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Document Title	Draft Proposed East Lothian Local Development Plan: Proposed Additional Specific Consultation

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REPORT TO: MEMBER'S LIBRARY SERVICE

MEETING DATE:

BY: Depute Chief Executive: Partnerships and Community Services

SUBJECT: Draft Proposed East Lothian Local Development Plan: Proposed Additional Specific Consultation

1 PURPOSE

- 1.1 To inform Members of officers' intention to carry out additional specific and targeted further engagement work with Humbie, East & West Saltoun and Bolton, MacMerry & Gladsmuir and North Berwick Community Councils with regard to housing and employment sites proposed for inclusion within the Finalised Proposed Local Development Plan.

2 RECOMMENDATIONS

2.1 It is recommended that:

- (i) Officers carry out further consultation with MacMerry & Gladsmuir, North Berwick and Humbie, East & West Saltoun and Bolton Community Councils;
- (ii) Notify these community councils of the further engagement process and agree attendance at their next meeting;
- (iii) Officers invite responses from the Community Councils.

3. BACKGROUND

- 3.1 Under the terms of the Planning etc. (Scotland) Act 2006, Local Authorities are required to produce a Local Development Plan (LDP) which sets out detailed policies and proposals that will guide new development and decision making on Planning Applications. Once adopted, the East Lothian Local Development Plan will contain a spatial strategy, proposals map, and be accompanied by supplementary guidance and an action programme.
- 3.2 Preparation of the LDP began with publication of a Main Issues Report (MIR) and Interim Environmental Report (IER) in October 2014 for consultation. The Main Issues Report document set out the main issues that the Council felt may need a change in approach. The Interim

Environmental report provided a high level assessment of the likely environmental effects of the MIR; including assessment of all sites / areas the Council considered ought to be included within the MIR as preferred, reasonable alternative or other options for development.

- 3.3 A Draft Proposed Local Development Plan (as amended) was approved on the 17 November 2015. It took into account comments received during the consultation on the Main Issues Report and Interim Environmental Report. The majority of the Draft Proposed Plan was approved with some aspects requiring amendment before the Plan can be finalised.

Consultation

- 3.4 The Town & Country Planning (Scotland) Act 1997 (as amended) sets out consultation requirements for preparing a Main Issues Report and a Local Development Plan. These statutory requirements have been fully satisfied in the work completed to date. Members will be aware of the extensive public consultation measures already carried out in respect of the Main Issues Report / emerging Local Development Plan, including:

- A series of events held in February 2012 to gather the views of local residents and others before preparation of the Main Issues Report. These were run independently by Planning Aid for Scotland (PAS). A total of 180 people attended the programme across East Lothian. The views gathered helped shape the Main Issues Report;
- The Main Issues Report (MIR) and Interim Environmental Report (IER) consultation ran from 17 November 2014 to 8 February 2015. A series of consultation events were held in each of the main towns. Drop in sessions were held during the day and facilitated workshops were held in the evening for more focused topic based discussions;
- Letters were sent to prescribed authorities and adjoining Local Authorities. Notices were placed in the East Lothian Courier and East Lothian News and on Council's web page.

- 3.5 As a result of this awareness raising and consultation work, in excess of 1000 responses were received to the Main Issues Report. All documentation has been made available to the public at Council offices and libraries and on the Council's web-pages. A summary report was produced, setting out the nature of consultation and engagement work carried out and the findings (including the findings of the consultation workshop events, as well as formal responses). This was reported to East Lothian Council on the 21 April 2015.

- 3.6 Notwithstanding that the relevant statutory consultation requirements have been met, in relation to the content of a Finalised Proposed Local Development Plan paragraph 80 of Circular 6/2013 Development Planning states that:

“Planning authorities should be able to demonstrate the underlying reasons for their preferred development locations and policies. This stage should not be used to ‘test the water’: new or controversial elements of plan content should already have been aired at the Main Issues Report stage (at least as reasonable alternatives). If a particular issue or site arises that was not consulted on in the MIR, 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. Planning authorities should be prepared to justify their position at any subsequent Examination of the plan.”

- 3.7 There is no legal requirement to carry out further consultation when a site or an issue not consulted on through a MIR is to be included in the Finalised Proposed Local Development Plan. However, Scottish Government advice is an important material consideration when deciding if such additional consultation should be carried out. It is good practice to initiate further consultation with relevant communities in such circumstances. It is also important to note that before a plan can progress through an examination, adequate consultation on the plan must first be carried out.
- 3.8 As such, where a new site not consulted on through the MIR is to form part of the content of the Finalised Proposed Local Development Plan then it should be subject to further specific, targeted consultation.

Discussion

- 3.9 The Draft Proposed LDP identifies that sites at East Saltoun (75 homes), Humbie (20 homes) and Gladsmuir (20 homes) be used for residential development as well as seven potential sites for employment in the North Berwick cluster. These sites **were not** included in the Main Issues Report that was published for consultation.
- 3.10 However, in light of consultation responses made to the Main Issues Report (on housing land supply issues) and amendments that were tabled at the 17 November meeting of East Lothian Council the above housing sites were included within the Draft Proposed Local Development Plan and all the employment sites are being assessed pending further consideration of their inclusion within the plan.
- 3.11 The residential sites at Humbie, Gladsmuir and East Saltoun were all site assessed as potential development sites and were subject to some limited consultation by their inclusion within the Interim Environmental Report. However, people did not have an opportunity at that time to comment on these sites as part of the MIR consultation process itself. Of the seven potential employment sites suggested for inclusion within the Finalised Proposed Local Development Plan in the North Berwick cluster, four have been the subject of prior site assessment and the other sites are currently undergoing this process.

3.12 As such, further consultation considerations apply in respect of all these sites. Humbie, East & West Saltoun and Bolton Community Council has already enquired whether there would be some further engagement with it limited to these specific sites: it was outlined that this was likely and may commence in January 2016. To this end officers could attend relevant community council meetings to carry out further specific, targeted consultation. The purpose of this engagement would be to:

- raise awareness of the sites that are or may be proposed for development / allocation in their areas in the Finalised Proposed Local Development Plan
- allow views on the new sites to be formed and for responses to their inclusion within the plan to be submitted to Council for consideration as it decides on the content of its Finalised Proposed LDP
- explain the procedural steps ahead, including that a formal period for representation exists, that Council could make modifications to the plan as a result of any formal representations, and that an examination in public process exists should there be unresolved objections to the plan
- clarify that the Council is not inviting alternative proposals.

Programme and Timescale

3.13 The meeting dates for these are as follows:

Community Council	Next Community Council Meeting	Date for comments
MacMerry & Gladsmuir Community Council	Mon 7 March	Mon 11 April
North Berwick Community Council	Tues 1 March	Mon 18 April
Humbie, East and West Saltoun and Bolton Community Council	Wed 2 March	Mon 18 April

3.14 Any comments made on the sites through the period of further consultation must be submitted to East Lothian Council Planning Service no later than one week after the meeting following the one scheduled for the further engagement. This will allow the community councils sufficient time to agree and draft any submission they may wish to make.

4. POLICY IMPLICATIONS

4.1 None

5. EQUALITIES IMPACT ASSESSMENT

- 5.1 This report is not applicable to the well being of equalities groups and Equality Impact Assessment is not required.

6. RESOURCE IMPLICATIONS

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

7. BACKGROUND PAPERS

- 7.1 Report to East Lothian Council 17 November 2015: East Lothian Local Development Plan – Draft Proposed Plan.

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