

**By Email**

Our Ref: DP/EW/AL/JMcN  
Direct Line: 01620 827413

John Muir House  
Haddington  
East Lothian  
EH41 3HA  
Tel 01620 827827

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Public Petitions Clerks  
The Scottish Parliament  
[petitions@scottish.parliament.uk](mailto:petitions@scottish.parliament.uk)

Dear Mr Sharratt,

**CONSIDERATION OF PETITION PE1537**

*Calling on the Scottish Parliament to urge the Scottish Government to abandon the proposal for the development of an Energy Park at Cockenzie, and ensure that any future proposals are subject to full public consultation and do not extend beyond the existing footprint of the former power station*

I refer to your letter of 4 March 2015 following consideration by the Scottish Parliament Petitions Committee of Petition PE1537 on 3 March 2015. Before responding to the specific questions which you have raised, I would like to provide a clarification in respect of a statement made in the Clerk's report (PPC/S4/15/6/2) and in the comments to responses to submitted by the Coastal Regeneration Alliance.

In the Clerk's report, paragraph 6 states that '*Some sessions on the Cockenzie site were held by the Council as part of consultations for the Prestonpans MIR. The Council reported that many who attended the sessions were unaware of the proposed Cockenzie Energy Park.*' As stated in my letter of 15 January 2015, the Prestonpans MIR public drop-in and workshop sessions included individual discussions and workshops specifically on the Cockenzie site. It is not the case that many who attended the sessions were unaware of the proposed Energy Park, rather, that many of the residents to whom council staff spoke were not aware of the processes which need to be followed within the planning system before and when a planning application is being made and what the applicant – in this case Scottish Enterprise – needs to address.

In respect of comments made by the Coastal Regeneration Alliance in their submission to the Committee, I would offer clarification on the following:

***East Lothian Council has adopted their own definition of NPF3's 'Area of Co-ordinated Action' and have referred to the Energy Park site directly as a National Development, most recently in their Summary to the Prestonpans cluster within the Local Development Plan Main Issues Report (MIR)***

I consider that the Council has accurately reflect the direction contained within NPF3 within its MIR.

***When locals contacted ELC regarding regarding traffic monitoring equipment on all major routes into Prestonpans and Cockenzie in November 2014 'they denied knowledge'***

This traffic monitoring was not carried out by, nor with the permission of, East Lothian Council. When we were made aware of the work, officers from our Transportation service contacted the company undertaking the work and advised them to stop due to a large volume of utilities works in the area which would have led to readings that were not representative of normal traffic levels.

***ELC 'maladministration' in relation to its response to NPF3 MIR and technical inaccuracies within the report should lead to the retraction of the report or its redraft***

Responsibility for East Lothian Council's response to the consultation was delegated to officers by the Council's Cabinet in June 2013, in line with the Council's Standing Orders. This was because the period for consultation ran into the Council's summer recess. The terms of the response were thereafter prepared in accordance with this delegation. Whilst the Council does operate a Members' Library Service where matters can be reported to elected members outwith the formal committee process, the lodging of the response in the Members Library would be for information only. Unfortunately the report was not lodged at the time in line with our procedures. This oversight was rectified as soon as it was identified. The Council's response to the MIR is a public document and was immediately available on the Scottish Government's website along with other responses.

The Council accepts that some of the technical aspects of its response could have been made clearer.

***The Council lost a petition submitted to it by the CRA in August 2014 for five days***

Unfortunately a clerical error led to a delay in the online submission being picked-up. This was rectified as soon as possible. The delay had no bearing on the council's decision not to consider the petition. The petition was inadmissible as it asked the council to postpone a planning application which it had not yet received.

***Local Development Plan Main Issues Report – inaccuracies in land identified***

The boundaries included within the Main Issues Report were submitted by site owners Scottish Power. As part of a pre-Main Issues Report consultation, East Lothian Council asked landowners and developers to propose sites that could be included for development. Scottish Power put forward the boundaries for the Cockenzie site that they own. This informed the footprint for the council's land allocation proposal. The confusion over site boundaries may reflect the fact that some of the Power Station's workings are underground with public access granted on the overground (green) areas. However it remains part of Scottish Power's land ownership, as they have identified.

***East Lothian Council has 'driven the Energy Park' and is working jointly with Scottish Enterprise on the Energy Park proposals***

The Council has not and is not working to develop or promote the Energy Park proposal as a joint applicant with Scottish Enterprise.

## **East Lothian Partnership/East Lothian Sustainable Economy Partnership – conflicts of interest**

Scottish Enterprise is a member of the East Lothian's Community Planning Partnership. Mr David Leven has responsibility for the East Lothian area within Scottish Enterprise which is why it was felt appropriate that he should sit on the East Lothian Partnership, a role which he took up in 2013. The East Lothian Partnership has no locus in respect of the Council's Main Issues Report, Local Development Plan nor in respect of individual planning applications. Mr Leven currently chairs the East Lothian Sustainable Economy Partnership, again, something which is entirely appropriate given the remit of the Partnership is to deliver outcomes in relation to business growth and employability. Again, this Partnership has no locus in respect of planning matters in East Lothian. Members of the East Lothian Partnership are responsible for adhering to a Code of Conduct contained within a Members Handbook which can be viewed here - [Handbook for members - Community planning in East Lothian - Downloads - East Lothian Council](#).

### **ELC Cross Party Working Group**

In recognition of the significance and scale of the potential Scottish Enterprise proposal, East Lothian Council, at its meeting of 26 August 2014, committed the Council to engage with all parties in relation to the emerging proposals and to ensure all potential opportunities and concerns are identified. A cross-party Member/Officer Working Group has been established to oversee option and engagement activity. I would note (contrary to the Clerk's report), that this is not restricted to the potential proposed development by Scottish Enterprise and the Group has held discussions with two other parties regarding potential development. Its remit includes engagement with all parties involved in emerging proposals and working in partnership to ensure all potential opportunities and benefits are explored and maximised while all risks and drawbacks are identified and mitigated. It is further remitted, importantly, to ensure the requirements of planning and other consenting processes are fully adhered to, including full, continuous and informed consultation with local communities by prospective applicants. Minutes of the meetings of this group are published on the Council's website at [Frequently Asked Questions about the site - Cockenzie Power Station site - East Lothian Council](#).

### **The Council is unwilling to engage in a Development Framework or Masterplan**

Officers from the Council have held discussions with ScottishPower recently to discuss its future plans for the site and met with Scottish Enterprise on the 30 March 2015, where they clarified that they are not proceeding with an application for a marine energy park. This provides the Council with improved clarity to strategically plan East Lothian's future through our Local Development Plan. The Council is currently reflecting on the steps it wishes to take next, given the very recent clarity provided by Scottish Enterprise and at this stage have not ruled in nor ruled out engaging in a Development Framework or Masterplan process.

Turning to the specific questions which you have asked, I have detailed these separately below and my response to each:

### **FURTHER INFORMATION ON WHERE THE COCKENZIE SITE IS IN THE PLANNING/AND OR DEVELOPMENT PROCESS AND WHAT THE NEXT STEPS ARE IN THIS REGARD**

Key information on the site and next steps have been considered across three key areas:

### **Main Issues Report/Local Development Plan**

The Council has recently completed consultation on its Main Issues Report, which is the first stage in preparing its Local Development Plan. The Cockenzie Power Station site was one part of a statutory 12-week consultation period which considered a wide range of land use proposals and options for East Lothian. The consultation closed on 8 February 2015. The consultation considered that the former Cockenzie Power Station site could continue to serve energy production as identified in the Scottish Government's NPF3. The land boundaries used by the Council were submitted by site owner ScottishPower. Around 100 of the 600 responses received to the MIR were related to the Cockenzie site, representing 16% of the total number of submissions. This was one of the largest single issues responded to within the consultation and we believe it demonstrates the communities' awareness of the issue. The consultation period has now closed and officials are now considering all of the responses received as it begins to prepare a Local Development Plan (LDP) for publication in Autumn 2015. A report summarising the consultation responses received will be submitted to East Lothian Council on the 21<sup>st</sup> April and consultation responses will be made available to the public through the Council's website as soon as possible thereafter.

It would be inappropriate to extend a consultation on one aspect of the Main Issues Report; any extension would delay the council's preparation and adoption of a Local Development Plan.

### **Energy Park**

On 2 June 2014 Scottish Enterprise submitted a Proposal of Application Notice (PAN) to the council. The purpose of a PAN is to let the planning authority know that the organisation intends to submit an application for a major development. It included the maximum land area that Scottish Enterprise envisages its development may cover.

After considering the PAN, Transport Scotland, in conjunction with East Lothian Council and other statutory consultees, developed an Environmental Impact Assessment Scoping Opinion on Scottish Enterprise's proposals. This was published on 25 November 2014. The research, outcomes and recommendations within the EIA should be reflected within any application brought forward to planning. The resultant Environmental Statement would be subject to examination by the Council, by statutory consultees and by public scrutiny.

Scottish Enterprise has recently announced that they will not be proceeding with their proposals and therefore will not be submitting a planning application.

### **WHAT FUTURE PUBLIC CONSULTATION IS PLANNED FOR THE COCKENZIE SITE**

As stated above, the statutory 12 week consultation period for the Main Issues Report has now closed and officials are considering all of the responses received as it begins to prepare a proposed Local Development Plan (LDP) for publication in Autumn 2015. It would be inappropriate to extend a consultation on one aspect of the Main Issues Report; any extension would delay the council's preparation and adoption of a Local Development Plan. The publication of the proposed Local Development Plan will be followed by a period whereby formal representations regarding any proposal within the LDP can be made.

Clearly the Council is still reflecting on Scottish Enterprise's announcement of earlier this week but as a key opportunity in terms of economic development and a significant natural

asset, our priority now is to work with Scottish Enterprise, site owners Scottish Power, other potential investors and community representatives to secure a sustainable future for the site moving forward.

I hope this provides clarity in relation to some of the assertions made and answers the questions raised, to the committee's satisfaction.

Yours sincerely

Angela Leitch  
Chief Executive