of those stakeholders who agree that the evidence is GATE-210-2 10 sufficient or insufficient on each topic area, together with a response from the council on any comments made; | | | Dispute' section of Topic Papers, added in whether there were disputes or support from the key agencies or other public bodies. Also mention if any comments were received and reference that they can be found in more detail in the Summary of Engagement Topic Paper. | **section of each Topic Paper.** |
| | | Minutes or notes of meetings held with key agencies and public sector stakeholders (in particular for those noted in the report of engagement); | | | **See Action 6.** | |
| **8.0** | | An explanation of the approach taken to including copies of the information provided at call for evidence | | | Explanation added on how the information used in the engagement exercise has been | **Added to this Topic Paper.** |

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| | | stage in the Gate Check submission; | | | provided to the Engagement document. | |
| **9.0** | | An explanation of the approach taken to inviting key agencies and other public sector stakeholders to comment on the evidence gathered; | | | Information added stating what was sent to Key Agencies and how other parties were involved in commenting. Add to the Summary of Engagement on Evidence Report Topic Paper. | |
| **10.0** | | Written confirmation that key agencies and public sector stakeholders consider the evidence gathered to be sufficient (where applicable) and copies of submitted comments; | para 1.25 I also do not consider that the expectations of the guidance, in terms of engagement with other identified public sector stakeholders, have been fully met. | | Confirmation from Key Agencies added as Appendices into Evidence Report Topic Papers. | **Added to Summary of Engagement Topic Paper and referenced in the Topic Papers.** |
| **11.0** | | An explanation of why there was no engagement with Architecture and Design Scotland; | | | Reference added that they did not want to be involved. | **Added to Summary of Engagement Topic Paper.** |

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| **12.0** | | The council's view on the sufficiency of the evidence gathered from key agencies and public sector stakeholders (including where no responses were received), the implications of any evidence gaps, and any actions identified to address these. | | | Text added to Position Statement stating any gaps in the Evidence. Where there are gaps in Evidence these are also referenced in the relevant Topic Paper along with how this will be resolved, in the 'Actions for Proposed Plan' section of each Topic Paper. | **Added to Topic Papers as relevant.** |
| **13.0** | Para 1.1 bullet point 3 | a comprehensive evaluation of the previous local development plan; | para 2.2 Include a consistent and clearly presented evaluation of the existing local development plan. | There is information in already provided in some parts of the evidence report. | A new Topic Paper will be produced, Review of Current Plan. This will go through the parts of the LDP and NPF by theme and state how successfully it has been implemented and any lessons learned. Storymap will contain high level review of the Spatial Strategy and diagrams showing the extent of delivery of projects. Section, What | **Information contained in new Topic Paper, Review of Current Plan (ELC 005).** |

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| | | | | | this means for the Proposed Plan. Keep the reviews of the policies brief and focus on whether the policy has achieved its aims and keep the reviews positive as much as possible. Reference the specific Topic Area number and paragraph numbers where the information is available. | |
| | Para 1.1 bullet point 4 | clear identification of evidence gaps, next steps and the ongoing involvement of relevant stakeholders; | para 2.2 Set out the council's views on the sufficiency of the evidence, clearly identify evidence gaps/uncertainties; and explain if/how these are to be addressed. | Gaps are set out in the position statement. We can expand on this information | **See Action 12** | |

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| | Para 1.1 bullet point 5 | a clear and consistent approach to explaining the implications of the evidence for the proposed plan and delivery programme. | para 2.2 Apply a standard approach to setting out what the evidence gathered means for the proposed plan and delivery programme. | | **See Action 13** | |
| **14.0** | Para 2.4 bullet point 1 | The MATLHR and the assumptions on which it was based (with reference to the NPF4 background paper. | Section 3b para 1.4 No further justification is provided for the 40% uplift other than it results in a figure higher than the MATHLR. A robust and transparent explanation for the percentage uplift is required, which is tied into the most up to date evidence. It is not within my remit to direct the council on exactly how to | | Justification for 40% uplift to achieve HLR. Linked in with additional allowance added to help address affordable housing emergency. | **Added to paragraphs 12.10 – 12.15 of the Housing Land Requirement Topic Paper.** |

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| | | | set its LHLR. However, at the very least, an understandable and justifiable explanation should be provided, which is backed up by robust evidence. The council has achieved what NPF4 advises, by exceeding the MATHLR, but the resulting indicative LHLR is not backed up by up to date evidence. Rather the council seems to focus on evidence to the contrary and this is emphasised by its use of the wording "…the Council has reluctantly decided | | | |

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| | | | to set the LHLR at 6,660 houses". | | | |
| **15.0** | Para 2.4 bullet point 2 | The updated evidence provided by HNDA3. | section 3b para 1.5 If the council now disagrees with the MATLHR evidence base because of more up to date evidence (for example in HNDA3), then a more transparent and detailed explanation of why, should be provided. | | Text added stating that the Council understands it cannot go lower than the MATHLR. Reference responses received as part of the consultation on the 5000 figure highlighting that going below 6500 is not an option. | **References added to Section 12.16 – 12.24 of the Housing Land Requirement Topic Paper and Summary of Engagement Topic Paper.** |
| **16.0** | Para 2.4 bullet point 3 | The difference between the assumptions made in the calculation of the MATHLR and the HNDA3 figures. | | | Differences added to Evidence Report. | **Information added to paras 12.10 – 12.24 of the Housing Land Requirement Topic Paper.** |

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| **17.0** | Para 2.4 bullet point 4 | Why are the HNDA3 figures so much lower? | | | More information on this provided although it is not for the Gatecheck process to challenge the outputs of the HNDA process. | **Text added to para 12.70 – 12.80 of the Housing Land Requirement Topic Paper.** |
| **18.0** | Para 2.4 bullet point 5 | Why is the council's preferred approach to adopt the "steady growth" figure in HNDA3? | | Text already included to cover this but in brief form. | Text already included but will be added to reemphasise the reasoning for this decision. | **Text added to para 12.22 of the Housing Land Requirement Topic Paper.** |
| **19.0** | Para 2.4 bullet point 6 | How do completions feed into the setting of the indicative LHLR? | | The storymap and the background paper already state that completions have not been used to determine the LHLR as they are not a good measure of future policy. | Text already included covering the role of completions but more will be added to reemphasise their role in determining the HLR. | **Text added to para 12.24 – 12.28 of the Housing Land Requirement Topic Paper.** |

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| **20.0** | Para 2.4 bullet point 7 | How do brownfield land and windfall sites feed into the indicative LHLR? | | They don't directly feed in but there are high level considerations that will be included in the spatial strategy that can give an indication of the level of LHLR that could be accommodated. One of these is the availability of brownfield land, which in the County is very minimal. | Text added stating that brownfield land and windfall do not assist in the calculation of the HLR but that they will help to address any shortfall in housing. Mention that lack of brownfield land does prevent higher HLR being chosen due to lack of sustainable options. | **Text added to para 12.31 – 12.35 of the Housing Land Requirement Topic Paper.** |
| **21.0** | Section 3b) para 1.5 | The council refers to consultation undertaken on their preferred LHLR figure of 5,000, but none of the responses to this consultation have been | | The Council has nor presented a figure lower than the MATHLR. We understand from our | Brief summary of comments and response added. Only those from main industry representatives and community councils. | **Added to the Summary of Engagement Topic Paper and the Summary of Engagement section of the** |

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| | | submitted and explained in the evidence report. Again, this is an important part of the background evidence which is missing. The responses should be explained and responded to by the council. | | consultation on the 5,000 HLR that this was not possible due to the need to exceed the MATHLR figure. | | **Housing Land Requirement Topic Paper.** |
| **22.0** | section 3b para 1.6 | However, the council previously agreed to a figure close to the MATHLR. The reasons for the change in the council's position are currently inadequate and should be expanded. It is unclear why the economic challenges are unique in East Lothian, when compared to other councils. | 1.6 The council is said to be facing severe economic challenges from the high levels of house building which are putting severe strain on the council's finances. It is stated that significant additional levels of housing will make this situation critical. However, the council | The Council has not changed its position. It has stated that it will accept 6660 as this accord with the framework set by NPF4 and the guidance. The challenges are unique to East Lothian and are set out in the story map. | Text is already included explaining why a change in approach was considered but more has been added. Also more emphasis on the fact that the Council is not proposing a HLR lower than the MATHLR. | **Text added to para 12.51 – 12.57 of the Housing Land Requirement Topic Paper.** |

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| | | | previously agreed to a figure close to the MATHLR. The reasons for the change in the council's position are currently inadequate and should be expanded. It is unclear why the economic challenges are unique in East Lothian, when compared to other councils. | | | |
| **23.0** | section 3b par 1.9 | A table showing the proportion of windfall completions from 2016 to 2023 is provided, which shows an annual average of 26. However, it states that this figure does not include larger sites that were granted | | Windfall sites do not contribute to the setting of the HLR. They are on the other side of the equation and contribute | Explanation on windfall added to Topic Paper. Windfall sites do not feed into the calculation of the HLR. | **References added to para 12.31 – 12.32 of the Housing Land Requirement Topic Paper.** |

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| | | permission ahead of the adoption of the last LDP. I am unclear as to why this should be the case. An explanation should be provided, together with how the windfall figures would feed into the indicative LHLR | | towards the supply. | | |
| **24.0** | section 3b para 1.11 | The council appears to be saying that there is doubt as to whether or not the necessary infrastructure required to accommodate any new housing will be able to be provided. However, I am unclear, without further explanation, as to whether or not the problems cited in accommodating growth from an infrastructure point of view, already | | | Reference already included in multiple places of the increased costs of infrastructure to the Council. Additional text added to reemphasise the current situation with delivery including challenges of funding new infrastructure due to lack of funding both in terms of revenue and capital and the insufficient nature of S75 contributions. | **Text added throughout Infrastructure and Spatial Strategy and Housing Land Requirement Topic Papers.** |

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| | | exist. (See also my consideration of "Infrastructure first" under section 3(c) of this assessment). | | | | |
| **25.0** | section 3b para 1.12 | No responses have been submitted in relation to the housing parts of the evidence report. However, the council acknowledges that there are disputes on the level of the new LHLR, including from Homes for Scotland. A brief response to disputes is provided in the background paper and position statement. | an explanation should be provided about which stakeholders were asked for their views in relation to the evidence report and its associated housing land requirement and general housing background papers. In addition, any stakeholder responses should be submitted, recorded in the evidence report and responded to by the council, | | Add table to topic paper stating responses received and our comments or how they were incorporated, or not and why. | **Text added to para 12.102 – 12.106 of Housing Land Requirement Topic Paper.** |

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| | | | clearly setting out how any responses have been taken into account. | | | |
| **26.0** | | 1.7 The County does not have a large amount of brownfield land. This appears to contradict what is said in the spatial strategy and infrastructure background paper, which states that there are 83 hectares of vacant and derelict land across 32 sites as shown on the 2023 Scottish Vacant and Derelict Land Survey. | | | Add reference to storymap and topic paper stating that little remains after Cockenzie and East Fortune are taken out. | **Text added to para 12.34 – 12.35 of the Housing Land Requirement Topic Paper.** |
| **27.0** | section 3b para 1.8 | I cannot see any reference to an urban capacity study. This could provide useful information to feed into the indicative | | We have not undertaken one as opportunities would be limited. Urban | Information added stating why we have not carried out an urban capacity study. | **Text added to para 12.34 – 12.35 of the Housing Land** |

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| | | LHLR such as the opportunities for new residential development in town centres. An explanation of why such a study has not been undertaken/will not be undertaken would be helpful. | | capacity studies cannot be relied on to provide effective sites as they often contain derelict buildings or contamination which can be challenging to resolve. There will be little scope for residential development in town centres. We have stated that we are not setting a housing land requirement for town centres for this reason. | | **Requirement Topic Paper.** |

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| **28.0** | Para 2.4 bullet point 8 | How will the necessary infrastructure required to accommodate any new housing be provided? What information and engagement would be required in moving onto the next steps in the plan process? | | | Process set out for delivering infrastructure, set by infrastructure type. Highlights uncertainties due to other overlapping process or reviews such as changes to school capacities due to ASM, school estate reviews. Also refers to what the HLR could mean in terms of infrastructure impacts. | **Text added to para 6.164 onwards of Infrastructure and Spatial Strategy Topic Paper.** |
| | Para 2.5 | Details of previous consultations undertaken and responses received should be explained and responded to. Any matters raised by relevant stakeholders, including Homes for Scotland should be addressed. | | This was not the approach agreed with the DPEA. In discussions they specifically mentioned they did not want to see all responses or our views on them. | A response was already included from HfS. More information has been added but this is the same as **Action 25.** | |

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| **29.0** | para 2.6 | The Evidence Report should provide clarity about the additional education, health and other facility evidence that would be required were the council to pursue an associated developer contributions policy (more detail is provided in schedule 3c). | | | Process for reviewing the Obligations policy added, what information will be required and who will be involved. | **Text from para 6.164 onwards of the Infrastructure and Spatial Strategy Topic Paper.** |
| | Para 2.7 | In terms of developer contributions, the evidence report should review the policy approach in the previous local development plan and set out the implications of any potential change, including the views of relevant stakeholders. | Para 1.2c It explains why I consider there to be omissions in the evidence relating to a potential new approach to developer contributions. Section 3c) para 1.5 need to be revisited to look again at the scope of the | Asking for views on a policy change is not appropriate for the Evidence Report. All we have done is mention some options. We have not decided on any of them. | **Same as Action 29 and 13** | **Text added to the Review of Current Plan Topic Paper.** |

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| | | | infrastructure it can help deliver. However, insufficient information has been provided on whether the current developer contributions policy in the adopted local development plan has been successful. The evidence report would also benefit from clarification as to how stakeholders have been/will be involved in the proposed widening of the current approach. | | | |
| | Para 2.8 | Where possible, identified evidence gaps in relation to the | | | **Same as Action 13** for Spatial Strategy Topic Paper. General process | **Text added to para 6.164 onwards in the** |

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| | | condition and capacity of existing infrastructure should be addressed in the evidence report. If this is not possible, a clear explanation is needed on what further evidence is required to understand the baseline infrastructure context and support any future approach to developer contributions. A detailed explanation of how problems in delivering the necessary infrastructure will be overcome should be provided. | | | stated for either gathering missing information or using existing information in developing spatial strategy. | **Infrastructure and Spatial strategy Topic Paper.** |
| **30.0** | section 3c) para 1.7 | .....is not immediately clear which educational facilities have been provided or not provided. A simple | | | | **Text add from para 6.164 onwards in Infrastructure and Spatial** |

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| | | table showing the schools required and delivered, under construction or not delivered, would provide a more transparent and easily understandable summary of the information. This would enable an evaluation to be undertaken of whether the previous plan has delivered on its outcomes. | | | | **Strategy Topic Paper, Spatial Strategy Section of the Review of Current Plan Topic Paper and the .** |
| **31.0** | section 3c) para 1.8 | Furthermore, a spatial analysis to identify areas of spare capacity or areas where additional capacity and/or improvements to existing facilities would be required could be undertaken. Such evidence would be necessary to | | | This cannot be done at this stage ahead of knowing where new sites will be. But information has been added on the process that will be followed at the next stage of the Plan. | **Text added from para 6.164 onwards in Infrastructure and Spatial Strategy Topic Paper.** |

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| | | establish a firm basis for seeking developer contributions. | | | | |
| **32.0** | section 3c) para 1.11 | The council's position statement recognises this gap in information and states that "Good relationships have been created with NHS Lothian and the social care partnership through which we are working on gathering further information on future health capacity needs". The Local Development Planning Guidance indicates that "where it is not possible for infrastructure providers or other stakeholders to share sensitive information about infrastructure capacity, constraints and planned | | | More information has been added on the baseline information and outline of methodology for working out impacts on health infrastructure. References added to the Summary of Engagement Topic Paper along with process for addressing capacity impacts in the Proposed Plan. But as with other comments above it is not as simple as to say, there is capacity at the moment therefore it can be used. There are many other factors including additional support needs and the condition of the school that need to be taken into account before capacity can be | **Text added from para 6.164 onwards in Infrastructure and Spatial Strategy Topic Paper, Appendix 2 and Summary of Engagement Topic Paper.** |

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| | | improvements, the use of a 'Red Amber Green' system may enable some understanding of the area baseline". I am unclear whether such an approach was considered to address any difficulties faced in gathering baseline information. | | | ascertained. This is all before the actual location of preferred sites can be taken into account. | |
| **33.0** | section 3c) para 1.12 | A better explanation is required of the difficulties in gathering capacity information and how the council will overcome these. Baseline information on the capacity and condition of existing facilities is likely to be relevant when considering where developer contributions (or infrastructure levy) | | | Text added to the Infrastructure and Spatial Strategy Topic Paper stating the overall challenges in gathering the data and then using it for the Proposed Plan. | **Text added from para 6.164 onwards in Infrastructure and Spatial Strategy Topic Paper.** |

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| | | may be required, within the context of Circular 3/2012. In addition, a spatial analysis to identify areas of spare capacity or where additional capacity and/or improvements to existing facilities would be needed. | | | | |
| **34.0** | section 3c) para 1.13 | Furthermore, a detailed explanation of how problems in delivering the necessary infrastructure will be overcome, should be provided. Clear links should be made with the indicative LHLR, the scale of proposed growth and the resultant implications for delivery. | | | Information included to say what the HLR could mean for infrastructure impacts in the strategy of the LDP. But again, the impact on infrastructure is not known until sites are chosen which is not at this stage of the plan process. | **Text added from para 6.164 onwards in Infrastructure and Spatial Strategy Topic Paper.** |

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| **35.0** | section 3c) para 1.14 | It is preferable that this information is set out in the evidence report to provide a robust and transparent framework on which to prepare the proposed plan. Where evidence gaps remain, the council should explain how and when these are to be addressed in order to meet the infrastructure first expectations of NPF4 and the Local Development Planning Guidance. | | | In all Topic Papers information added on any gaps and future policy preparation processes that have been identified and how we will go about addressing them or undertaking the future actions. | **Covered in 'Action for Proposed Plan' Section of Relevant Topic Papers.** |
| **36.0** | section 3c) para 1.15 | find worked well in the story map was the spatial dimension for each area partnership. Whichever format the council decides to use, the council should reconsider the presentation of its | | | Overall contents page produced and how to use Evidence Report guide. | **Covered through restructuring of the Evidence Report and explained through the** |

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| | | submission to Gate Check to avoid repetition, so there is no ambiguity as to the evidence report that distils and explains the council's view of the evidence on which its local development plan can be based. It should be clear which document is the evidence report and it should have a logically ordered contents page and reading guide | | | | **start of this Topic Paper.** |
| **37.0** | Para 2.9 bullet point 1 and section 3d) para 1,29, 1,30 | Detail with regard to the anticipated timescales for further work with Transport Scotland on the transport appraisal. | The evidence report could be improved by providing more detail regarding the anticipated timescales for this further work and who would be involved. In addition, it would | This is not a requirement of the Guidance. | Information added on future modelling and assessment of transport impacts and how we will engage with TS. | **Text added to para 7.179 of the Transport Topic Paper.** |

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| | | | be helpful to make reference to any plans to update the 2018 Local Transport Strategy, any council specific roads and transport spending plan and how neighbouring transport authorities have been involved in preparing the evidence report. | | | |
| **38.0** | Para 2.9 bullet point 2 | An explanation of how the evidence gathered aligns with the strategic environmental assessment and habitats regulations appraisal processes. | | The HRA process does not need to be undertaken for the Evidence Report. NatureScot did not mention this. The designations are shown in the storymap | Noted added stating overall approach to SEA and HRA. | **Information provided in HRA and SEA Outline Document (ELC 061a).** |

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| | | | | and the background paper sets out their importance. | | |
| **39.0** | Section 3d) para 1.12 | However, there is little mention of other stakeholders (for example social housing providers, private housing developers, energy companies, utility providers, public transport service providers, conservation societies, aquaculture businesses, minerals operators, the National Grid, the Ministry of Defence, the Coal Authority, societal or interest groups, community councils and other council departments) which were contacted or | | | References added to Engagement Document stating how these public bodies were engaged and whether they made any comments. If they did make comments these have been highlighted along with our response. | **Referenced in each relevant Topic Paper and in Summary of Engagement on Evidence Report Topic Paper.** |

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| | | involved. I am therefore unaware of which stakeholders were consulted and when, any comments expressed and how these have been taken into account. | | | | |
| | Section 3d) para 1.15 | In terms of housing, this would include consideration being given to the focus on a deliverable housing land supply, the extent of land supply and lessons learned. | Deals with an assessment of the existing plan. | | **Same as Action 13.** | |
| | Section 3d) para 1.14 | It states that "The next plan will look at the detailed proposals and policy of the current LDP and determine whether alternative approaches are required. Further information on the delivery and | | | **Same as Action 13.** | |

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| | | monitoring of the current LDP is provided in the background papers attached to this evidence report." | | | | |
| | Section 3d) para 1.16 | The council's position statement refers to only two gaps in evidence in relation to housing for younger people and future health capacity needs. However, I have noted various others mentioned, for example studies or other pieces of work that are not yet completed, uncertainties about the data included (for example in relation to short term lets and aggregate evidence) and the need for further analysis. | The evidence report would benefit from applying a clear and consistent approach to identifying evidence gaps/uncertainties and explaining the implications of these and whether/how they are to be addressed. | These are not gaps and should not be referenced as such. | The Council does not believe that these are gaps in Evidence. It is unrealistic and inappropriate to complete every piece of work associated with the LDP in time for the Evidence Report. Many of these documents are policy approaches which are not required to be included in the Evidence Report. This issue has been dealt with in the **same way as Action 35** in relation to the genuine gaps in information and by providing more | **A reference has been added to the Tourism Topic Paper on the future work on the short term let control area policy. This can only be pursued alongside the Proposed Plan or as a separate exercise and the final data set is not currently available.** |

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| | | | | | information on future studies. | |
| | Section 3d) para 1.18/1.19 | It would be helpful if details of the work and anticipated timescales for completion, including the views of relevant stakeholders on the scope and a commitment for further engagement, where appropriate, were provided for the production of the following identified gaps in evidence:  Local Heat and Energy Efficiency Strategy. (I note a final strategy may have been approved. If so, the relevance and implications for the evidence report should be updated)  Coastal Change Adaptation Plan  Local | | | **As Action 35.** | LHEES<br><br>**Coastal Change Adaptation Plan – Para 9.187 Countryside Topic paper and para 3.44 of Climate Topic Paper.**<br><br>Local Biodiversity Action Programme<br><br>**Information on the study on the impacts of energy development, including** |

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| | | Biodiversity Action Plan and identification of nature networks  Blue/green infrastructure audit  Open space audit update  Open space strategy update  Upgrade of Conservation Area Character Statements into full appraisals and any boundary changes  Revision of the affordable housing guidance  Study on the impacts of energy development, including battery energy storage 1.19 Also anticipated timescales for the completion of and details of who would be involved with the following:  Monitoring of Local | | | | **battery energy storage is included in para 9.193 of the countryside Topic Paper.**<br><br>**Information on the Open space strategy is included in section**<br><br>**Information on short term let control areas added to Para 15.20 of the Tourism Topic Paper.**<br><br>**Monitoring of Local Geodiversity Sites added as Appendix 1 to Natural** |

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| | | Geodiversity Sites<br>Survey and recording of priority gardens and designed landscapes of more local importance GATE-210-2 23<br>Further analysis of tier 1, tier 2 and rural settlements in terms of 20 minute neighbourhoods<br>Review of Article 4 Directions in conservation areas<br>Identification of disused railway lines<br>Identification of water dispenser locations | | | | **Environment Topic Paper.**<br><br>**Information on Gardens and Designed Landscapes, Article 4s and Conservation Area Appraisals added to paras 17.13 to 17.33 in the Historic Environment Topic Paper.**<br><br>**Revision of the affordable housing guidance. Added to para 13.81 of the General Housing Topic Paper.**<br><br>**Further analysis of tier 1, tier 2** |

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| | | | | | | **and rural settlements in terms of 20 minute neighbourhoods is set out in the Local Living and 20 Minute Neighbourhood Topic Paper para 18.32.** |
| | Section 3d) para 1.22 | I have noted that some background papers refer to further work to be undertaken by the council. The details of what this work will entail, what engagement is to be undertaken with relevant stakeholders and the implications for the proposed plan are not always adequately explained (for example in the spatial strategy and | | | **As Action 35**. | |

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| | | infrastructure background paper). The evidence report could be improved by ensuring that a consistent approach is taken to summarising the implications for the proposed plan and the delivery programme, particularly where there are gaps in the evidence base. | | | | |
| **40.0** | Section 3d) para 1.25 | The evidence report should, at the very least, provide the detail of what work will be undertaken to review the green belt with anticipated timescales for its completion, including the views of relevant stakeholders on its scope and a commitment for | Any stakeholder comments on the content of the evidence report should be provided and GATE-210-2 24 summarised in the evidence report, together with the council's response to any comments. | | Process set out for green belt review. Added in who we will engage with and overall process. | **Added as Appendix 4 to the Countryside Topic Paper.** |

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| | | further engagement, where appropriate. | | | | |
| **41.0** | Section 3d) para 1.27 | Again, the review of the CATs boundaries will be an important factor in the development of the LDP2 spatial strategy. The council has added additional criteria to the site assessment methodology to reflect CATs matters, which were not in the original key agency version. I note that the possibility of redesignating CATs as green belt is also referred to. This would be a major change to the existing LDP and the evidence to feed into such a proposal would ideally be outlined in the evidence report. | Para 2.2 At the very least, provide details of what work will be undertaken to review the green belt and countryside around towns (CATs) with the anticipated timescales for its completion, including the views of relevant stakeholders on its scope and a commitment for further engagement, where appropriate. | | Process for CAT review set out. States who we will engage with and overall process. | **Added as Appendix 5 to the Countryside Topic Paper.** |

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| | | However, the evidence report should, at the very least, provide the detail of what work will be undertaken to review the CATs boundaries with anticipated timescales for its completion, including the views of relevant stakeholders on its scope and a commitment for further engagement, where appropriate. | | | | |
| **42.0** | Para 2.9 bullet point 3 | · The inclusion of relevant evidence on community wealth building, | | Para 122 of guidance states that it can be provided but it is not necessary. | Add Evidence on Community Wealth building to Employment Topic Paper. | **Added to para 14.57 of the Employment Topic Paper.** |
| **43.0** | | · the creative sector, | | | Evidence on creative sector added to Employment Topic Paper. | **Added to para 14.57 of the Employment Topic Paper.** |

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| **44.0** | | · aquaculture, | | · Aquaculture is included in the Natural Environment Background Paper para 287 – 311. It is not clear what else can be provided in general but we can add some additional text on possible job creation. | Add Evidence on aquaculture to Employment Topic Paper. | **Added to para 14.57 of the Employment Topic Paper.** |
| **45.0** | | · awareness of locations of concern for suicide and | | · The Guidance states that we should not publish areas where suicides take place. Numbers are mentioned in the health background paper but we can add a reference to say | Reference added to awareness of suicide locations to the health paper alongside the relevant statistics. | **Added to para 4.16 – 4.18 of the Health Topic Paper.** |

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| | | | | we know of locations where these it takes place. | | |
| **46.0** | | · local aggregate figures, or an explanation of why this is not necessary/appropriate. | | The statement in the report says this information is missing which is incorrect.· Page 6 of the Minerals background paper states 'Market areas are defined in the BGS survey. East Lothian lies in the East Central Scotland market region, comprising the three Lothian Authorities, Edinburgh, Fife and Scottish | Reference reemphasised that figures are gathered at a Regional level but and also, under next steps, that a survey will be carried out. | **Text added to of the Minerals Topic Paper.** |

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| | | | | Borders Council areas. However, the difficulties in defining a market area within Scotland, with its varied population and geology, are recognised'. It seems clear from the statement above why there are no local figures but we can be even more explicit. | | |
| **47.0** | Para 2.9 bullet point 4 | The inclusion of links to data on the location of hazardous substances and their associated safety zones, an explanation of its relevance for the proposed plan, information on any | | These are referred to in the story map. The detail is not provided but can be easily added. | Map of hazardous zones added alongside existing text covering this issue. | **Added to Safeguard Zone section of the Spatial Strategy part of the Storymap.** |

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| | | expansion plans of businesses using hazardous substances, and a summary of the outcomes of any engagement with the Health and Safety Executive. | | | | |
| **48.0** | section 3d) para 1.36 | The evidence report should explain how the council has had regard to the National Waste Management Plan or why it is not relevant. The evidence report could be improved by providing more detail in relation to waste and recycling in general and clarifying if there is a council specific waste strategy, waste and recycling targets or any need for new infrastructure. Furthermore, an explanation of how the | | | Reference to National Plan and other waste related points alredy included in story map but reemphasised in Story Map and Topic Paper. | Added to Other Spatial Considerations in the Spatial Strategy section of the Storymap. |

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| | | waste sector and any relevant council departments have been involved in the preparation of the evidence report and its associated background papers. | | | | |
| **49.0** | section 3d) para 1.37 | Site Assessment methodology. The evidence report could be improved by providing clarification, including who has been consulted on the methodology and the views of stakeholders on the evidence required to support the identified site appraisal methodology. Also, the inclusion of a clear intention to involve internal and external statutory and technical consultees in the | | | Details of HfS comments and how we have taken them into account. Key agencies were not consulted as it was their own assessment sheet. | **Text added to the Infrastructure and Spatial Strategy Topic Paper.** |

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| | | future site assessments. | | | | |