

**REPORT TO:** Planning Committee  
**MEETING DATE:** 7 June 2022  
**BY:** Executive Director for Place  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **21/01580/PM**

Proposal Section 42 application variation to conditions 1, 13, 30 and delete condition 31 of planning permission 20/01030/PM

Location **Blindwells  
Tranent  
East Lothian**

Applicant Hargreaves Land  
Per Turley

**RECOMMENDATION** Consent Granted

## **REPORT OF HANDLING**

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

## **APPLICATION SITE**

The application site has an area of 128 hectares and is located in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton. It was formerly in use as an open cast mine. When workings ceased it was backfilled and reinstated for agricultural use. A body of water, known as Blindwells Loch, is located in the northwest part of the site, and disused railway sidings remain from the former mining operations.

Topographically, the site generally slopes from southeast to northwest, although a defined ridge passes across it, from which the land falls more rapidly to the north. This feature creates a high platform and ridge to the southeast of the site and a low basin to the northwest.

The site is predominantly bounded to the north by the east coast main railway line, beyond which is the A198 road, to the east by a public right of way known as Whinny Loan, with agricultural land beyond, to the south by the A1 trunk road, with agricultural land beyond, and to the west by the Bankton roundabout and the A198 road. On the other side of the A198 road is the former St Joseph's School. The School, together with its gates and gate piers, is listed as being of special architectural or historic interest (Category B).

The majority of the application site is within the inventory boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields.

The Seton House (Palace) Designed Landscape is located to the north of the northeast part of the application site, on the other side of the east coast main railway line and the A198 road.

A Scheduled Ancient Monument, known as the Seton West Mains Enclosures 500M SW Of, is located some 300 metres to the northwest of the application site.

The Firth of Forth Special Protection Area is located approximately 1km to the north of the application site.

## **RELEVANT PLANNING HISTORY**

In March 2011 planning permission in principle (Ref: 11/00173/PPM) was sought for the construction of 1600 houses, education, retail, employment, community uses, park and ride and associated open space and infrastructure on the application site. That application, which was submitted by the Scottish Resources Group, was subsequently withdrawn without it having been determined.

In June 2014 a Proposal of Application Notice (Ref: 14/00015/PAN) was submitted in respect of a proposed Energy Park comprising a mix of uses including Classes 4, 5 and 6 development. The site proposed for the Energy Park comprised a substantial area of land and included the land of the application site. No subsequent application has been submitted in respect of the proposed Energy Park development.

Planning permission (Refs: 09/00036/FUL, 14/00362/P, 14/00363/P, 14/00644/P and 17/00394/P) has been granted on five occasions between 2009 and 2017 for temporary surcharging trials within the application site. The purpose of these trials was to establish that ground conditions can be remediated to be suitable for a mixed use development of the application site.

Planning permission in principle 14/00768/PPM for remediation of the application site and for the creation of a new settlement which could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works was granted in May 2018 following the conclusion of a Section 75 Legal Agreement regarding a number of matters. An indicative masterplan was approved through planning permission in principle 14/00768/PPM which shows how the various components of development could be accommodated on the site. The elements of the new settlement approved through planning permission in principle 14/00768/PPM include up to 1600 residential units, a school campus, 10 hectares of employment land, a local centre with commercial units, a supermarket, a park and ride facility, playing fields, open space, allotments, a cemetery, landscaping, roads, footpaths and associated infrastructure provision.

The indicative masterplan approved with planning permission in principle 14/00768/PPM shows how the various components of development could be accommodated on the site including how the site could be accessed at three points from the A198 road, to the west of the application site. It shows how one of the accesses could be taken from the Bankton Interchange, which is at the southwest edge of the site. The northernmost proposed access is shown to involve the upgrading of the existing vehicular access into the site. It is further indicated that the third access could be formed at a central point on the western boundary of the site, in a position opposite an existing vehicular access that serves the former St Joseph's School.

Since the granting of planning permission in principle 14/00768/PPM a number of detailed planning applications (18/00420/P, 18/00725/AMC, 18/00825/AMC, 19/00242/AMC, 19/00620/AMM, 19/00900/AMM, 19/01068/AMM, 20/01030/PM, 21/00308/AMM) have been granted for various schemes of development including road infrastructure, landscaping and residential units within the western part of the wider Blindwells site, referred to as Phase 1. These planning permissions have been implemented with road infrastructure including three access roads off the A198 into the site, landscaping and residential units having been undertaken on site and a number of residential units now occupied.

The granting of planning permission 20/01030/PM in amending condition 30 of planning permission in principle 14/00768/PPM had the effect of granting a new planning permission in principle for the Blindwells site through planning permission 20/01030/PM. Planning permission 20/01030/PM was granted subject to the imposition of a number of conditions.

Of those, condition 1 states amongst other things that:

The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle, and shall address the following requirements.....

Conditions 13 states amongst other things that:

The open space to be provided on site shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.....

Conditions 30 states:

Development of the application site shall be carried out in accordance with the following requirements:

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the occupation of the 236th residential unit hereby approved, the proposed

upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

\* Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

\* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

\* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

\* There shall be no drainage connections to the trunk road drainage system.

Conditions 31 states:

Prior to the commencement of development details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir and vice-versa for return - as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

## **PROPOSAL**

Through this current application planning permission is now sought for the variation to conditions 1, 13, 30 and the deletion of condition 31 of planning permission 20/01030/PM. This current application proposes a new indicative masterplan for the Blindwells site and as such the proposed variation to conditions 1 and 13 of planning permission 20/01030/PM is so that the conditions will relate to the new masterplan drawing no. 13055(S42)001\_J proposed through this application and not the previous masterplan drawing no. 13055(PL)100 Rev. D approved through the granting of planning permission 20/01030/PM such that once varied they would read:

### **Condition 1**

The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Masterplan drawing no. 13055(S42)001\_J docketed to this planning permission in principle and shall address the following requirements .....

### **Condition 13**

The open space to be provided on site shall generally accord with the Indicative Master

Plan drawing no. 13055(S42)001\_J docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.....

For the avoidance of doubt the intention in the variation of Conditions 1 and 13 is to amend the drawing number of the indicative Masterplan to which those conditions relate to drawing no. 13055(S42)001\_J. The other requirements of those conditions would remain as approved.

Planning permission is also sought through this current application for the amendment of the wording of condition 30 of planning permission 20/01030/PM. It is proposed that Condition 30 be divided to form two separate conditions which will enable the two matters of works required to the Bankton junction and lighting to be controlled through two separate conditions. Such that the new proposed condition 30 would read:

Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland, development of the application site shall be carried out in accordance with the following requirements:

- o Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

- o Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

It is proposed the new separate condition (a new condition 31) relating to lighting would read:

Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland, development of the application site shall be carried out in accordance with the following requirements:

- o Prior to the commencement of the development details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

- o Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

- o Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

- o There shall be no drainage connections to the trunk road drainage system.

For avoidance of doubt the requirements of condition 30 would remain as approved,

albeit in 2 separate conditions. The reason for this change is to facilitate the discharge of the requirements of the condition which currently relates to separate matters of (i) the trigger point for the interventions required to be undertaken to the Bankton Junction and (ii) external lighting within the Blindwells site, frontage landscape treatment along the trunk road and the erection of a barrier along the trunk road.

It is also proposed through this application that condition 31 of planning permission 20/01030/PM be deleted.

The applicant's agent has submitted a supporting statement and report with the application which states this application seeks to vary Conditions 1 and 13 in order to replace the previously approved indicative masterplan drawing (ref. 13055(PL)100 Revision D) for Blindwells, explicitly referred to by these conditions, with that of an updated indicative masterplan to reflect changes to the way in which the development, approved under PPIP 20/01030/PM, will be delivered. Condition 30 is proposed for division into two separate conditions to provide distinction between the provisions of this condition; the effect of these provisions will remain unchanged. The timing of delivery of off-site highways mitigation works is a key focus of 'existing' Condition 30, and considered distinct from the other provisions of the condition. It would therefore benefit from being subject of its own condition in order to provide clarity for developers. Condition 31 is proposed for deletion as ELC has recently confirmed that the requirements of this condition have been discharged through payment of a contribution by the applicant. No change to the quantum of development is proposed and the new masterplan represents a realignment of existing permitted uses within the site only. The masterplan has evolved due to the passage of time; detailed site survey work; changing retail patterns and requirements; and updated requirements from ELC regarding school provision which, together, have resulted in a number of necessary changes to the overall development site layout.

## **DEVELOPMENT PLAN**

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no policies of the approved South East Scotland Strategic Development Plan (SESplan) that are relevant to the determination of the application.

Proposal BW1 (Blindwells New Settlement), Proposal ED3 (Blindwells Cluster Education Proposals), Proposal OS6 (Allotment Sites), Policy CH4 (Scheduled Monuments and Archaeological sites), Policy DP1 (Landscape Character), Policy DP3 (Housing Density), Policy DP4 (Major Development Sites), Policy OS3 (Minimum Open Space Standard for New General Needs Housing Development), Policy OS4 (Play Space Provision in new General Needs Housing Development), Policy HOU3 (Affordable Housing Quota), Policy HOU4 (Affordable Housing Tenure Mix), Policy NH8 (Trees and Development), Policy NH10 (Sustainable Urban Drainage Systems), Policy DEL1 (Infrastructure and Facilities Provision), Policies T1 (Development Location and Accessibility), Policy T2 (General Transport Impact), Policy T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy), Policy T6 (Reallocation of Road Space and Pedestrian Crossing Points) and Policy T8 (Bus Network Improvements), of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of this application.

A material consideration in the determination of this application is Scottish Planning Policy: June 2014. One of the main outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose.

Also material is the Scottish Government Policy Statement entitled "Designing Streets" and Planning Advice Note 67: Housing Quality. It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which should be followed in order to achieve the best outcomes. Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

Also material is East Lothian Council Supplementary Planning Guidance 'Design Standards for New Housing Areas' approved by the Council in May 2020. This guidance states that new developments vary significantly in scale and location, and the key aims for the built environment will therefore change depending on these. Development at the upper end of the scale including the creation of new urban centres, require careful balancing of environmental and physical change to support the long-term success of places. Design at this scale is often highly complex and requires solutions that will sustain the vitality and vibrancy whilst managing regular change. Below this, there may be a mixed-use development created that includes a new local centre or community facility such as a school with housing around it. Design must focus on how new residents living on the site will access any local facilities, and services in the wider area.

A further material consideration is the Development Framework for Blindwells, which was approved by the Council on the 08 June 2010. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

## **REPRESENTATIONS**

There have been no letters of written representation received to this application.

## **COMMUNITY COUNCIL COMMENTS**

Community Councils have been consulted on the application however no responses have been received.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

In July 2021 a request was made to East Lothian Council (ELC) by Turley Associates on behalf of Hargreaves Land for an Environmental Impact Assessment (EIA) Scoping Opinion for amendments to the approved masterplan at Blindwells approved by the grant of planning permission 20/01030/PM. The EIA scoping request related to this S42 application with the amendments being made to conditions 1 and 13 attached to planning permission 20/01030/PM.

The conclusion of the Scoping Opinion was that as conditions 1 and 13 relate to the overall masterplan for the Blindwells site, and considering the fact that the 2014 applications was accompanied by an Environmental Statement, constituting EIA Development, it was deemed necessary to submit an updated EIA report to accompany this S42 application.

Therefore an Environmental Impact Assessment (EIA) Report has been submitted with the application, but it relates only to the environmental impacts associated with the amendments to condition 1 and 13 rather than an entirely revised EIA Report.

The submitted EIA Report therefore contains chapters on the method and approach to preparing the Report, the description of the development, Hydrology, Drainage and Hydrogeology, Traffic and Transportation and Socio Economics and Human Health.

As required by Regulation 5(5)(b) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to ensure the completeness and quality of the EIA Report, the applicant has submitted with it a table outlining the relevant expertise or qualifications of the project team that has contributed to the EIA Report. Based on this submitted information, it can be reasonably concluded that the authors are suitably qualified.

The EIA Report concludes that subject to the relevant mitigation, that no adverse significant effects are predicted through the amendments to conditions 1 and 13.

## **PLANNING ASSESSMENT**

The application site is covered by Proposal BW1 (Blindwells New Settlement) of the adopted East Lothian Local Development Plan 2018. Proposal BW1 allocates the land at Blindwells for a mixed development including circa 1,600 homes, no less than 10 hectares of serviced employment land, a local centre, education and community facilities, infrastructure and associated works.

A Development Framework for the allocated land of Blindwells was approved by the Council on the 08 June 2010. It sets out the role of the new settlement in the settlement hierarchy and its characteristics in terms of service provision, the consequent scale and range of development/ land uses expected, and how the Council requires it to be developed in terms of infrastructure and design requirements.

Planning permission in principle and an approved indicative masterplan has previously been approved for the Blindwells site through the grant of original planning permission in principle 14/00768/PPM and subsequent planning permission 20/01030/PM. Development of the site has commenced following the grant of a number of Approval of Matters Specified in Conditions for the western part of the Blindwells site accessed off the A198 public road (Phase 1).

The intent of the variation of condition 1 is to allow an amended indicative masterplan to



be approved for the Blindwells site. That amended masterplan proposes a number of changes to the previously approved masterplan the subject of permission 20/01030/PM. The proposed changes comprise:

- i) The provision of a primary school campus - Blindwells Primary School- rather than a dual campus comprising both a Primary and Secondary school;
- ii) The reallocation of areas of employment land to the east and west of the proposed town centre for residential;
- iii) Changes to the location of employment uses to the north and north east of the site as well as within the town centre;
- iv) Changes to the layout and configuration of the town centre to a more traditional format of smaller commercial units with residential within the upper floors of buildings;
- v) Changes to the transport, landscape and drainage infrastructure to align with the approved detailed permissions granted;
- vi) The relocation of public sport facilities within a town park including the relocation of three sport pitches out with the school site to provide public accessibility;
- vii) The relocation of allotments and a cemetery within a town park;

The principles of the means of accessing of the proposed Blindwells site are already decided by the grant of planning permission in principle 20/01030/PM. These include that vehicular and pedestrian access to the site shall be taken from the A198 public road to the west of the site as detailed in the indicative masterplan approved through the granting of planning permission 20/01030/PM. This masterplan also provided details of the alignment of the proposed roads to serve the Blindwells site along with areas of housing, a school campus including sports pitches, a local centre, landscaped areas and parks and areas for SuDS.

By the grant of planning permissions in principle 20/01030/PM approval has been given for the principle of the creation of a new settlement that could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works all on land at Blindwells. The new proposed masterplan also contains those indicative uses. There can therefore be no objection in principle to the proposed new masterplan associated with the new settlement on the site.

Therefore, in the determination of this application the Council, as Planning Authority, can only concern itself with the indicative layout, proposed in this new masterplan in relation to the elements which are required to be provided within the Blindwells new settlement through the previous grant of planning permission in principle 20/01030/PM, the conditions attached to that permission and the requirements of the Section 75 Legal Agreement.

The proposed new masterplan does not propose any change to the means of accessing the Blindwells site which would remain as the three vehicular and pedestrian accesses into the site off the A198 public road to the west. These access roads have been formed following the grant of detailed planning permissions for them. The internal road network layout within the site as indicated on the proposed new masterplan is broadly consistent with the internal road network layout within the site previously approved masterplan for the site.

The stamped approved indicative masterplan for the Blindwells site approved by planning permission in principle 20/01030/PM includes a dual campus Primary and Secondary school facility. However at the Full Council Committee Meeting on 28 March 2017 a report was presented to the Committee by the Head of Education relating to the outcome of the school consultation on the proposed change to Preston Lodge High School catchment area and the establishment of a new Primary School at Blindwells.

The Council agreed at that Committee, on the basis of the school consultation undertaken and taking account of the educational and social benefits of the proposal, that only a new primary school with early learning and childcare provision would be required to be established for the Blindwells primary school catchment area and that the Preston Lodge High School catchment area would be extended to include the Blindwells new settlement. As such a new High School is not required to be provided within the Blindwells site only a Primary School.

In this regard the proposed new indicative masterplan the subject of this planning application now proposes a single campus primary school within the Blindwells site rather than a dual campus school as indicated on the stamped approved indicative masterplan for the site. The indicative location for the primary school is consistent with the location of the dual campus school in the stamped approved indicative masterplan, however as the requirement is only now for a Primary school rather than a dual campus to be provided the area of land proposed for the school site has been reduced from 8.7 hectares to 4.25 hectares.

This proposed change to the indicative masterplan in relation to school provision is to bring the indicative masterplan in line with the Education requirements for the Blindwells new settlement as agreed by Council at the Full Committee of 28 March 2017. As such this proposed change is acceptable. The details of the layout, access, form and design of the new Blindwells Primary School will be the subject of a future detailed planning application which will stand to be determined on its own merits.

The proposed indicative masterplan also proposes the reconfiguration of the local centre and adjacent areas of land to the east and west of it, one of which was shown as a site for a supermarket with associated car parking. Documents submitted in support of planning permission in principle application 14/00768/PPM had confirmed that this supermarket proposal consists of a foodstore with a gross floorspace of 2,694 square metres. The retail impact of a foodstore with this gross floorspace was a material consideration in the determination of that previous application. In the interests of safeguarding the vitality and viability of existing retail provision, the assessment concluded that it was necessary to limit the size of the supermarket to well below that originally proposed by the applicant. Consequently condition 11 of planning permission 20/01030/PM restricts the size of any supermarket constructed within the Blindwells development to no greater than 1035 square metres.

Due to the imposition of condition 11 the supermarket of the size shown on the approved masterplan cannot be delivered. Retail provision is now instead focussed within the local centre. There is therefore justification for an alternative use of land now being proposed on the part of the site previously indicated for a supermarket. Much of the supermarket site is now proposed for a residential development. The detail of this residential development is separately proposed in planning application 21/00449/PM, and a report on this application is elsewhere on this Planning Committee Agenda. In principle, this site would be suitable for residential development, being located in close proximity to the local centre, to the proposed primary school, and to areas of open space. Roads Services are in principle content that house could be safely accessed.

This residential development is also partly located on land that was indicated for employment use on the previously approved Masterplan. The new Masterplan proposes other changes to the locations and configuration of the employment land.

Notwithstanding these change Condition 1 (k) of planning permission 20/01030/PM requires the provision within the application site of at least 10 hectares of employment land. Condition 1 (k) further requires that the buildings within the employment land shall

be restricted in use to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

During the determination period of this application the applicant has demonstrated that even with the proposed reallocation and relocation of the areas of employment land, there would remain sufficient land available within the remainder of the Blindwells site to provide at least 10 hectares of employment land as required by condition 1(k). Therefore the reconfiguration of this part of the site will not compromise the requirements of condition 1(k) to deliver the employment land.

With regards to the number of residential units within the Blindwells site condition 3 of planning permission 20/01030/PM states:

“No more than 1600 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road”.

With Condition 3 controlling and restricting the number of residential units which can be erected within the Blindwells site, the proposed reallocation of land for residential use would not result in an increase in residential units within the site beyond 1600. The restriction and requirements of condition 3 remain limiting the number of residential units to be erected on the site to 1600. Any proposal that resulted in more than 1600 residential units being constructed on the Blindwells site the subject of planning permission 20/01030/PM would require planning permission and/or condition 3 of planning permission 20/01030/PM to be modified. There is no indication that the applicant intends to increase the number of residential units above 1600. However were such an application submitted it would be for the Planning Authority to then decide whether or not the development proposed was acceptable.

The Council's Economic Development and Regeneration Manager advises that the Economic Development Service supports the revised proposals and is happy with the sizes, locations and configurations of the local centre and employment plots that are shown on the revised masterplan. Accordingly the Council's Economic Development and Regeneration Manager raises no objection to the application.

The **Council's Housing Enabler and East Lothian Mid-Market Homes Officer** as a consultee on the application advises that Housing Strategy and Developments position is unchanged in that they are looking to secure 30% affordable housing throughout the whole masterplan. She advises that they continue to work closely with the applicant and prospective developers of the site to engage as early as possible in pre-planning applications to ensure that the affordable housing is positioned in a suitable area and of the mix and size and tenure that is a reflection of need for the area. Accordingly Council's Housing Enabler and East Lothian Mid-Market Homes Officer raises no objection to the application.

Accordingly the proposed change to the indicative masterplan in relation to reallocation and changes to the location of employment land is acceptable in principle. The details of the layout, form and design of the employment land and buildings within it will be the subject of future detailed planning applications which will stand to be determined on their own merits.

It also proposed that the layout and configuration of the town centre be altered. The applicants have undertaken retail surveys which indicate changing retail patterns and

requirements in recent years. As such the layout of the town centre is proposed to be altered such that it would have more of a traditional high street arrangement which would provide a range of uses. The proposed town centre arrangement would remain consistent with the development framework for the site.

Condition 1 (j) of planning permission 20/01030/PM requires:

The provision within the local centre of a civic square, which shall be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use.

The requirements of condition 1 (j) remain. The details and design of the layout, buildings, civic square and range of uses within the town centre would be the subject of future detailed planning applications which would stand to be determined on their own merits. However the proposed changes to the layout and configuration of the town centre of the indicative masterplan are in principle acceptable.

The proposed indicative masterplan layout also proposes changes to the internal transport, landscape and drainage infrastructure. These changes are proposed in order to update the indicative masterplan for the site and align the layout of the internal road network, landscaping and drainage infrastructure with the approved detailed planning permissions for the site a number of which have now been constructed on site within the western part (Phase 1) of the Blindwells site.

The Council's Road Services advise that they have no objection in principle to the proposed new indicative masterplan and advise that the access, parking and internal road network within the Blindwells site particularly around the Blindwells Primary School, Town Centre, Employment Land, Sport Pitches, Allotments and Cemetery will require to be assessed through future detailed planning applications. Road Services note that the proposed new indicative masterplan indicates that land in the north-western corner of the site remains safeguarded for the potential delivery of a rail halt/park and ride facility to serve the site and acknowledge that the delivery of such infrastructure is subject to ongoing discussions and that alternative options for such transportation enhancement schemes may be brought forward at a later stage subject to future planning decisions.

The **Council's Flooding and Structures Officer** raises no objection to the application but recommends that future applications within the site provide updated whole site wide reports as well as individual reports for plot developments in order to deal with future flood risk and enabling robust Surface Water Management as the site develops.

The Scottish Environmental Protection Agency (SEPA) consider that the proposed changes regarding land use on the site will not have a detrimental impact on flood risk compared to the approved masterplan. In relation to flood risk it is for East Lothian Council as Flood Risk Management Authority to comment on the acceptability of the proposed surface water management measures. SEPA's interest is to ensure no increase in fluvial flood risk. As the agent and consultant are aware through recent discussions with SEPA and East Lothian Council, updated SEPA Climate Change Allowance guidance (rainfall and flow data) was published on 31 March 2022 and as such SEPA recommend that any assessment for future phases is undertaken using the most up to date information available. In relation to ground water SEPA note that the proposed masterplan shows a change in the position of the proposed cemetery and as such would reiterate the previous advice that SEPA have given on the cemetery that if the ground conditions at the site prove problematic/unsuitable then that is the risk the applicants are assuming by not undertaking the detailed assessment now.

The Section 75 Agreement for the planning permission in principle requires, amongst other matters:

(i) the provision of three community sports pitches, a six changing room facility, 30 allotment plots with an area of 4,000 m<sup>2</sup>, and a cemetery to accommodate 700 formal burial plots, each capable of accepting 3 coffin interments;

Given the change in the Education provision requirements for the site which now only requires the provision of a Primary School this has enabled a rearrangement of the required sport and amenity facilities which are required to be provided within the Blindwells new settlement through the Section 75 Agreement. With the school site being reduced in size to accommodate only a Primary school it is indicated that the required three community sport pitches would be provided to the east of the school site within a town park, along with the required changing pavilion, allotments and cemetery. The relocation of these facilities as shown on the proposed new indicative masterplan are, in principle, acceptable however the detailed design of these facilities will require to be the subject of future detailed planning applications which will stand to be determined on their own merits.

The Council's Sport Countryside and Leisure advise that 'in principle and without prejudice' the proposed masterplan indicates that the required sport and amenity facilities required to be provided within the Blindwells site can be accommodated. However the detailed design and location of the sport pitches, changing facility, allotments, cemetery, town park and play areas will require to be the subject of future detailed planning applications for them which will stand to be determined on their own merits.

Sport Scotland as a consultee state that the sport provision within the new masterplan would remain the same. Sport Scotland state that while they are not a statutory consultee they would be happy to engage with the design process in relation to sports uses on the site.

The **Council's Landscape and Project Officer** as a consultee on the application states that in respect of the landscaping and due to the Masterplan titled indicative, which does not tie it down to specific areas, he is satisfied that the current proposals should achieve the landscape design philosophy overall and as such he has no further comment to make on the application.

Nature Scotland as a consultee on the application advise they have no comment to make on the proposal.

Through this application it also proposed that condition 30 of planning permission 20/01030/PM be divided to form two separate conditions which will enable the two matters of works required to the Bankton junction and lighting to be controlled through two separate conditions. The requirement for the wording of condition 30 arose from the previous consultation responses received from Transport Scotland at the time of determination of applications 14/00768/PPM and 20/01030/PM.

Transport Scotland has been consulted on this current application and the proposed variation to the wording of condition 30 of planning permission 20/01030/PM. Transport Scotland raise no objection to the proposed new masterplan and advise that the proposed changes to condition 1 and 13 of planning permission 20/01030/PM are of no direct relevance to Transport Scotland. With regards to the proposed variation to condition 30, which includes the Bankton Interchange mitigation, Transport Scotland have confirmed they are content with the proposal and the dividing of the existing

condition 30 to form a proposed new condition to deal with the matter of lighting. As such Transport Scotland raise no objection to the application provided the wording of condition 30 and the new condition to be created is amended to:

o Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, development of the application site shall be carried out in accordance with the following requirements:

a) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

b) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason:

To ensure that the design layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.

o Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland, prior to the commencement of the development of each individual Plot / Phase within the overall application site, the following matters will need to be addressed:

a) Prior to the commencement of the development of each individual Plot / Phase, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

b) Prior to the commencement of the development of each individual Plot / Phase, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

c) Prior to commencement of the development of each individual Plot / Phase, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

d) There shall be no drainage connections to the trunk road drainage system.

Reason:

a) To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

b) To ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

c) To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents;

d) To ensure that the efficiency of the existing trunk road drainage network is not affected.

The consultation response received from Transport Scotland has been forwarded to the applicant's agent for their information and the agent has confirmed in writing that the

applicant is satisfied with the recommended wording for the conditions as set out by Transport Scotland in their consultation response.

It is also proposed through this application that condition 31 of planning permission in principle 20/01030/PM be deleted.

Condition 31 states:

Prior to the commencement of development details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir and vice-versa for return - as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason: In the interests of road safety.

**East Lothian Council Road Services** and the **Council's Planning Obligation Officer** have previously confirmed that the applicant, Hargreaves Land Management, made a payment to East Lothian Council in May 2021 which was sufficient to discharge their obligation to provide for traffic signals at the junction of the A198 (Main Street) and the B6363 (Coal Road). Additionally East Lothian Council Road Services have confirmed that East Lothian Council Road Services will engage contractors to finalise the junction design and begin construction of said traffic signals. As such the requirements of condition 31 have previously been met and the condition has previously been discharged by East Lothian Council. As such the proposed deletion of this condition is acceptable given that there is no longer a requirement for the condition to remain attached as payment has been received from the applicant which will enable East Lothian Council Road Services to engage contractors to finalise the junction design and begin construction of said traffic signals. Accordingly the proposed deletion of condition 31 is acceptable.

With condition 31 of planning permission 20/01030/PM proposed to be deleted and condition 30 proposed to be divided to form two separate planning conditions, a new planning condition 31 would be created.

The Council's Consultant Engineer Geologist has been consulted on the planning application and raises no objection to it being content that there are no geotechnical issues with this change in the indicative master plan.

The Coal Authority as a consultee on the application advises that in terms of the conditions which this application seeks the variation/deletion of, they do not specifically relate to land stability. Consequently the Coal Authority raises no objection to the application but recommends that conditions 18, 19, 20 and 21 relating to land instability be repeated on any re-issued consent.

The **Council's Senior Environmental Health Officer** as a consultee on the application has no comment to make regarding the application.

Network Rail as a consultee on the application advise they have no objection in principle to the development, however due to its close proximity to the operational railway, they request that all construction works must be undertaken in a safe manner which does not disturb the operation of the neighbouring railway. The consultation response received from Network Rail has been forwarded to the applicant's agent so they are aware of the contents and Network Rail requirements.

The proposed new indicative masterplan for the site is broadly consistent with the existing approved indicative masterplan for the site. The changes proposed in the new indicative masterplan are to update it and bring it in line with the detailed permissions granted within the western (Phase 1) part of the site, roads, drainage, landscaping and buildings which have been formed, the changes in Education provision requirements within the site agreed by the Council in that only a Primary School is required to be provided and the rearrangement of infrastructure and uses within the site as a result of the ongoing engineering works which are taking place on the site. The proposed new indicative masterplan shows how all the required elements that are required to be provided within the Blindwells new settlement through the conditions and Section 75 agreement of the planning permission in principle for the site can be accommodated within the site. The quantum of development within the site remains consistent with the development framework for the Blindwells site and Proposal BW1 (Blindwells New Settlement).

Therefore and as the S75 legal agreement attached to planning permission 14/00768/PPM was amended through the approval of a S75A application ref: 20/00001/OBL to include, amongst other things, modifications to the definition of Planning Permission so the same S75 agreement applied to any S42 permission related to the original consent. Consequently, there is no requirement for any further modification to the S75 agreement to include this current S42 application.

A revised version of Planning Series Circular 3/2013 (Development Management Procedures) was published by the Scottish Government in September 2015. Annex I of the Circular gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex I states that "Planning authorities should attach to the new permission all of those conditions from the previous permission, where it is intended these should apply and ensure (where appropriate) that permission is granted subject to the conclusion of any appropriate planning obligation". Therefore, planning permission should be granted subject to the applied for variation of the wording of conditions 1, 13 and 30 and deletion of condition 31 of planning permission in principle 20/01030/PM and subject to all of those conditions from planning permission 20/01030/PM, where it is intended these should apply. In this case, the other conditions which should continue to apply are 2-12, 14-29. The wording of the Legal Agreement approved by the Council for the original planning permission in principle 14/00768/PPM, and as such subsequent planning permission in principle 20/01030/PM ensures that the Section 75 Legal Agreement applies in respect of this application to vary conditions 1, 13 and 30 of planning permission in principle 20/01030/PM. Therefore there is no need for a new S75 Legal Agreement for this application.

Condition 4 of the planning permission in principle for the site relates to the annual housing completions within the Blindwells site. Since the granting of the planning permission in principle East Lothian Council as Planning Authority has approved revised timings of housing completions for the site, as such condition 4 has been amended to reflect the approved updated housing completion figures.

In conclusion, the proposal is considered to be in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.



## CONDITIONS:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13055(S42)001\_J docketed to this planning permission in principle, and shall address the following requirements:
  - a. The provision within the application site of recycling facilities.
  - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
  - c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;
  - d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;
  - e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.
  - f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.
  - g. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.
  - h. All access roads within the new settlement shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.
  - i. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed.
  - j. The provision within the local centre of a civic square, which shall be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use.
  - k. The provision within the application site of at least 10 hectares of employment land. The buildings within the employment land shall be restricted in use to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.
  - l. The provision within the application site of nature based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting.

m. Vehicle access's to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

n. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales shall be submitted to and approved by the Planning Authority. The submitted detail shall include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved.

o. Electric vehicle charging points shall be provided around proposed community facilities such as schools and retail areas. Charging points, if considered necessary by the Planning Authority, shall also be provided for electric buses.

p. There shall be no built development or landscaping within the area defined as being "EMBANKMENT" on drawing number 13055(PL)160 - Masterplan - Rail Embankment.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road and rail safety.

- 2 The details to be submitted pursuant to condition 1 shall include a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development. It shall include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, footpaths and cycleways and Safer Routes to School, external transport works such as offsite path links, Longniddry traffic signals at Coal Road (A198/B6363 Junction) and A198 works and junctions. It must also include for public road links, including paths, to local services (either existing or as these are developed for Blindwells), schools and the public road network. This shall also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 3 No more than 1600 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

- 4 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2021/22	-	120 residential units
Year 2022/23	-	130 residential units
Year 2023/24	-	110 residential units
Year 2024/25	-	120 residential units
Year 2025/26	-	120 residential units

Year 2026/27	-	120 residential units
Year 2027/28	-	120 residential units
Year 2028/29	-	120 residential units
Year 2029/30	-	120 residential units
Year 2030/31	-	150 residential units
Year 2031/32	-	150 residential units
Year 2032/33	-	150 residential units
Year 2033/34	-	70 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

To ensure that the completion rate of residential development within the application site accords with the provision of education capacity.

- 5 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of: the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 6 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of how the overall wildlife value of the large body of water known as 'Princes Loch' can be maximised. These details for 'Princes Loch' shall include appropriate marginal and wetland planting, scalloping of edges, connections to adjacent scrub and woodland, creation of small islands, and physical connectivity to the SUDS network. The plan shall also detail measures of how to design the SUDS ponds as habitats and landscape features. The plan shall include a timetable for the implementation of the proposed works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 7 Prior to the commencement of development, a method statement for the translocation and future management of the bee orchids and their habitat within the application site shall be submitted to and approved by the Planning Authority. The method statement shall include a timetable for implementation.

The development shall thereafter be implemented in accordance with the details so approved.

Reason:

To maintain the contribution of the bee orchids to the nature conservation value of the local area.

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the

commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

To minimise the impact of construction activity in the interests of the amenity of the area.

- 9 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. The mitigation measures shall include, but may not be limited to, final heights and locations of any acoustic bunds and/ or barriers, upgraded glazing/ ventilation specification within specific properties and possible re-orientation of residential properties. These mitigation measures shall be such that the following design criteria shall be met:

1. Daytime garden noise levels should not exceed 55 dB (A);
2. Daytime internal noise levels should not exceed 35 dB (A) and night-time internal noise levels should not exceed 30 dB (A); and
3. The Rating Level, LArTr, of noise emanating from any proposed commercial unit (when measured 3.5m from the façade of any existing or proposed residential property shall be no more than 5 dB (A) above the background noise level, LA90T.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for the implementation of all of the proposed noise mitigation measures.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 10 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provide in accordance with the details so approved.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 11 The supermarket hereby approved shall have a gross floor area no greater than 1,035 square metres.

Reason:

In order to retain control of the scale of the supermarket and in the interests of safeguarding the vitality and viability of existing retail provision.

- 12 To ensure that the site is clear of contamination, the following requirements shall be complied with:

- o Prior to commencement of any site development, a targeted contaminated land

investigation shall be carried out and a report submitted to and for approval of the Planning Authority. The investigation must also include further rounds of gas monitoring for the site. The subsequent report must include a site-specific risk assessment of all relevant pollutant linkages.

o Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site

o Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority.

o On completion of the remediation works and prior to the site being occupied, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

o The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

To ensure that the site is clear of contamination prior to the occupation of any of the buildings.

- 13 The open space to be provided on site shall generally accord with the Indicative Master Plan drawing no. 13055(S42)001\_J docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.

Prior to the commencement of development, a timetable for the provision of the open space within the new settlement shall be submitted to and approved in advance by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the timely provision of an appropriate amount of open space, in the interests of the amenity of the area.

- 14 Prior to the commencement of development, details of how the areas of open space and equipped areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area.

- 15 Prior to the commencement of development, details of a new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station, including a timetable for its delivery, shall be submitted to and approved in advance by the Planning Authority. The details shall be based on the continuous shared use (walking/cycling) path that is indicatively shown on drawings docketed to this planning permission. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits.

Development should thereafter be carried out in accordance with the details so approved.

Reason: In the interests of road and pedestrian safety.

- 16 Prior to the commencement of development, details of a new 2 metres wide tarmac "active travel

path" to be formed for walkers and cyclists on the western side of the hedge at the eastern edge of the application site, parallel to the core path, with link paths connecting from the housing areas to the tarmac path and to the core path, shall be submitted to and approved in advance by the Planning Authority. The details shall include a timetable for implementation.

Development should thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 17 In the event that the catchment secondary school for the new settlement is Preston Lodge High School, a report assessing walking and cycling routes to this school from the new settlement in terms of safety and quality to include distances, controlled pedestrian/cycle crossings of the A198 and B1361 (also to include a technical assessment of the existing footbridge over the rail line north of Meadowmill Sports Centre) shall be submitted to and approved by the Planning Authority. The details shall include any mitigation measures required and a timetable for their implementation.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To reduce children being driven to and from school in private cars, in the interests of road safety and sustainability.

- 18 Prior to the commencement of any ground improvement / remedial works within the application site, proposals for further ground investigations for each phase of the proposed development shall be submitted to and approved by the Planning Authority. These further ground investigations shall be designed to provide comprehensive factual information on the depth of backfill / rock head, level of the ground water table and continuous monitoring of ground gases during the period of the investigations. On completion of the further investigations the applicant shall submit a factual report presenting the findings of the investigations to the Planning Authority for their information. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 19 Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works shall be submitted to and approved by the Planning Authority. The detailed proposals shall include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It shall also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, and assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals shall provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial works shall make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 20 Following completion of the ground improvement works / remedial works on each phase of the development site and prior to commencing any construction works the applicant shall prepare a completion report and submit this to the Planning Authority for their approval. This completion report shall provide a detailed account of the ground improvement / remedial works carried out together with a complete record of all monitoring carried out during ground improvement /

remediation. The completion report shall provide a detailed assessment of future risks arising from continuing creep and percolation / inundation settlement. Where the risk of future collapse settlement remains, the completion report shall provide conclusions and recommendations for further monitoring / further remedial measures required prior to works commencing. The completion report shall provide conclusions and recommendations for developers in respect of foundation design, drainage design, ground gas defensive measures and other construction related activities. With regard to the consolidation of the shallow workings the completion report shall provide full details of the works carried including the validation of the end product by post treatment probes or other appropriate measures.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 21 Prior to the commencement of development the following information shall be submitted to and approved by the Planning Authority, following consultation with the Coal Authority:

a) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall; and

b) The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

Prior to the commencement of development any identified remedial works shall be fully implemented.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 22 Prior to the commencement of development, an update of the Surface Water and Flood Risk Report, which shall assess the flood risk within the northwest part of the application site from all sources during a 0.5% AP (1:200) rainfall event, and which shall include proposed mitigation measures that are required to not increase flood risk downstream of the site and to prevent flood risk of any built development in the northwest part of the application site, shall be submitted to and approved by the Planning Authority. The Report timetable for the delivery of all identified mitigation measures shall also be submitted.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 23 Prior to the commencement of development, a SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

Development shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 24 Prior to the commencement of development, a full engineering report detailing ground stability

and structural integrity shall be submitted to and approved by the Planning Authority. The report, which shall be prepared by an adequately qualified and indemnified engineer, shall identify all necessary remediation works and a timescale for those remediation works being undertaken. Development shall thereafter be carried out in accordance with the details so approved;

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 25 Prior to the commencement of development a strategy for the new speed limits within the application sites and those on the existing road network shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits putting particular emphasis on walking & cycling and the safety and attractiveness of these routes (including street lighting review in these areas). This shall extend into the site to offer excellent paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 26 Prior to the commencement of development, road safety audits and quality audits for external works and the links within the site shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 27 Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis shall include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It shall also include all vehicles types including buses for the external routes/works. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 28 Prior to the commencement of development, a general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) shall be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement. It shall also include a timetable for implementation, Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 29 Prior to the commencement of development, a strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the town centre around schools, public buildings and shops as well as other areas throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved.



Reason:

In the interests of road safety.

- 30 Unless otherwise agreed with the Planning Authority, after consultation with Transport Scotland, development of the application site shall be carried out in accordance with the following requirements:

a) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the northern and southern roundabouts at Bankton Interchange to traffic signal control, generally as illustrated in WYG's Drawing No. SK002, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

b) Prior to the occupation of the 236th residential unit hereby approved, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge / diverge arrangements, generally as illustrated in WYG's Drawing No. SK004, shall be implemented to the satisfaction of the Planning Authority, after consultation with Transport Scotland.

Reason:

To ensure that the design layout complies with the current standards and that the safety and free flow of traffic on the trunk road is not diminished.

- 31 Unless otherwise agreed with the Planning Authority, following consultation with Transport Scotland, prior to the commencement of the development of each individual Plot / Phase within the overall application site, the following matters will need to be addressed:

a) Prior to the commencement of the development of each individual Plot / Phase, details of the lighting within the site shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority.

b) Prior to the commencement of the development of each individual Plot / Phase, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. All landscaping shall be located such that it can be installed and maintained from within the development without requiring access to the trunk road.

c) Prior to commencement of the development of each individual Plot / Phase, details of the fencing / barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. The fencing / barrier proposals shall be located such that they can be erected and maintained from within the development without requiring access to the trunk road.

d) There shall be no drainage connections to the trunk road drainage system.

Reason:

a) To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

b) To ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

c) To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents;

d) To ensure that the efficiency of the existing trunk road drainage network is not affected.

- 32 Prior to the commencement of development a detailed condition survey of the construction access route from the Bankton interchange shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.

