

LOCAL REVIEW BODY

29 May 2025

Application No: 24/00868/P

Primrose Cottage Garden, Innerwick, East Lothian

Appointed Officer's Submission

24/00868/P – REVIEW AGAINST DECISION – PLANNING OFFICER'S SUBMISISON

Planning application review against decision (refusal): Erection of 2 houses and associated works

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OFFICER REPORT

4th December 2024

App No. **24/00868/P**

Application registered on **11th October 2024**

Target Date **10th December 2024**

Proposal	Erection of 2 houses and associated works	SDELL CDEL	Y/N Y/N
Location	Primrose Cottage Garden Innerwick East Lothian	Bad Neighbour Development	Y/N

APPLICANT: **BJP Properties Ltd (Dunbar)**

Is this application to be approved as a departure from structure/local plan? Y/N

**c/o John A Fyall Bsc(Hons)Bld.Eng. C.Build.E, FCABE
Per John A Fyall
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Dunbar
EH42 1YF**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

This application relates to an area of some 0.08 hectares land. It is an area of unmanaged tree and grassed land which historically was used as a cottage garden for the row of Smithy Cottages of which the applicant's house is a part.

The application site is within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 and also falls within the Thurston Manor Walled Garden Local Garden and Designed Landscape area. It is part of a larger field identified as Prime Agricultural Land.

The application site is bounded to the south by an area of tree and grassed land, to the north by an access road which serves Innerwick Graveyard and the residential property of The East Lodge, to the west by an area of agricultural land and to the east by a public road (C165) on the opposite side of which lies agricultural land. To the south-east of the application site on the opposite side of the C165 public road at its junction with the C160 public road lie three single storey residential properties known as Smithy Cottages, which together form Smithy Row.

PLANNING HISTORY

In May 2001 outline planning permission (Ref: 01/00256/OUT) was refused for the erection of a house with associated garage on the application site. The reasons for refusal of that application include:

1. The proposal would be isolated, sporadic development in the countryside for which a need to meet the requirements of the operation of an agricultural, forestry or other employment use has not been demonstrated. The proposal is therefore contrary to Policy ENV16 of the approved Lothian Structure Plan 1994, Policy DC1 of the adopted East Lothian Local Plan and Government policy guidance on the control of housing development in the countryside given in National Planning Policy Guidelines 3 and 15.
2. The proposed development would, if permitted, result in an increase in traffic movements at the substandard junction of the existing access lane with the classified highway (C165), to the detriment of the safe and free flow of traffic on the public road.

PROPOSAL

Planning permission is now sought for the erection of two houses within the application site with associated vehicular access and hardstanding areas.

The proposed semi-detached houses would be single storey in height, and each would comprise of a living room, kitchen, hall, storage areas, bathroom and two bedrooms.

Access to the site would be taken from the access lane to the north and vehicle parking and a bin collection area would be contained within the northwest corner of the site.

The submitted drawings indicate the site would be bounded partially to the north by a 1.2-metre-high timber post and rail fence, which would also form the boundary treatment to the east and south. The boundary treatment to the west would comprise of a 1.2-metre-high post and mesh fence.

Amenity space for the proposed houses will be provided in the form of a private garden area to the east and west of the proposed houses with associated patios, vegetable garden and grassed areas. The submitted drawings indicate designated areas to the east of the houses for bin storage and clothes drying area.

The proposed houses would have a length of some 21.7 metres; a width of some 7.965 metres and would have a height of some 4.9 metres, at their apex.

The application drawings indicate that the proposed houses would be designed to emulate the size and form of traditional farm cottages. Their external walls would be in rough cast with sandstone rybats, sills and lintels around the openings. The roof would be clad in slate and the southeast elevation roof slope of each house would contain 10 solar panels. Each house would also benefit from a ground mounted air source heat pump.

The submission makes reference to the application site forming part of the domestic garden ground of the property named Primrose Cottage, which forms part of a row of terrace cottages which are situated to the southeast of the application site. It notes the application site contains a number of trees and shrubs which the submission notes are either self-seeded or unpruned

ornamentals, such as Leylandii which is the result of the garden not being used for over 20 years by tenants of Primrose Cottage. It further notes the application site will be cleared to facilitate the construction of the two proposed houses and additional planting in the form of a hawthorn tree and two rowan trees would be provided within the application site.

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 National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 3 (Biodiversity), 5 (Soils), 6 (Forestry, woodland and trees), 13 (Sustainable transport), 14 (Design, quality and place), 15 (20 Minute Neighbourhoods), 16 (Quality Homes) and 17 (Rural Homes) of NPF4 are relevant to the determination of this application. Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), CH1 (Listed Buildings), CH6 (Gardens & Designed Landscapes), DP2 (Design), NH4 (European Protected Species), NH7 (Protecting Soils), NH8 (Trees and Development), NH11 (Flood Risk), T1 (Development Location and Accessibility), and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 (ELLDP) are relevant to the determination of the application.

The application site is in a countryside location within East Lothian and is part of a much larger area that is characterised by a low density dispersed built form within an agricultural landscape. It is not identified in the adopted East Lothian Local Development Plan 2018 as being within a settlement and the Local Development Plan does not allocate the land of the site for housing development.

Consequently, the principle of the erection of one house on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

It is stated in Policy 17 of NPF4 that:

(a) development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development: (i) is on a site allocated for housing within the Local Development Plan (LDP); (ii) reuses brownfield land where a return to a natural state has not or will not happen without intervention; (iii) reuses a redundant or unused building; (iv) is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; (v) is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work; (vi) is for a single home for the retirement succession of a viable farm holding; (vii) is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or (viii) reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house;

(b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location;

(c) Development proposals for new homes in remote rural areas will be supported where the proposal: (i) supports and sustains existing fragile communities; (ii) supports identified local housing outcomes; and (iii) is suitable in terms of location, access, and environmental impact;

(d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal: i. is in an area identified in the LDP as suitable for resettlement; ii. is designed to a high standard; iii. responds to its rural location; and iv. is designed to minimise greenhouse gas emissions as far as possible.

It is stated in paragraphs 5.1 and 5.2 of the adopted East Lothian Local Development Plan 2018 that while the LDP's spatial strategy guides the majority of new development to existing settlements in the interests of promoting sustainable travel patterns, it also seeks to support the diversification of the rural economy and the ongoing sustainability of the countryside and coast through support in principle for agriculture, horticulture, forestry and countryside recreation, as well as other forms of appropriate business, leisure and tourism developments. New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work and visit East Lothian's countryside and coast.

Paragraph 5.10 of the adopted East Lothian Local Development Plan 2018 states that the LDP has a general presumption against new housing in the countryside but exceptionally a new house may be justified on the basis of an operational requirement of a rural business. In such circumstances, appropriate evidence clearly demonstrating the need for a new dwelling on the particular site in association with the business will be required. Such evidence should include that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house.

Policy DC1 sets out specific criteria for new development in the countryside, stating that there will be support in principle for new development where it is for agriculture, horticulture, forestry or countryside recreation; or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Policy DC4 sets out specific criteria for the erection of new build housing in the countryside, and allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Policy DC4 also allows for other small scale housing proposals that form a logical addition to an existing small scale rural settlement where they are promoted for affordable housing and evidence of need is provided and the registered affordable housing provider will ensure that the dwelling(s) will remain affordable for the longer term.

Policy DC5 sets out specific criteria for the exceptional circumstances where the erection of housing as enabling development in the countryside may be supported. Any such new housing development in the countryside should: (a) enable a desirable primary use supported in principle by criterion by Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or (b) fund the restoration of a listed

building or other buildings of recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable, and should satisfy the terms of Policies CH1 and where relevant CH6, and can be clearly demonstrated to be the only means of preventing the loss of the asset and secure its long-term future; and (c) the proposal satisfies the terms of Policy NH1. In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

On the matter of Policy DC5, the principle of the erection of one house on the application site is not promoted to enable a desirable primary use supported in principle by criterion b of Policy DC1. Thus, there are no benefits of such a primary use that would outweigh the normal presumption against new build housing in the countryside. Nor is the principle of the erection of one house on the application site promoted to fund the restoration of a listed building. Therefore Policy DC5 does not apply to this proposal.

REPRESENTATIONS

A total of three letters of objection have been received in relation to the application. In summary, the main grounds of objection are:

- i) If approved it would result in the destruction and loss of number of trees and thus a loss of habitat for hedgehogs, owls, bats and other established woodland species;
- ii) Objectors note that neighbouring properties have been subject to flooding in the past and the loss of the trees would not be helpful in this context;
- iii) Objectors raise concern over road safety;
- iv) An objector requests a Transport Impact Assessment be submitted;
- v) The development will also lead to traffic, parking and access problems;
- vi) If approved the proposal would spoil the character of the rural area and of a neighbouring listed building;
- vii) Cemetery funerals use the verge for parking. This proposal will reduce the access and parking space during funeral services and for cemetery visitors;
- viii) Obstruction of a view from a neighbouring property;
- ix) Building works would affect a neighbours property which was found to have structural movement;
- x) Outdoor clothes drying and tarmac drive would impact the aesthetics of the area;
- xi) There is a telephone pole and septic tank for a neighbouring property;
- xii) The application site is not within an area designated for development; and
- xiii) An objector alleges there is no right of access for this application site.

The concerns raised regarding rights of access to the application site and access for funerals and visitors to the nearby cemetery are civil matters between affected parties and are not material considerations in the determination of this planning application.

The obstruction of a private view is not a material consideration in the determination of this planning application.

The potential for any building works as a result of the proposal to affect any neighbouring residential properties is a civil matter between affected parties and is not a material consideration in the determination of this planning application.

The impact of the proposal on a telephone pole and the septic tank of a neighbouring residential property are civil matters between affected parties and are not material considerations in the determination of this planning application.

COMMUNITY COUNCIL

None.

PLANNING ASSESSMENT

It is stated on the application forms that the application site is Primrose Cottage Garden, it does not have the appearance of a domestic garden and is not located adjacent to the applicant's house. Whilst it may be in the ownership of the applicant it is an area of unmanaged land that is categorised as Prime Agricultural Land.

NPF4 sets out the intent to minimise disturbance to soils from development while the East Lothian Local Plan sets out the Council's aims to reduce adverse impacts on soils, avoid where possible development on prime agricultural land, and consider climate changes impacts of developing certain soil types. The proposal would result in the loss of a small area of Prime Agricultural Land to a residential land use which given its location is not part of a significant agricultural land area as such the proposal would not be inconsistent with Policy 5 of NPF4 or Policy NH7 of the adopted East Lothian Local Plan 2018.

Policy DP1 of the ELLDP states amongst other things that all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be well integrated into its surroundings.

Policy DP2 of the ELLDP requires that the design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be appropriate to its location in terms of positioning, size, form massing, proportion and scale and use of a limited palate of materials and colours that complement its surroundings.

Policies 13, 14, 15 and 16 of NPF4 also apply to this development to ensure that development proposals are designed to improve the quality of the area in which it is located and will contribute to local living.

The proposed houses would be single storey in height and would be designed to reflect traditional farm cottages. The site is well contained within its landscape setting due to the enclosures of the site. Thus the proposed fencing, driveway, vehicle parking areas footpaths

and laid out gardens would not harmfully impact on their countryside environment. In their location, neither individually nor cumulatively, would they appear harmfully prominent, intrusive, exposed or incongruous in their landscape setting.

On the matter of residential amenity Policy DP2 of the ELLDP states amongst other things that the design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties. Furthermore, in assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the council, as a planning authority to apply the general rule of 9 metres separation distance between the windows of a proposed new development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing residential properties.

With regards to the above, there are no neighbouring residential properties that would fall within 18 metres of the proposed windows to the front (northwest) and rear (southeast) elevations of the proposed houses. Therefore, the use of these windows would not allow for any harmful overlooking of any neighbouring residential properties.

There are no proposals to form windows or other glazed openings within the side (southwest) or side (northeast) elevations of the proposed houses. Windows or other openings could be formed in these elevation walls at a later date via permitted development rights and thus without the need for planning permission. If formed in the side (southwest) elevation they would not fall within 18 metres of any neighbouring residential properties and thus would not allow for any harmful overlooking.

If formed in the side (northeast) elevation they would face over their garden ground for some 3.7 metres, onto the proposed 1.2-metre-high post and rail fence and an access road and further beyond by a ground floor window of the neighbouring named East Lodge. That neighbouring window would fall within 18 metres of the side (northeast) elevation of the proposed houses and given the low-level boundary treatment proposed it may allow for harmful overlooking of that neighbouring window should any glazed openings be formed. However, any overlooking possible would be no different to that possible from the access road that serves Thurston Cemetery.

Furthermore, owing to its size, form and positioning the proposed houses would not give rise to a harmful loss of sunlight or daylight to any neighbouring residential properties.

Therefore, given the above consideration and subject to the aforementioned condition the proposal would comply with Policy DP2 of the adopted East Lothian Local Development Plan 2018 and Policy 16 of NPF4.

The Council's Senior Environmental Health Officer has been consulted on the application and advises that in order to protect the amenity of neighbours from noise associated with the operation of the proposed Air Source Heat Pump, particularly the occupier of East Lodge to the north, he would request that noise associated with the operation of the air source heat pump hereby approved shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency

between the hours of 0700-2300 within any existing residential property. If planning permission were to be granted, then this could reasonably be made a condition of any such approval.

The Council's Contaminated Land Officer has been consulted on the application and advises there is a possibility that areas of made ground may be encountered. In addition, the proximity of Thurston Cemetery may have contributed to localised contamination issues. As such if planning permission were to be granted then it is recommended that a condition be imposed that requires a suitable Geo-Environmental Assessment to be undertaken prior to any site development works.

The Council's Flooding and Structures Department have been consulted on the application and note that SEPA's Flood Hazard Mapping indicates that the site is not at risk from a flood event with a return period of 1 in 200 years plus climate change. That is the 0.5% annual risk of a flood occurring in any one year with an allowance for climate change. However, the proposed site is very close to being to the 1 in 200 year plus climate change flood extent. They further note the site is for two houses however the development proposed is not a large footprint therefore they would class this as is a small-scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I would not oppose it on the grounds of flood risk. Therefore, as this site is not shown to be at flood risk they raise no objection to the location of the properties on the grounds of flood risk. However, if the application were to be approved then details of drainage information would be required. Subject to those details being submitted and approved by the Planning Authority the proposal would comply with Policy 22 of NPF4 and Policy NH11 of the ELLDP.

Scottish Water have been consulted on the application and advise the raise no objection to the proposal. They note there is sufficient capacity in the Caste Moffat Water Treatment Works to service the development. However, they note that according to their records there is no public wastewater infrastructure within the vicinity of the proposed development and as such they advise that private water treatment options be investigated.

The proposed houses would be positioned to the south of the Category C listed building of East Lodge with its associated retaining walls and piers. However, by way of the single storey nature of the proposed houses they would not appear as overly prominent or incongruous to that listed building and thus would not harm the character or setting of that listed building. In addition, the installation of low boundary treatments such as a post and wire fence would not be visually dominant and would not detract from the listed features such as the retaining wall and gate piers. Therefore, the proposed houses and associated works would comply with Policy CH1 of the ELLDP.

Notwithstanding all of the above the application site is located in a countryside location within East Lothian that is characterised by a low density dispersed built form within an agricultural landscape. The application site it is not identified in the adopted East Lothian Local Plan 2018 as being within a settlement and the Local Plan does not allocate the land of the site for housing development. Consequently, the principle of the erection of the 2 houses on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside. Thereafter it must be established whether the proposed 2 houses whether the proposal would have an adverse impact on nearby mature trees.

Policy 17 of NPF4 provides support for proposals for new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and subject to meeting other criteria. These are: the proposal is on a site allocated for housing within the LDP; it reuses brownfield land; reuses a redundant or unused building; is an appropriate use of a historic environment asset; is necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work; is for a single home for the retirement succession of a viable farm holding; is for the subdivision of an existing residential dwelling; and reinstates a former dwelling house. Development proposals are also required to consider how they will contribute towards local living and take account of identified local housing needs, economic considerations and transport needs. Additional criteria apply for proposals in remote rural areas, which will be supported where they support and sustain existing fragile communities; support identified local housing outcomes; and are suitable in terms of location, access and environmental impact.

Policy 16(f) states that development proposals for new homes on land not allocated for housing in the LDP will only be supported where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods.

The application site is not within an area defined as a settlement in the adopted East Lothian Local Development Plan 2018 and is instead defined as being located within the countryside. The existing houses of East Lodge and the row of Smiddy Cottages are not new build developments but are existing houses which are long established in their countryside location. Therefore, the erection of the 2 houses on the site would not be an addition to a settlement or adjoining the edge of a settlement. Rather, they would constitute sporadic development in the countryside.

The applicants' submission makes reference to the application site forming part of the domestic garden ground of the property named Primrose Cottage, which forms part of a row of cottages which are situated to the southeast of the application site. However, the application site is completely detached from that row of cottages as both the C160 and C165 public roads segregate those residential properties from it. The application site is separated from The East Lodge by an access lane. The row of cottages and The East Lodge are a loose scattering of buildings in their countryside location. They do not form any cohesively defined group. Irrespective of what may have existed in the past the application site has no buildings on it. There is no built form relationship between it and the row of cottages and The East Lodge. Therefore, the erection of 2 houses on the application site would be isolated, sporadic development in the countryside.

The site is not allocated for housing development in the adopted East Lothian Local Development 2018, nor is it a brownfield, vacant or derelict site. There is no agricultural or other employment use presently in operation to justify the need for a new house on the application site. Neither has the applicant advanced any such case of justification of need for the principle of the proposed new house. No case has been put forward that the proposed 2 houses have an operational requirement for their countryside location or that they would be required to support a use which in principle requires a countryside location. In the absence of any such direct operational requirement or justified supporting case for the erection of the 2 houses on the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the

control of development of new build houses in the countryside. Specifically, the proposal to erect a new build 2 new houses on the application site does not meet any of the criteria for and is in principle contrary to Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

Policy 1 of NPF4 seeks to give significant weight to the global climate crisis. Policy 13 states that development proposals will be supported where they provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation. Policy 15 expects development to contribute to local living including, where relevant, 20-minute neighbourhoods and states housing should be directed towards existing settlements where facilities and services including public transport are available and on allocated housing sites. Policy T1 of the ELLDP states that new development will be located on sites that capable of being conveniently and safely accessed on foot and by cycle, by public transport.

The proposed 2 houses would be located some 500m away from the shop at Thurston Caravan Park, some 1.2 km away from Innerwick Primary School and more than 8 km from other facilities such as high school, doctors, dentists and supermarkets. Whilst there are bus stops to the north and east of the application site, these stops offer a limited and infrequent bus service. Therefore, any future residents of the proposed houses would inevitably need to travel some distance to meet the majority of their daily needs and would be likely to use private cars in order to do so. This would result in an increased number of private car journeys at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions. As such the proposal is contrary to Policies 1, 13 and 15 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.

The application site in its present unmanaged state is typical of many areas of scrub land and woodland in the countryside. The Council's Landscape Officer has been consulted on the application and advises the site lies within an area defined as woodland within the Tree and Woodland Strategy (TWS) for East Lothian. The proposal to form two houses with garden ground and parking will lead to the loss of this woodland area. The woodland of the site forms a continuous woodland block continuing to the south. This woodland forms an attractive backdrop and biodiversity corridor and is important to the amenity of the area. The loss of this woodland would be contrary to Policy 6 of NPF4, Policy 1 of the TWS and Policies CH6 and NH8 of the ELLDP. Given this the Council's Landscape Officer raises objection to the proposal and advises she could not support the application on landscape grounds.

Policy 3 of NPF4 states that development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them.

The Council's Biodiversity Officer has been consulted on the application and advises that there appears to be a significant area of trees that are to be felled to facilitate the erection of the 2 houses and inadequate mitigation planting of 3 trees to remedy this. Furthermore, the Council's Biodiversity Officer also notes there is a record of a European Protected bat species being within 500m of the site. The bats may use the woodland proposed for removal for commuting or roosting and therefore the removal of this woodland could result in a reduction in the biodiversity which could detrimentally impact the protected bats. As it has not been demonstrated that the proposed 2 houses could be built without harming the bats the proposal is contrary to Policy 3 of NPF4 and Policy NH4 of the ELLDP.

The Council's Roads Officer has been consulted on the application and notes that in 2001 outline planning permission (ref: 01/00256/OUT) was refused for a house to be erected on the same application site. The consultation response received from Head of Transportation at that time stated: "The proposed house would be accessed off the lane that serves the adjacent cemetery and East Lodge. That existing junction of the lane with the public road (C165) lies on down hill gradient with a blind crest approximately 90m to the north. Given this the access has relatively poor visibility to the north and does not meet the normal requirements for a visibility splay of 2.5m by 160m. The Head of Transportation advises that in some circumstances the visibility splay can be relaxed if the public road topography and alignment results in traffic being significantly less than the national speed limit (60 mph). However, the existing junction although in use does not fall into this category. The Head of Transportation advises that the proposal would result in an increase in traffic movements at the junction of the access with the public road resulting in a road safety hazard. Accordingly, the Head of Transportation recommends refusal of the application.". Planning application 01/00256/OUT was therefore refused planning permission with one of the reasons for refusal being:

"The proposed development would, if permitted, result in an increase in traffic movements at the substandard junction of the existing access lane with the classified highway (C165), to the detriment of the safe and free flow of traffic on the public road."

In his consultation for this current planning application for proposed 2 houses, the Council's Roads Officer advises that the issues identified as part of the assessment of planning application 01/00256/OUT remain a concern for this current planning application and he therefore objects to this planning application as it would result in a road safety hazard contrary to Policies T1 and T2 of the ELLDP.

NPF4 Policy 16(f) sets out the limited circumstances under which housing proposals may be supported on non-allocated sites, including consistency with other policies of the development plan including local living/ 20-minute neighbourhoods and consistency with policy on rural homes. These circumstances do not apply to this proposal and therefore it is also contrary to Policy 16(f) of NPF4.

In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

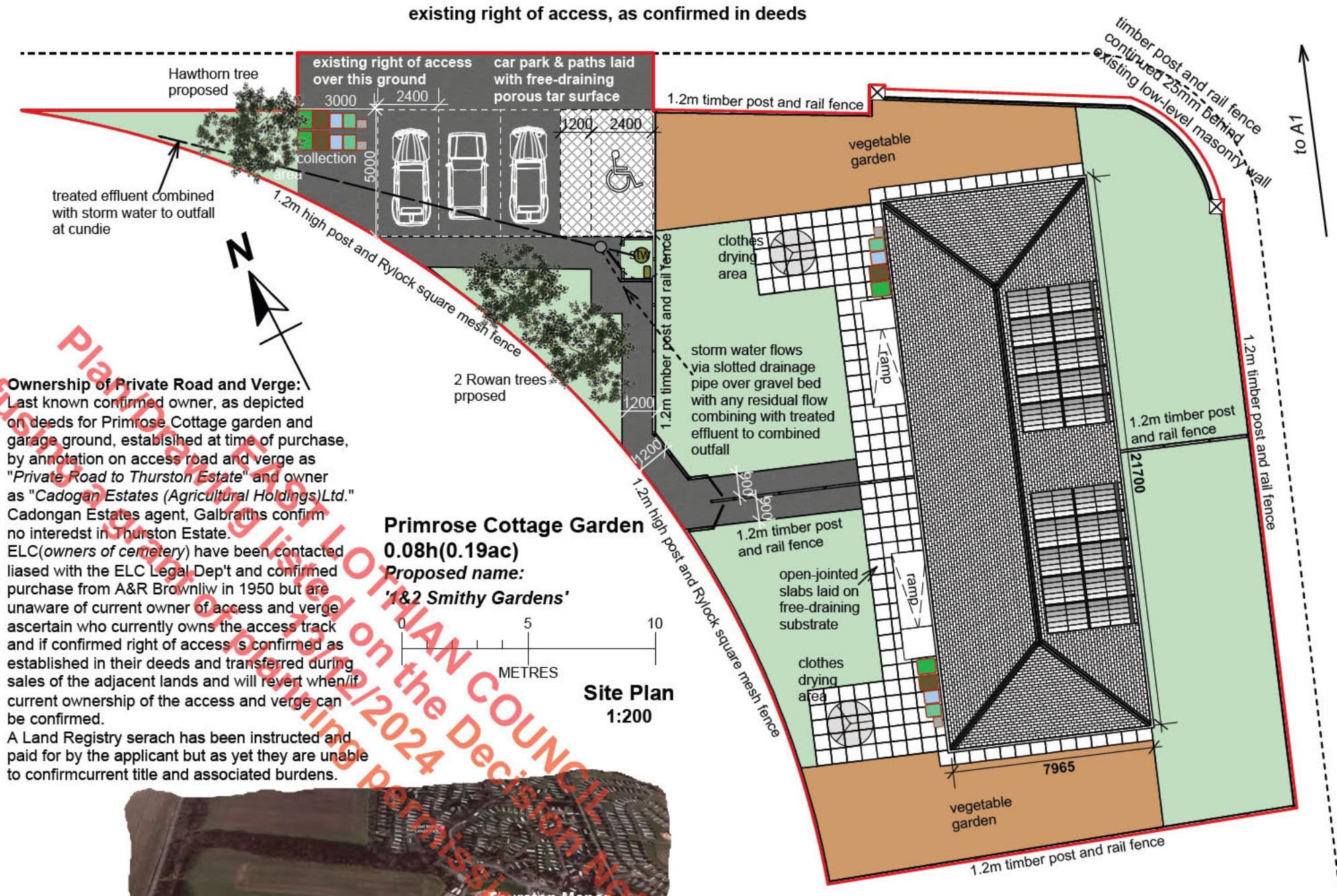
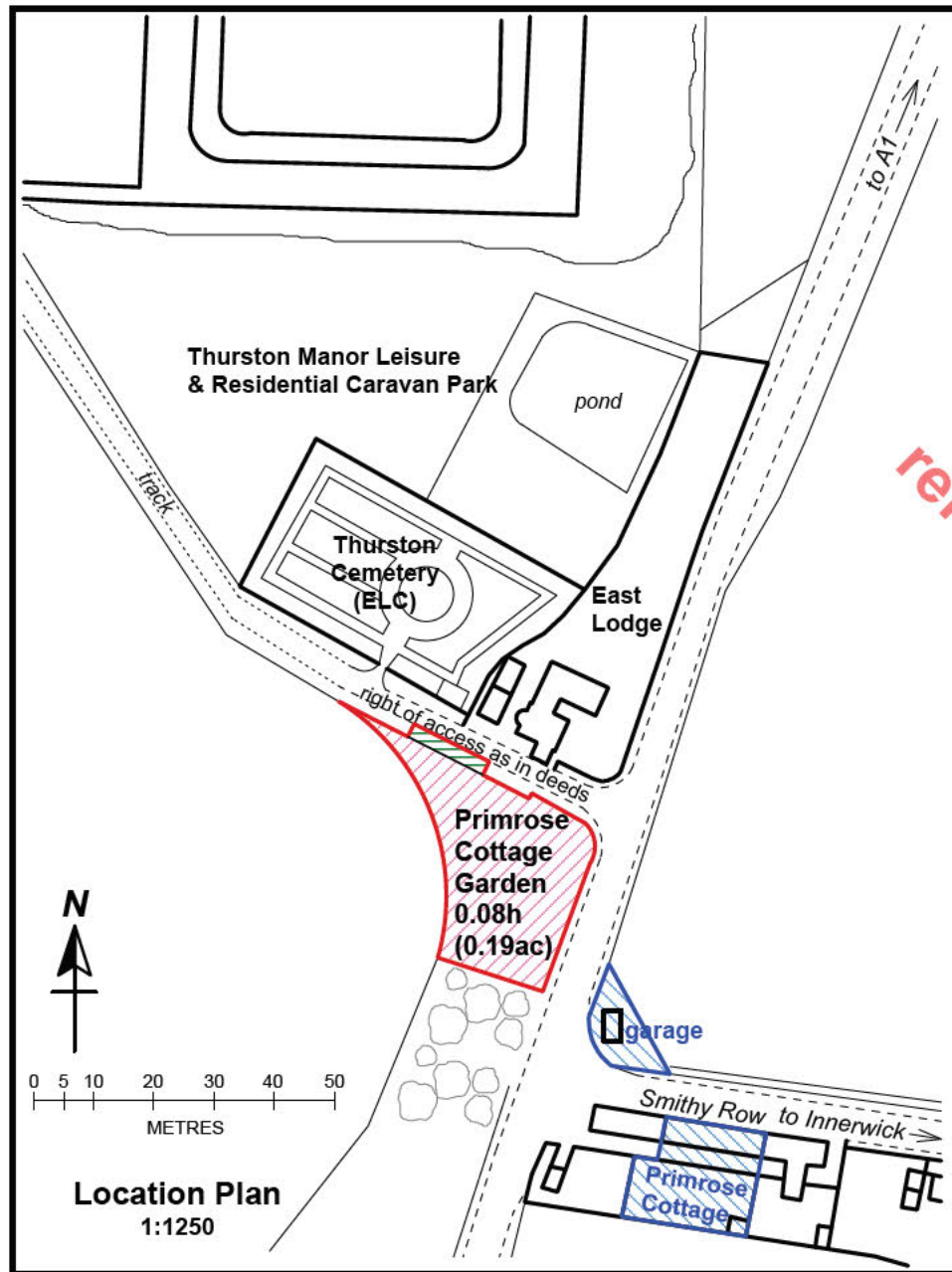
REASONS FOR REFUSAL:

- 1 The erection of two houses would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land, does not reuse a redundant or unused building, and for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry,

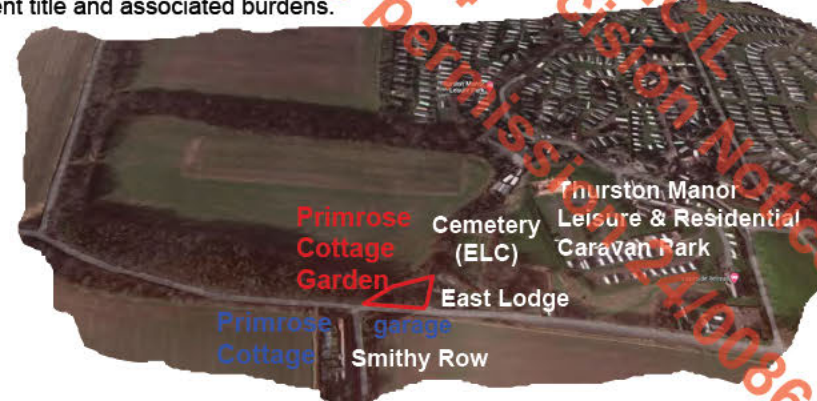
countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed development would, if permitted, result in an increase in traffic movements at the substandard junction of the existing access lane with the classified highway (C165), to the detriment of the safe and free flow of traffic on the public road and the proposal would therefore be contrary to Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed scheme of development for 2 new build houses on this rural site located within the East Lothian countryside would result in an increased number of non-public transport journeys at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions. As such the proposal is contrary to Policies 13, 15 and 17(b) of NPF4 and Policy T1 of the adopted East Lothian Local Development Plan 2018.
- 4 The proposal would lead to the loss of an area of woodland which forms part of a continuous woodland block continuing to the south of the application site. This woodland forms an attractive backdrop and is important to the landscape setting of the area. Therefore, the proposal would be contrary to Policy 6 of NPF4, Policy 1 of the TWS and Policy NH8 of the ELLDP.
- 5 It has not been demonstrated that the site could be developed for the erection of two houses without harm to a European Protected bat species that has been recorded within 500m of the site. The proposal is therefore contrary to Policy 3 of NPF4 and Policy NH4 of the ELLDP.

LETTERS FROM



Ownership of Private Road and Verge:
Last known confirmed owner, as depicted on deeds for Primrose Cottage garden and garage ground, established at time of purchase, by annotation on access road and verge as "Private Road to Thurston Estate" and owner as "Cadogan Estates (Agricultural Holdings)Ltd." Cadogan Estates agent, Galbraiths confirm no interest in Thurston Estate. ELC(owners of cemetery) have been contacted liaised with the ELC Legal Dep't and confirmed purchase from A&R Brownlie in 1950 but are unaware of current owner of access and verge ascertain who currently owns the access track and if confirmed right of access is confirmed as established in their deeds and transferred during sales of the adjacent lands and will revert when/if current ownership of the access and verge can be confirmed. A Land Registry search has been instructed and paid for by the applicant but as yet they are unable to confirm current title and associated burdens.



NOTE*:
All trees & shrubs currently on-site are either self-seeded or unpruned ornamentals, such as Leylandii, as a result of garden having not been utilised for over 20 years by tenants. The site will necessarily be cleared to facilitate the beneficial erection of rural homes, as I am sure ELC will appreciate, as similar work has been undertaken to clear-fell mature woodland to facilitate the benefit of such as new cycle tracks in Dunbar. **A Hawthorn & two Rowan trees** will be planted in the communal green areas adjacent to car parking & bin collection area.

Notes:
Existing garden was included with purchase of Primrose Cottage, Smithy Row but never used by tenants of the cottage. The plot remains as original with a timber fence & gate and the once decorative Leylandii trees now grown to 7m+ and the garden overgrown with numerous various self-seeded trees & bushes. All submitted in-line with current NFP 4 sustainability policies. All services are adjacent including watercourse flowing through existing cundie to West edge of site outwith built-over area. Installation of a dedicated SEPA-compliant WPL(WCS) DMS3 treatment sewage treatment plant is proposed. Storm water to flow via slotted drainage pipe over gravel bed with any residual flow combining with treated effluent to combined outfall. Existing access and parking as currently used on the track and verges of the track to the Cemetery, during commitments would not be reduced.

Title: Location & Proposed Site Plan		Applicant: BJP Properties Ltd(Dunbar)	Drawing by: <i>John A. Fyall</i> Bsc(Hons) Bld.Eng. & Mgt., C.Build E.FCABE & RIAS-regd Bld.Stds. Sect.6 Energy, Scottish Government Accredited Certifier of Design Building Design Service 12 Beaumont Court Dunbar EH42 1YF Tel: 01368-863752
Dr.Ref: JAF/BJP/P/01/Rev.D		Proposal: Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at:	
Scale: 1:1250 & 1:200 @A3	Date: 03.10.2024	Primrose Cottage Garden Thurston Dunbar EH42 1SA	



QUHZ-W40VA

Ecodan R744

Monobloc Air Source Heat Pump



Key Features:

- Compact design
- Low noise levels
- Boiler replacement ready
- Zero carbon solution
- MELCloud Enabled

Key Benefits:

- Minimal installation space required
- Flexible product placement
- Suitable for both new and existing homes
- Help to tackle the climate crisis
- Remote control, monitoring, maintenance and technical support



MELCloud



CERTIFIED MCS HPO 000



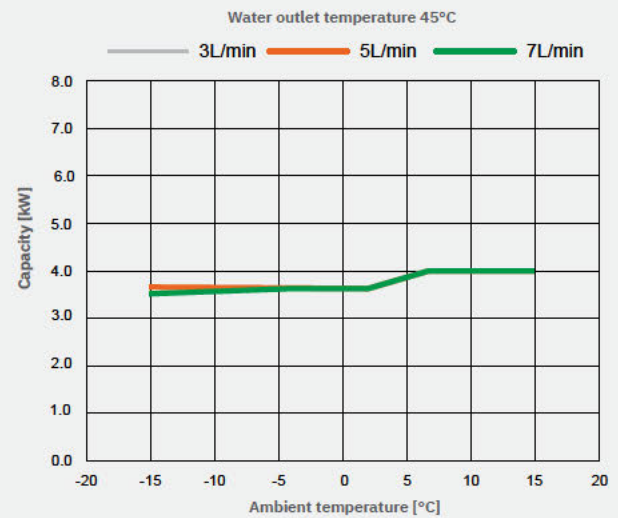
ecodan[®]
Renewable Heating Technology

OUTDOOR UNIT		QUHZ-W40VA
HEAT PUMP COMBINATION	ErP Rating	A+
HEATER - 55°C	η_s	117%
	SCOP (MCS)	2.91
HEAT PUMP COMBINATION	ErP Rating	A
HEATER - Large Profile ¹	η_{wh}	129%
	COP	3.00
HEATING ²	Capacity (kW)	4.32
(A-3/W55)	Power Input (kW)	2.18
	COP	1.98
OPERATING AMBIENT TEMPERATURE (°C DB)		-15 ~ +35
SOUND PRESSURE LEVEL AT 1M (dBA) ³		43
SOUND POWER LEVEL (dBA) ⁴		53
WATER DATA		
	Water Pipe Size (mm)	15
	Flow Rate (l/min)	3 to 8
DISTANCE BETWEEN OUTDOOR	Height Difference	5
UNIT AND THERMAL STORE (m)	Piping Length	15
DIMENSIONS (mm)		
	Width	809+70*5
	Depth	300+20*5
	Height	715
WEIGHT (kg)		57
ELECTRICAL DATA		Powered from indoor unit
REFRIGERANT CHARGE (kg)		
/ CO ₂ EQUIVALENT (t)	R744 (GWP:1)	1.15 / 0.0015

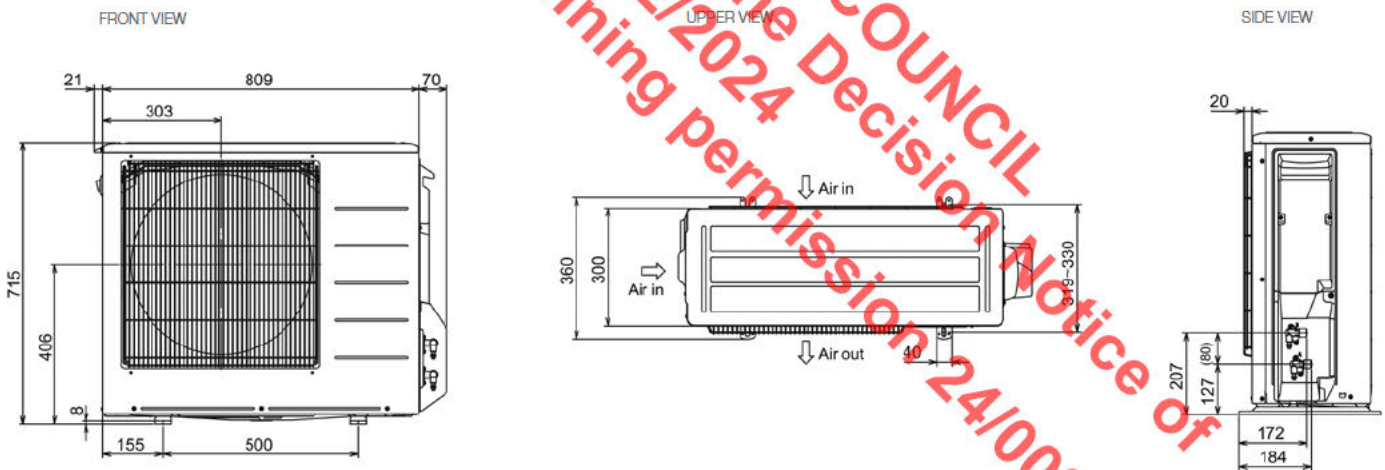
Notes:

- *1 Combination with EHPT20Q-VM2EA Thermal Store.
 *2 Under normal heating conditions at outdoor temp: -3°C DB, 4°CWB, outlet water temp 55°C, inlet water temp 47°C.
 *3 Under normal heating conditions at outdoor temp: 7°CDB, 6°CWB, outlet water temp 55°C, inlet water temp 47°C as tested to BS EN14511.
 *4 Sound power level tested to BS EN12102.
 *5 Grille or pipe cover.
 *6 MCB Sizes BS EN60898-2 & BS EN60947-2.
 η_s is the seasonal space heating energy efficiency (SSHEE) η_{wh} is the water heating energy efficiency

NOMINAL HEATING CAPACITY



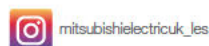
QUHZ-W40VA DIMENSIONS



All dimensions (mm)



Telephone: 01707 282880
 email: heating@meuk.mee.com
heating.mitsubishielectric.co.uk



UNITED KINGDOM Mitsubishi Electric Europe Living Environment Systems Division, Travellers Lane, Hatfield, Hertfordshire, AL10 8XB, England. Telephone: 01707 282880 Fax: 01707 278881
 IRELAND Mitsubishi Electric Europe, Westgate Business Park, Ballymount, Dublin 24, Ireland. Telephone: (01) 419 8800 Fax: (01) 419 8890 International code: (003531)

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Note: Refer to 'Installation Manual' and 'Instruction Book' for further 'Technical Information'. The fuse rating is for guidance only and please refer to the relevant databook for detailed specification. It is the responsibility of a qualified electrician/electrical engineer to select the correct cable size and fuse rating based on current regulation and site specific conditions. Mitsubishi Electric's air conditioning equipment and heat pump systems contain a fluorinated greenhouse gas, R410A (GWP:2088), R32 (GWP:675), R407C (GWP:1774), R134a (GWP:1430), R513A (GWP:631), R454B (GWP:466), R1234ze (GWP:7) or R1234yf (GWP:4). *These GWP values are based on Regulation (EU) No 517/2014 from IPCC 4th edition. In case of Regulation (EU) No 626/2011 from IPCC 3rd edition, these are as follows. R410A (GWP:1975), R32 (GWP:550), R407C (GWP:1650) or R134a (GWP:1300).

Effective as of May 2020



Vertex S

BACKSHEET MONOCRYSTALLINE MODULE

PRODUCT: TSM-DE09.08
POWER RANGE: 390-410 W

410 W+

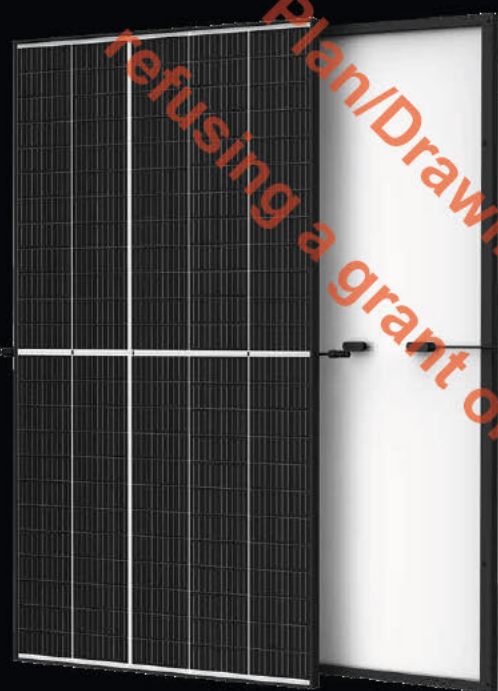
MAXIMUM POWER OUTPUT

0/+5 W

POSITIVE POWER TOLERANCE

21.3 %

MAXIMUM EFFICIENCY



Small in size, big on power

- Generates up to 410 W, 21.3 % module efficiency with high density interconnect technology
- Multi-busbar technology for better light trapping, lower series resistance, improved current collection and enhanced reliability
- Excellent low light performance (LMP) with cell process and module material optimization

Universal solution for residential and C&I rooftops

- Designed for compatibility with existing mainstream inverters, optimizers and mounting systems
- Perfect size and low weight for easy handling. Optimized transportation cost
- Reduces installation cost with higher power bin and efficiency
- Flexible installation solutions for system deployment

High Reliability

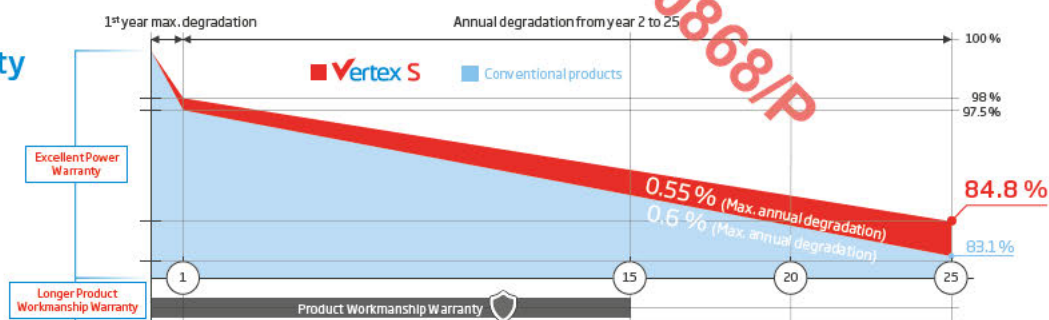
- 6,000 Pa snow load (test load)
- 4,000 Pa wind load (test load)

Extended Vertex S Warranty

2 %
1st year max. degradation

0.55 %
Max. annual degradation from year 2 to 25

15 Years
Product Workmanship Warranty

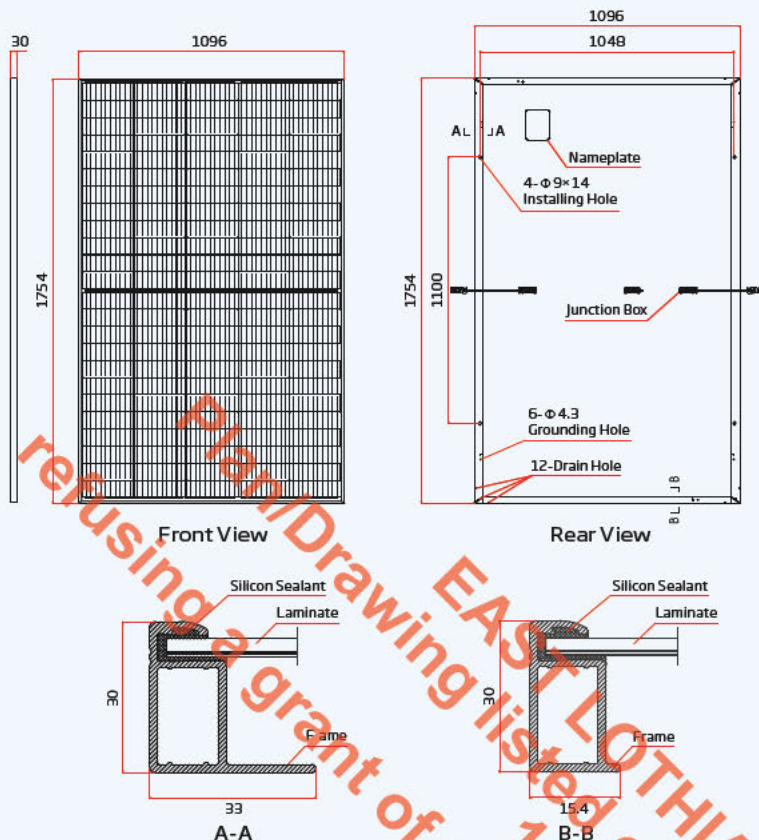


Comprehensive Product and System Certificates

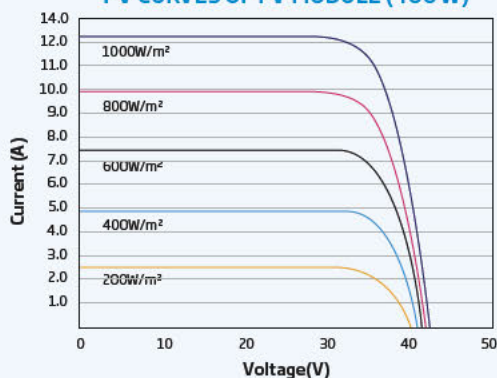


IEC61215/IEC61730/IEC61701/IEC62716
ISO 9001: Quality Management System
ISO 14001: Environmental Management System
ISO14064: Greenhouse Gases Emissions Verification
ISO45001: Occupational Health and Safety Management System

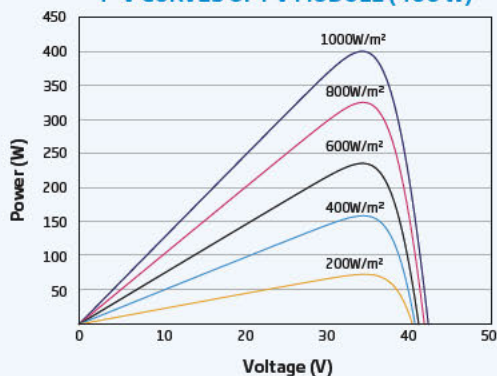
DIMENSIONS OF PV MODULE (mm)



I-V CURVES OF PV MODULE (400 W)



P-V CURVES OF PV MODULE (400 W)



ELECTRICAL DATA (STC)

	TSM-390 DE09.08	TSM-395 DE09.08	TSM-400 DE09.08	TSM-405 DE09.08	TSM-410 DE09.08
Peak Power Watts- P_{MAX} (Wp)*	390	395	400	405	410
Power Tolerance- P_{MAX} (W)	0/+5	0/+5	0/+5	0/+5	0/+5
Maximum Power Voltage- V_{MPP} (V)	33.8	34.0	34.2	34.4	34.6
Maximum Power Current- I_{MPP} (A)	11.54	11.62	11.70	11.77	11.85
Open Circuit Voltage- V_{OC} (V)	40.8	41.0	41.2	41.4	41.6
Short Circuit Current- I_{SC} (A)	12.14	12.21	12.28	12.34	12.40
Module Efficiency η_m (%)	20.3	20.5	20.8	21.1	21.3

STC: Irradiance 1000 W/m², Cell Temperature 25°C, Air Mass AM1.5 *Measuring tolerance: ±3%

MECHANICAL DATA

Solar Cells	Monocrystalline
No. of cells	120 cells
Module Dimensions	1754×1096×30 mm
Weight	21.0 kg
Glass	3.2 mm, High Transmission, AR Coated Heat Strengthened Glass
Encapsulant material	EVA/POE
Back sheet	White
Frame	30 mm Anodized Aluminium Alloy
J-Box	IP 68 rated
Cables	Photovoltaic Technology Cable 4.0 mm ² Landscape: 1100/1100 mm Portrait: 280/280 mm*
Connector	TS4/MC4 EV02*

*Special order only

ELECTRICAL DATA (NOCT)

	TSM-390 DE09.08	TSM-395 DE09.08	TSM-400 DE09.08	TSM-405 DE09.08	TSM-410 DE09.08
Maximum Power- P_{MAX} (Wp)	295	298	302	306	310
Maximum Power Voltage- V_{MPP} (V)	31.8	32.0	32.2	32.5	32.8
Maximum Power Current- I_{MPP} (A)	9.26	9.32	9.38	9.41	9.46
Open Circuit Voltage- V_{OC} (V)	38.4	38.6	38.8	38.9	39.1
Short Circuit Current- I_{SC} (A)	9.78	9.84	9.90	9.95	9.99

NOCT: Irradiance at 800 W/m², Ambient Temperature 20°C, Wind Speed 1 m/s.

TEMPERATURE RATINGS

NOCT (Nominal Operating Cell Temperature)	43 °C (±2 K)
Temperature Coefficient of P_{MAX}	-0.34 %/K
Temperature Coefficient of V_{OC}	-0.25 %/K
Temperature Coefficient of I_{SC}	0.04 %/K

MAXIMUM RATINGS

Operational Temperature	-40 to +85 °C
Maximum System Voltage	1500 V DC (IEC)
Max Series Fuse Rating	20 A

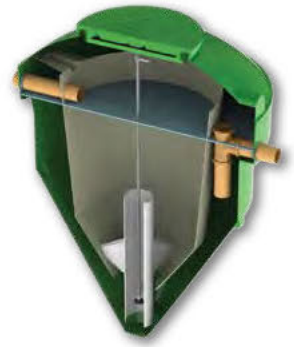
WARRANTY

- 15 Year product workmanship warranty
- 25 Year power warranty
- 2% First year degradation
- 0.55% Annual power degradation

(Please refer to the applicable limited warranty for details)

PACKAGING CONFIGURATION

Modules per box	36 pieces
Modules per 40' container	936 pieces



DIAMOND

SIMPLE, RELIABLE & DISCREET

Compact wastewater treatment plant



EAST LOTHIAN COUNCIL
Plan/Drawing listed on the Decision Notice of
13/12/2024
refusing a grant of planning permission 24/00868/P

Our Diamond Range

Environmentally compliant

Our Diamond (formerly WPL Diamond) small packaged wastewater treatment range is suitable for domestic and commercial properties in all ground conditions where mains drainage is unavailable.

British design and build

Our patented Diamond not only gives you the highest quality process on the market, but also provides you with a discreet, efficient and cost-effective solution for the longevity of the plant. This is achieved through our continued commitment to improve product design, development and manufacturing processes; backed by our commitment to engineering excellence.

Trusted network

Our trusted network of independent experts can offer professional advice on project specifications, compliance and guidelines; whilst providing installation, service and maintenance.





Our Promise



Low maintenance and long-term value:

- **25 years tank warranty** - and 2 years warranty on the blowers (housed in the kiosk)*.
- **Longer emptying cycles (up to 3 years desludge)** - due to our highly efficient aeration process which breaks down organic matter at a reduced sludge growth rate.
- **No internal electrical or mechanical moving parts** - inside the tank, offering minimal maintenance compared to other processes on the market which are prone to breaking down.



Compliant - meeting standards and codes of practice:

- **Discharge** - of final effluent into a drainage field or watercourse.
- **Fully tested, accredited and certified** - under European Standard BS EN12566-3 2014 approval which allows a CE mark.
- **Meets consent standards** - of 20mg/L BOD, 30mg/L SS, 20mg/L NH₄ as a minimum.
- **Part H2 UK** - of building regulations.
- **Designed using the British Water Code of Practice Flows and Loads** - to ensure that the tank is correctly sized.
- **Additional published test results:**
 - total 'P' mean average removal 52%, mean concentration 3.8mg/L
 - total 'N' mean average removal 52.2%, mean concentration 25mg/L

*The above figures are taken from the Diamond EN 12566-3 test report covering 38 weeks in PIA GmbH, a European accredited test facility



Discreet

- **Our plant is odourless** - so you won't even know it's there!*
- **Flushest lids to the ground** - creating perfect integration in to the landscape.
- **Compact in design** - keeps the excavation to a minimum and installation simple.
- **Range of invert depths** - for complicated sites, allowing more discharge options.

*subject to correct installation, consistent influent conditions and regular plant maintenance as per the manufacturers' instructions

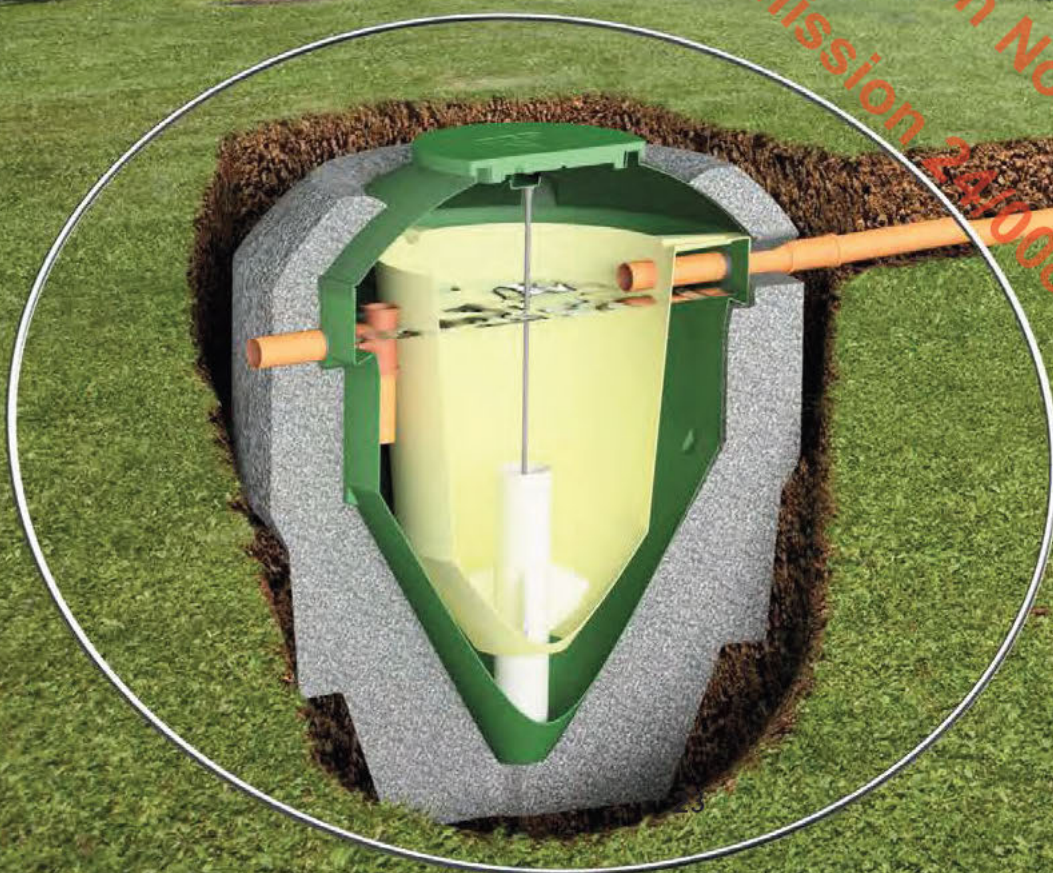
Planning

Please ensure all necessary permissions have been granted and due consideration has been given to:

- Planning permission, building regulations, and other regulating or interested parties.
- Sizing of the plant is in line with the British Water Flows and Loads codes of practice.

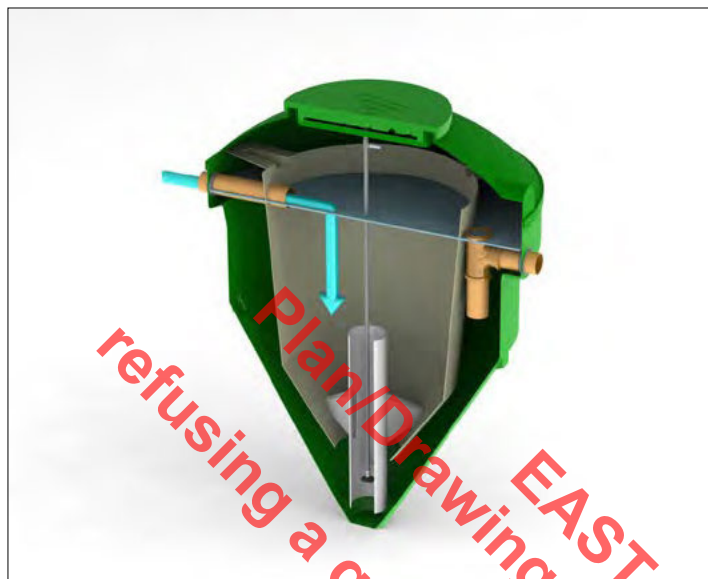
Discharging to a watercourse

If your septic tank is discharging to a watercourse for example a river or a stream, you now need to consider an alternative option such as a package treatment plant, which treats sewage to a higher standard. Please visit your local environmental protection agency such as the Environment Agency (England), Natural Resources Wales requirements or SEPA (Scotland) for guidance.



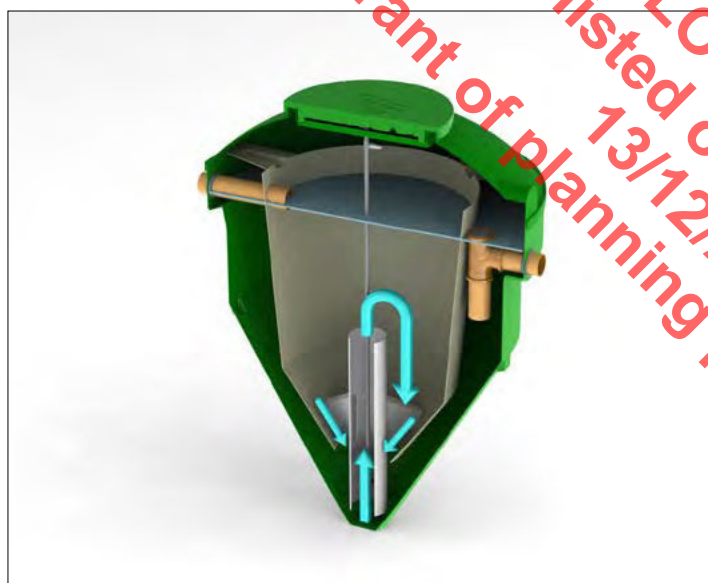
Diamond illustration not to scale

Simple and reliable operation

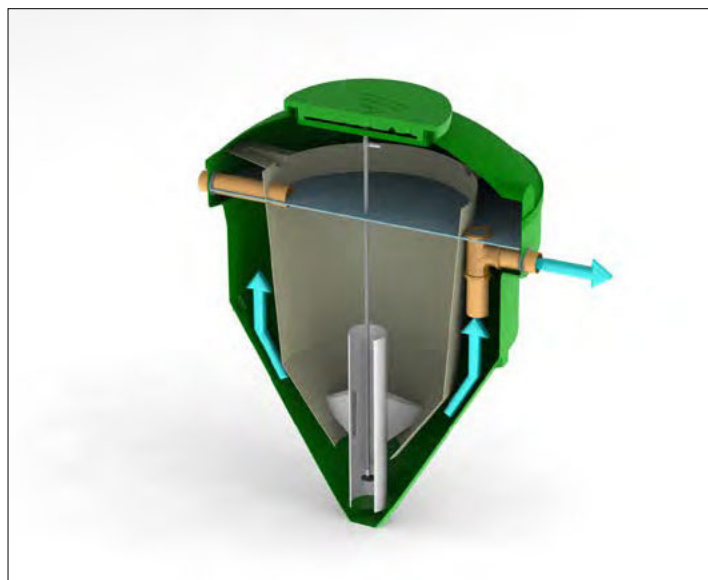


- 1: The wastewater flows into the main tank and enters directly into the bio-chamber.

The bio-chamber is a zone where the solids circulate continuously; this is achieved by air rather than mechanical or electrical parts inside the tank.



- 2: The draft tube enables the solids to be drawn back up into the central aeration chamber and re-circulated through the treatment process.



- 3: The treated liquid then exits through the dip pipe and is discharged safely in to the environment, meeting the required consent standard.

Watch how the process works:

[How the Diamond compact wastewater treatment plant works](#)

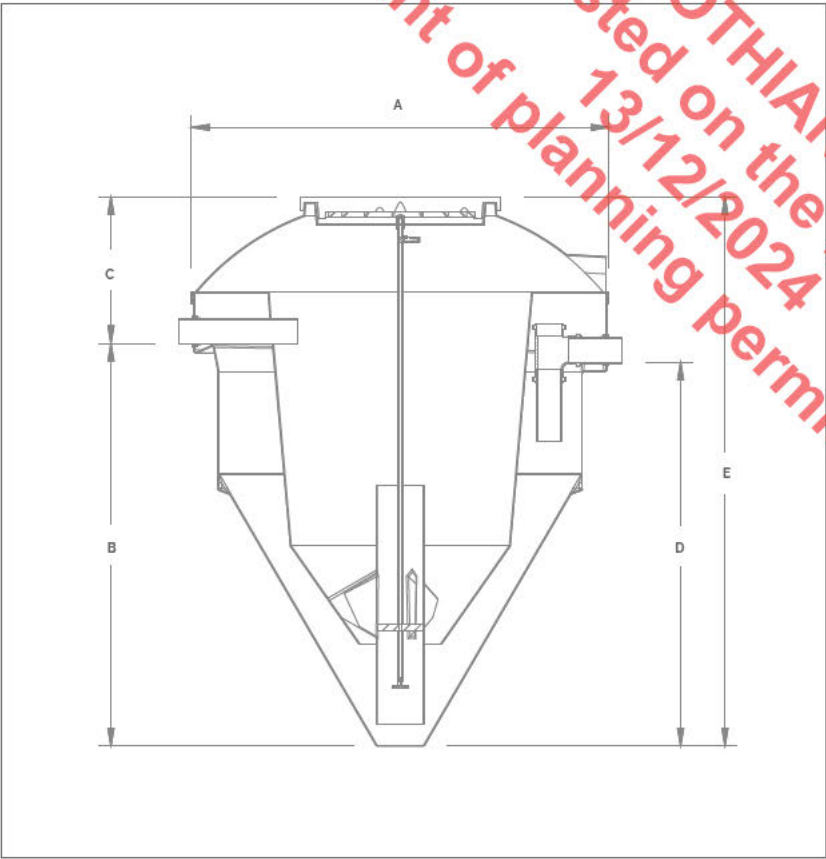
DMS range

Our reliable DMS range caters for properties housing 1 up to 20 people. Typical uses include domestic homes and small commercial businesses such as farm shops, B&Bs and glamping sites.

The standard tank models come supplied with a weather proof kiosk and low air pressure alarm beacon and blower inside.

Model	Population	Max Outside Diameter	Height to Inlet	Inlet Invert Depth	Height to Outlet	Max Height/ In Ground Depth	Weight Empty	Total Capacity
		(A)	(B)	(C)	(D)	(E)	(KG)	(L)
DMS2	1-6	1740	1700	630	1610	2330	155	2270
DMS3	5-11	1960	1830	760	1730	2590	192	3030
DMS4	10-15	1990	2000	780	1930	2780	210	3975
DMS5	14-20	1990	2000	780	1930	2780	210	3975

- Dimensions above shown in mm
- Deeper inverts can be accommodated with our range of standard invert extensions.
- Indicative technical drawing only



Model	Blower type	Blower consumption (kW)	Kiosk consumption (kW)
DMS2	JDK80C	0.050	0.060
DMS3	JDK100C	0.075	0.080
DMS4	JDK150C	0.115	0.120
DMS5	JDK200C	0.180	0.190

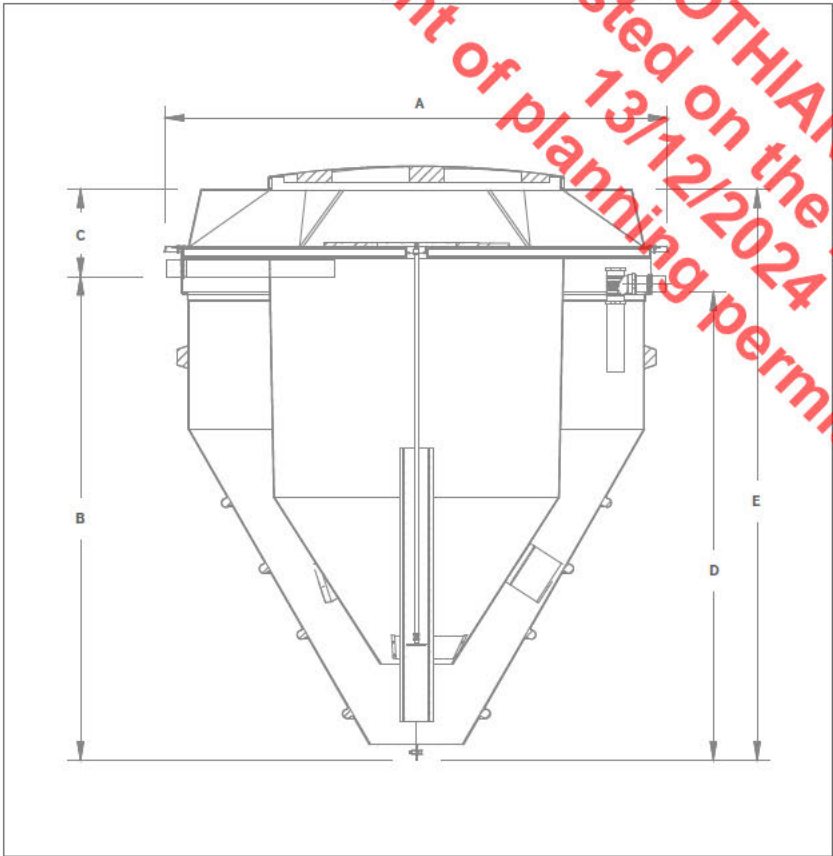
DMC range

Our robust DMC range caters for properties housing from 21 up to 55 people. Typical uses include domestic homes, small rural communities and small commercial businesses such as industrial units, campsites and country estates.

The standard tank models come supplied with a blower housed in a weatherproof kiosk and a separate small consumer unit.

Model	Population	Max Outside Diameter	Height to Inlet	Inlet Invert Depth	Height to Outlet	Max Height/ In Ground Depth	Weight Empty	Total Capacity
		(A)	(B)	(C)	(D)	(E)	(KG)	(L)
DMC6	21-27	3300	2780	570	2680	3350	380	9056
DMC7	28-35	3300	2780	570	2680	3350	380	9056
DMC8	36-45	3300	3140	580	3040	3750	460	15038
DMC9	46-55	3300	3140	580	3040	3750	460	15038

- Dimensions above shown in mm
- Deeper inverts can be accommodated with our range of standard invert extensions
- Indicative technical drawing only



DMC kiosk power consumption				
Model	Blower Type	Power per blower (kW)	Min Power Consumption (kW)	Max Power Consumption (kW)
DMC6	3D19T-050-0.37	0.37	0.27	0.37
DMC7	3D19T-050-0.55	0.55	0.37	0.55
DMC8	3D19T-050-0.55	0.55	0.37	0.55
DMC9	3D19T-050-0.55	0.55	0.37	0.55

External pumping chamber (EPC)

The EPC has been developed to provide a means of delivery for treated effluent where the existing terrain and invert levels of the pipework prevent normal gravitational discharge.

The unit delivers up to 100litres/minute of effluent.
The EPC can also be used as a sample chamber.

Additional parts

Depending on site conditions, models may be supplied with an invert extension, sample chamber or external pumping chamber (EPC).

Reliable and environmentally compliant

Our process performance is tested, certified and guaranteed subject to consistent influent conditions and regular plant maintenance as per the manufacturer's instructions. The PIA performance certificate is available for download at:

wcs-group.co.uk/environmental-engineering-diamond

We're here to help!

For more information, please chat to our friendly team.

Find us online at: wcs-group.co.uk/environmental-engineering-diamond

Call us on: **+44 (0) 23 9224 2600**

Or email: **info@wcs-group.co.uk**



So flexible

Designed to treat flows from between 1 and 55 people, our Diamond range is ideal for small rural business that are off mains drainage, such as glamping and camp sites, country estates, farm shops, B&Bs and garden centres, as well as individual homeowners. Our systems are known for their quality and reliability, giving you reassurance your environmental requirements are taken care of.

EAST LoTHIAN COUNCIL
Plan/Drawing listed on the Decision Notice of
refusing a grant of planning permission 24/00868/P
13/12/2024



OUR ROOTS

WPL (which is now a part of WCS Environmental Engineering) has been at the forefront of wastewater treatment technology for over 30 years, with international experience of technical design, quality of manufacture and supply of environmental wastewater solutions. Our high level of expertise means that we offer all of our customers, from the individual homeowner to large municipal communities and industrial markets, robust wastewater treatment process solutions that are environmentally compliant.

EAST LOTHIAN COUNCIL
Plan/Drawing listed on the Decision Notice of
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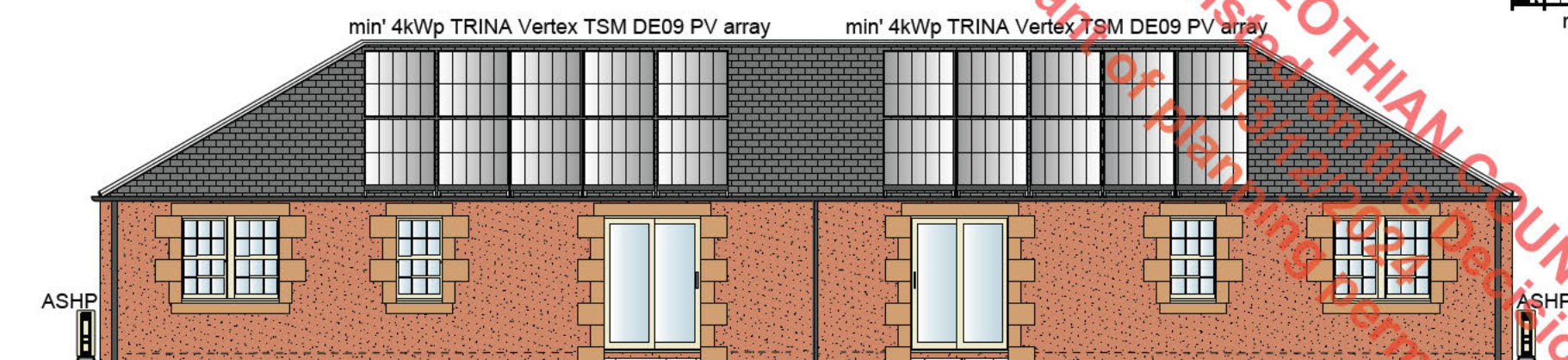
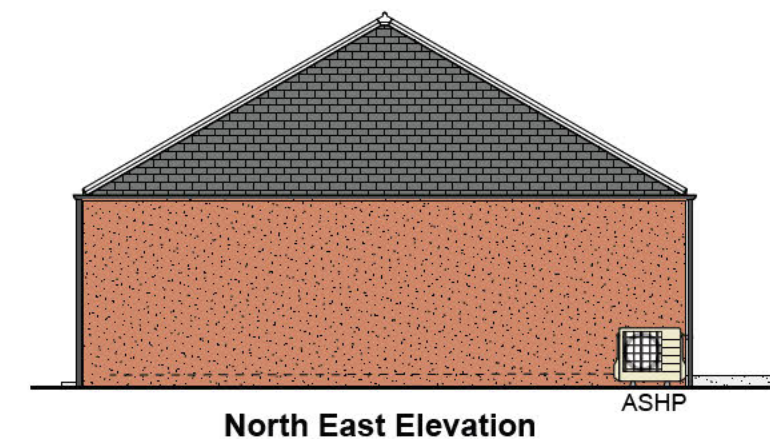
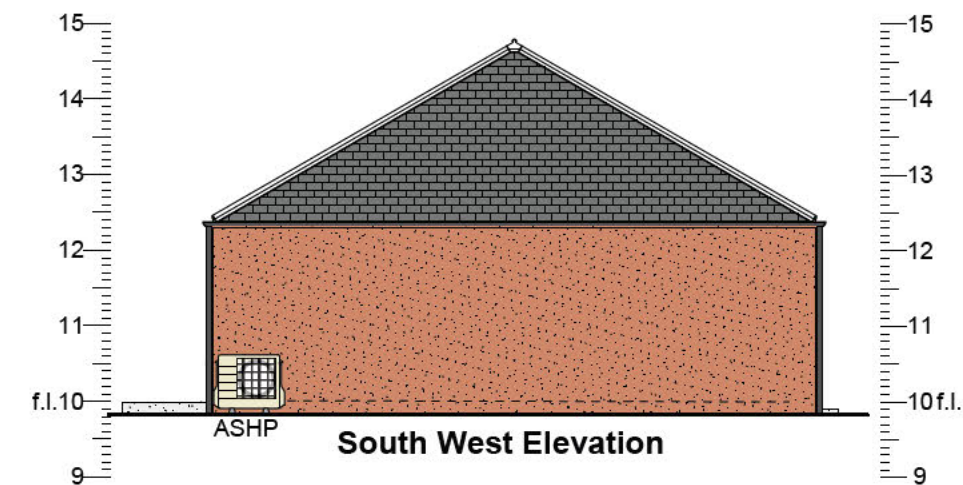
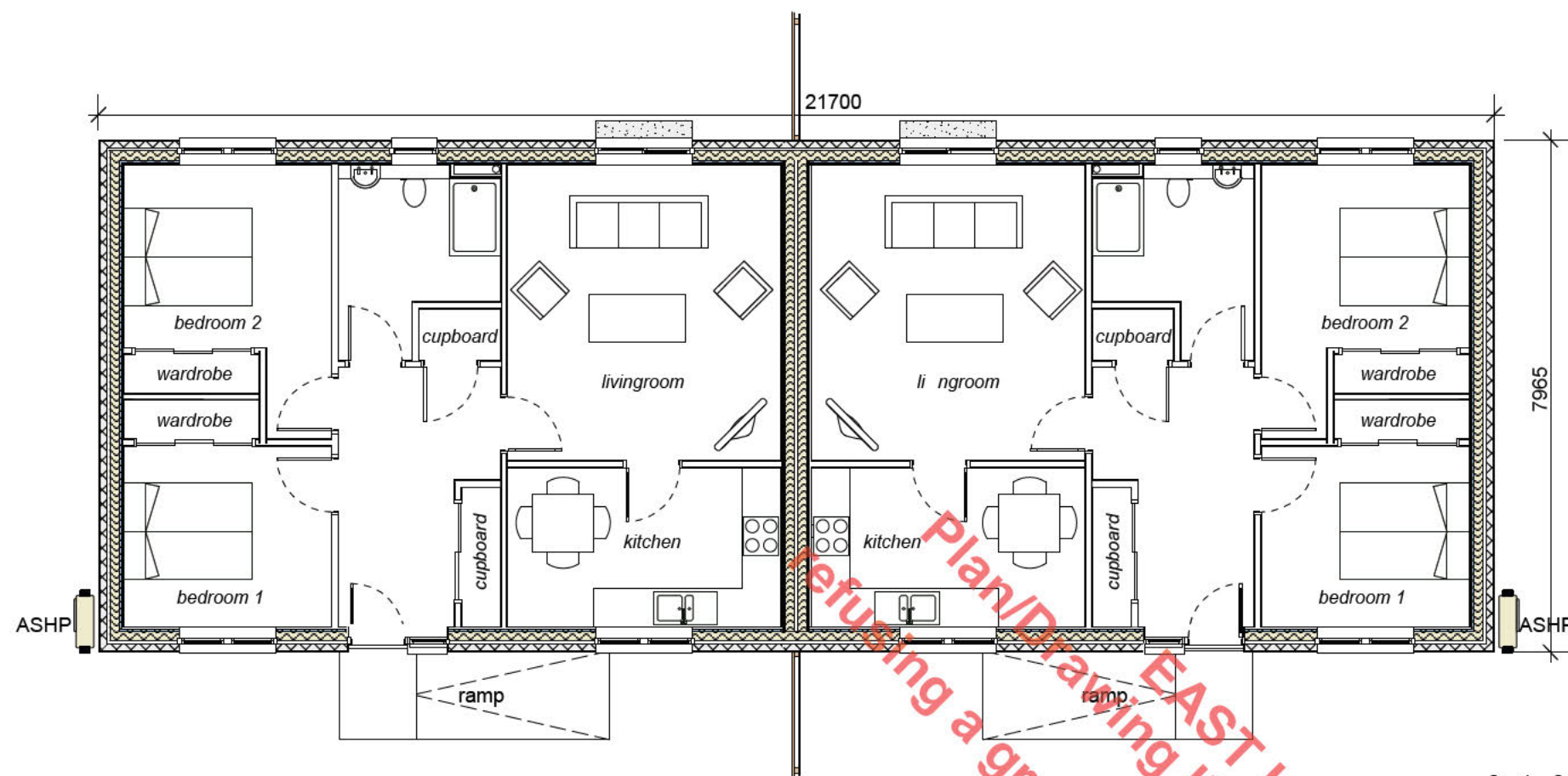
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PO7 7UX
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Web: [wcs-group.co.uk/
environmental-engineering-diamond](http://wcs-group.co.uk/environmental-engineering-diamond)

Disclaimer

WCS Environmental Engineering has a policy of continual product development and the above information may be subject to change without notice. Errors and omissions excepted. Technical drawings are indicative only. WCS Environmental Engineering Ltd is a portfolio company of Marlowe PLC.

Independent expert:



South East Elevation

Window Type 2

all external RW goods to be black Marley Deep Flow, with matching exposed foul and grey water pipes

traditional slate on Tyvek Supro roofing membrane on 19mmx125mm sarking boards with min' 2mm gap between each, to permit moisture egress, with galvanised ridge and hips



North West Elevation

Window Type 1

Window Type 3

Window Type 1

white windows and doors (see dr:JAF/BJP/P/03 Proposed Windows & Doors)

traditional roughcast walls with Corshill sandstone rybats, sills & lintels around openings

CEMEX

Cemex Red/Brown render/roughcast mortar

NOTE*:
The dwellings are designed to emulate the size and form of the existing cottages and similar traditional farm cottages in East Lothian only now with the modern highly energy efficient fabric and systems expected in modern good quality housing for all, and are intended to be provided as much needed affordable rented rural homes, a sector of the housing needs within and beyond the county which appears to have been given low priority, if not ignored entirely, due to necessary concentration on bulk building which is achieving disproportionately little to improve the reduction in the county's waiting lists, especially for such homes.

No new land has been made available for the required small developments needed to satisfy this desperate neglected need and therefore it is regarded that this rural domestic garden area should be brought into use as the need is not satisfied by the large scale developments on greenfield and highly productive agricultural land necessarily built over. In order, it appears, to meet the numerical targets imposed by central government which appear to completely ignore traditional and once cohesive social structures and communities being destroyed in this and other counties.

The site was previously the subject of a Planning Enquiry some years ago(2001-01/00256/OUT) as to the possible granting of Outline Planning Consent but it was advised that this would, at that time, constitute 'Development in the Countryside', and as such contrary to ENV16 of the Lothian Structure Plan & DC1 of E.L. Local Plan and Government policy guidance on the Control of Housing Development in the Countryside as, Policy Guidelines 3 & 15.

In view of the recent demands placed upon ELC for the satisfaction of housing targets and consequent sites to be defined within the new Local Plan, set as a result of Government Policy, imposing the necessity to build on prime agricultural land and the recent requirement to meet new rural housing targets, this redundant garden ground within an already established small group of dwellings may assist ELC in some small way in achieving both general land available whilst also going some way to satisfying the separate rural housing target percentage imposed without the necessity, in this case, to take yet more highly productive agricultural land permanently out of use.

Applicant:
BJP Properties Ltd(Dunbar)

Proposal:
Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at:
Primrose Cottage Garden
Thurston
Dunbar
EH42 1SA

Title:
Proposed Ground Floor Plan & Elevations

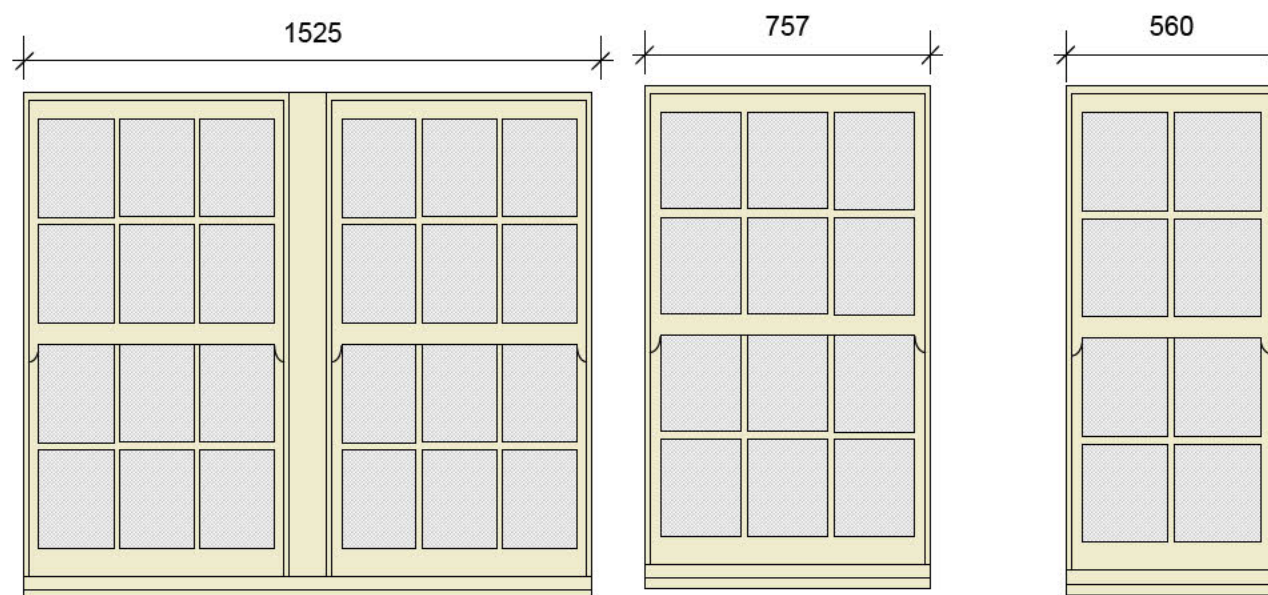
Dr.Ref:
JAF/BJP/P/02/Rev.B

Scale: 1:100@A3
Date: 25.09.2024

Drawing by:
John A. Fyall
Bsc(Hons) Bld.Eng. & Mgt., C.Build E.FCABE & RIAS-regd Bld.Stds. Sect.6 Energy, Scottish Government Accredited Certifier of Design
Building Design Service
12 Beachmont Court
Dunbar
EH42 1YF
Tel: 01368-863752



Patio Doors



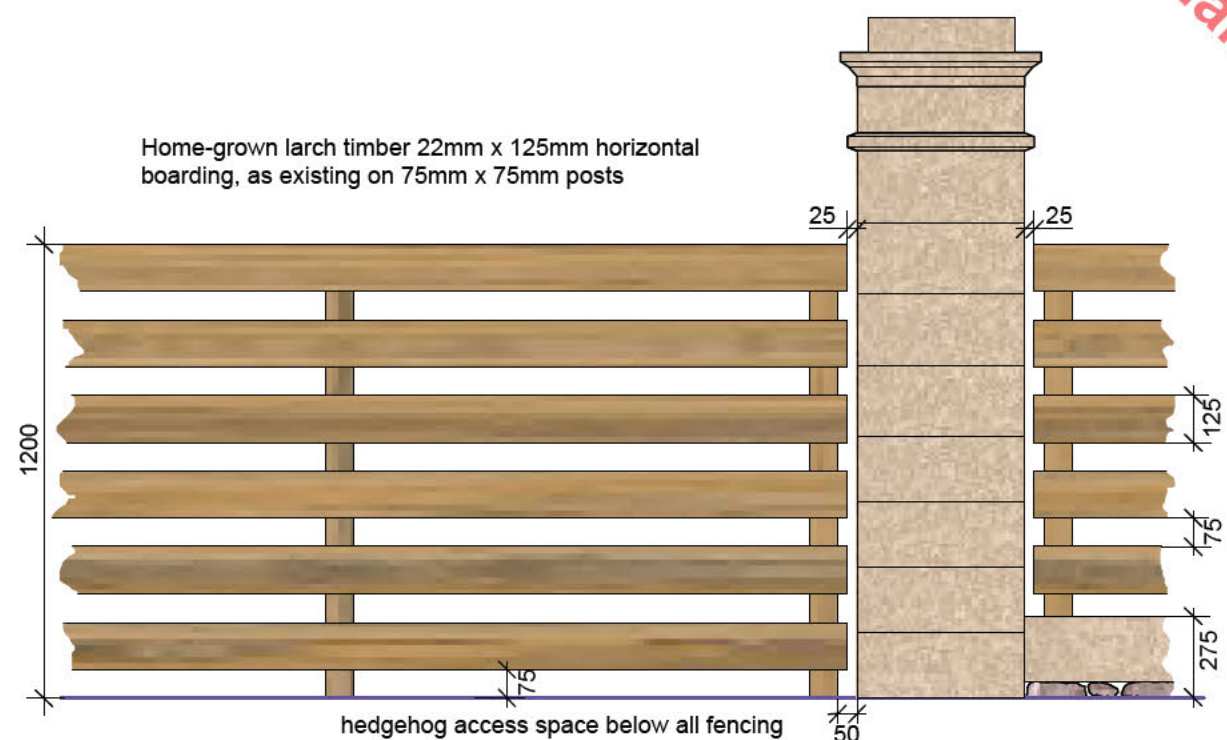
Window 1

Window 2

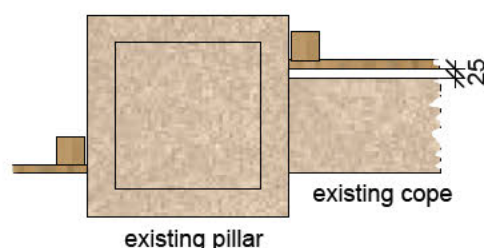
Window 3



Dual Turn Windows



East Sections of home-grown larch timber boarding fence replacing existing and new to be installed to rear of the existing low wall and piers
1:20



Main Entry Doors

AYR



Applicant: BJP Properties Ltd(Dunbar)	
Proposal: Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at: Primrose Cottage Garden Thurston Dunbar EH42 1SA	
Title: Proposed Windows, Doors & Timber Fence	
Dr.Ref: JAF/BJP/P/03/A	
Scale: 1:50@A3	Date: 25.09.2024
Drawing by: <i>John A. Fyall</i> Bsc(Hons) Bld.Eng. & Mgt., C.Build E.FCABE & RIAS-regd Bld.Stds. Sect.6 Energy, Scottish Government Accredited Certifier of Design Building Design Service 12 Beaumont Court Dunbar EH42 1YF Tel: 01368-863752	



Primrose Cottage

1



Primrose Cottage garage

2



3

road has been widened and improved to permit wind turbine blades and sectional columns to be transported to windfarm beyond



4

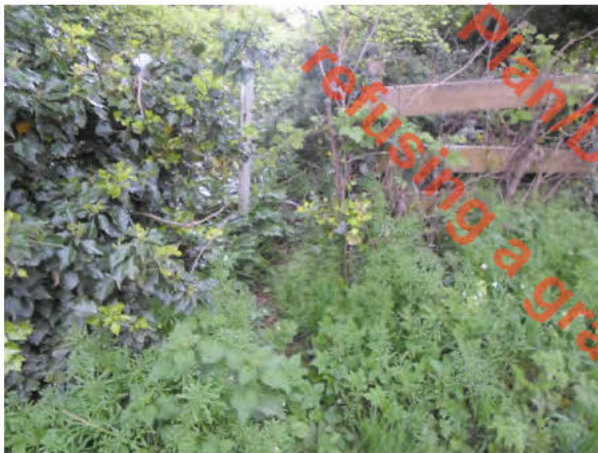


5



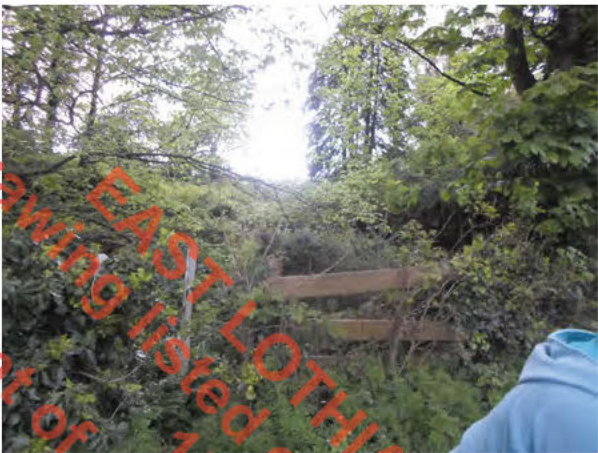
6

note the height now of the once low-level decorative Leylandii trees and existing garden fence, now overgrown, forming the boundary



7

this is the garden gate



8

garden gate impossible to use due to years of overgrowth as garden is no longer used



9



10



11



12



13

to road from cemetery entrance



14

Planning and Design Criteria:

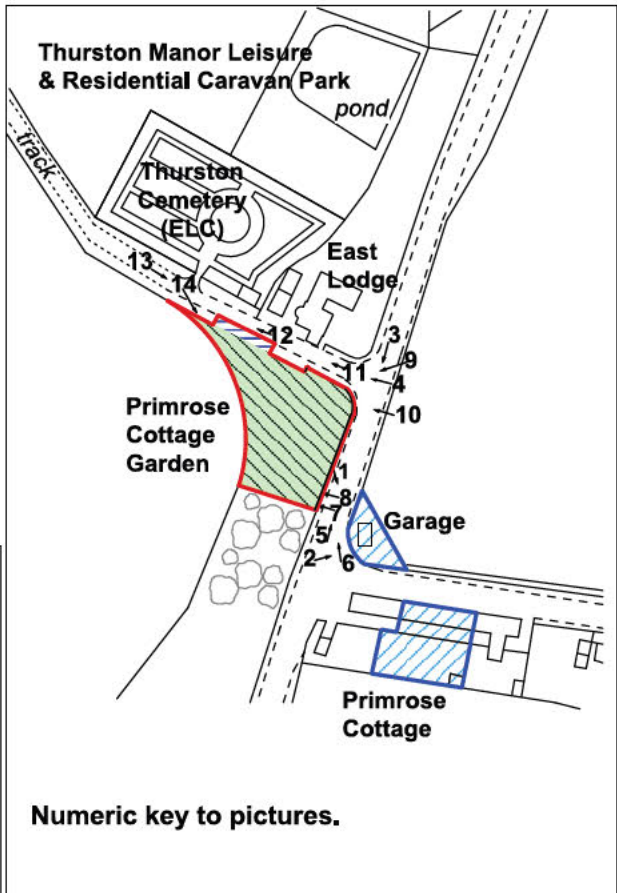
Scottish Government strategy - Housing to 2040:

"By 2040, everyone will have a safe, high quality home that is affordable and meets their needs in the place they want to be.
At least 70% of these homes will be for social rent and **10% will be delivered in** remote, **rural** and island **communities**."

The Local Housing Strategy (LHS 2023-28), The East Lothian Council Plan 2022-2027, ELC compliance strategy utilising Scottish Government HNDA tools in SESplan HNDA2. The adopted East Lothian Local Development Plan 2018 and incorporated design compliance:

Policies Tackling the climate and nature crises, Climate mitigation and adaption, Forestry Woodland and Trees, Brownfield vacant and derelict land and empty buildings, Zero Waste, Sustainable Transport, Liveable Places, Quality Homes NPF4 and Residential Character and Amenity, DP2 (Design), DP7 (Infill, Backland and Garden ground Development), NH8 (Trees and Development), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan.

Title: Pictures as Currently Existing		Applicant: BJP Properties Ltd(Dunbar)	Drawing by: <i>John A. Fyall</i> <i>Bsc(Hons) Bld.Eng. & Mgt., C.Build E.FCABE & RIAS-regs Bld.Stds. Sect.6 Energy, Scottish Government Accredited Certifier of Design</i> Building Design Service 12 Beachmont Court Dunbar EH42 1YF Tel: 01368-863752
Dr.Ref: JAF/BJP/P/04/A		Proposal: Erection of 2No. semi-detached rural dwellings in existing redundant domestic garden ground at: Primrose Cottage Garden Thurston Dunbar EH42 1SA	
Scale: N/A	Date: 25.09.20243		



Location

App No. 24/00868/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

BJP Properties Ltd (Dunbar)
c/o John A Fyall Bsc(Hons)Bld.Eng. C.Build.E, FCABE
Per John A Fyall
12 Beachmont Court
Dunbar
EH42 1YF

APPLICANT: BJP Properties Ltd (Dunbar)

With reference to your application registered on 11th October 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of 2 houses and associated works
at
Primrose Cottage Garden
Innerwick
East Lothian

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION** for the said development.

The reasons for the Council's refusal of planning permission are:-

- 1 The erection of two houses would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, is not brownfield land, does not reuse a redundant or unused building, and for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The

proposal is therefore contrary to Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed development would, if permitted, result in an increase in traffic movements at the substandard junction of the existing access lane with the classified highway (C165), to the detriment of the safe and free flow of traffic on the public road and the proposal would therefore be contrary to Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed scheme of development for 2 new build houses on this rural site located within the East Lothian countryside would result in an increased number of non-public transport journeys at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions. As such the proposal is contrary to Policies 13, 15 and 17(b) of NPF4 and Policy T1 of the adopted East Lothian Local Development Plan 2018.
- 4 The proposal would lead to the loss of an area of woodland which forms part of a continuous woodland block continuing to the south of the application site. This woodland forms an attractive backdrop and is important to the landscape setting of the area. Therefore, the proposal would be contrary to Policy 6 of NPF4, Policy 1 of the TWS and Policy NH8 of the ELLDP.
- 5 It has not been demonstrated that the site could be developed for the erection of two houses without harm to a European Protected bat species that has been recorded within 500m of the site. The proposal is therefore contrary to Policy 3 of NPF4 and Policy NH4 of the ELLDP.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.

Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
MANU LITERATURE 01	-	16.08.2024
MANU LITERATURE 02	-	16.08.2024
MANU LITERATURE 03	-	16.08.2024
JAF/BJP/P/02	B	30.09.2024

JAF/BJP/P/03	A	30.09.2024
JAF/BJP/P/04	A	30.09.2024
JAF/BJP/P/01	D	04.10.2024

13th December 2024



Keith Dingwall
Service Manager - Planning
(Chief Planning Officer)

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Comments for Planning Application 24/00868/P

Application Summary

Application Number: 24/00868/P

Address: Primrose Cottage Garden Innerwick East Lothian

Proposal: Erection of 2 houses and associated works

Case Officer: James Allan

Customer Details

Name: [REDACTED]

Address: [REDACTED]
[REDACTED]

Comment Details

Commenter Type: [REDACTED]

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: [REDACTED]. The developers are unconcerned about the effect on the neighbourhood.

- Road safety The development will lead to traffic, parking and access problems. Policy 13 of the National Planning Policy ensures that in assessing the transport impacts of development, the area's needs and characteristics are taken into account. We request a TIA.

A previous same-site application was rejected (2001-01/00256/OUT) as it would 'result in an increase in traffic movements at the substandard junction of the existing access lane with the classified highway (C165), to the detriment of the safe and free flow of traffic on the public road'. The junction is as it was in 2001, the increase of HGV vehicles (up to 80 per day for 1 developer) would result in a substantial increase in unsafe traffic movements due to this proposal (4 cars). The fence would restrict visibility of oncoming traffic towards the A1.

Cemetery Funerals use the verge for parking. This proposal will reduce the access and parking space during funeral services and for cemetery visitors.

- Flood risk

Smithy Row was flooded 10 years ago. It is at the bottom of a hill affected by field run off, overflowing burn and uncleared road drains. After heavy rainfall the 'Private road to Thurston Estate' often has sitting water. The replacement of mature trees and vegetation for this proposal and tar-mac will increase the risk of flooding to Smithy Row and East Lodge.

- Bats and owls present

Native ash and beech tree removal will have a negative impact. Woodpeckers, owls, bats and hedgehogs all inhabit the land. Development would negatively impact roost, foraging and commuting habitats for bats. We request a survey. The NBN Atlas has records of bats in the area <https://records.nbnatlas.org/occurrences/b7b0ae2d-08f2-4f70-8e9c-1766983ab6ac>. The proposal is also close to a water body.

- Effect on listed building

██████████ is a Grade C listed building. The HS listing includes retaining walls and gate piers. The proposal adds a fence to the piers, changing the 'character of the building'

Obstruction of view ██████████ from the kitchen, dining room, bedroom, garden and driveway. This view has remained unchanged since 1810. Outdoor clothes drying and tarmac drive will impact the aesthetics of the area.

Building works would affect this listed building. Conveyancing found structural movement.

- Is in opposition to local policy

As stated in East Lothian Local Development Plan 2018 Policy DC4: New Build Housing in the Countryside 'New build housing development will only be supported .. is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality' There are several buildings within the vicinity that are suitable for conversion including Buildings at Risk Register for Scotland

- Current land use

A telephone pole and the Septic Tank for ██████████ Road run off is diverted into this land

From: [REDACTED]
To: [Environment Reception](#)
Cc: [REDACTED]
Subject: Ref Planning Permission - Case Number 24/00868/P
Date: 11 November 2024 20:13:35

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

You don't often get email from [REDACTED]

Dear Mr Dingwall,

With reference to the application for planning permission to build two houses with space for parking of four vehicles, Primrose Cottage Garden, Innerwick.

Case Number – 24/00868/P

A number of years ago there was an application for a house to be built on that land. This was refused due to the problem of an entrance and exit onto this busy road from the A1 to the wind farm.

With new houses using the cemetery road out onto the road from the A1 or even one parallel this will become more problematic. The owners at East Lodge are informed when there will be a funeral cortege parking by their house therefore being forewarned for the safety of their young family.

I understand that if the planning permission goes ahead it will result in the destruction of a considerable number of trees. This in turn would lead to loss of habitat for hedgehogs, owls, bats and other established woodland species.

It should be pointed out that Thurston Manor and Smithy Row have been subjected to serious flooding in the past and cutting down trees would not be helpful in this context.

The road safety of this part of Thurston is of ongoing concern. Since the first planning application in 2001, the number of heavy-duty vehicles using this stretch of highway has increased enormously. Construction of wind farms at the top of the hill and now the new construction of Crystal Rigg 4 means that there is no prospect of a decrease in traffic in the foreseeable future. At one stage there was as many as 200 lorries a day. It is also significant that due to the speed in traffic restrictions of 20mph have been introduced.

It is a very popular area for cyclists, dog walkers, horse riders and children coming from Innerwick to Thurston Manor. There have been many worries about their safety with no pavements and only sometimes grass verges.

Where I live [REDACTED] there have been many times when I have pulled out slowly into the road to turn right when suddenly over the hill comes a speeding car or lorry. This is a bad junction and the frequency of even more cars on the road will cause more problems. We note that the applicant wishes to build a wall or fence which might hinder [REDACTED] line of view the line for cars coming from the drive at [REDACTED].

A representative from Bear Scotland already meets residents at Innerwick every month to help residents sort existing problems with transport.

In conclusion I would ask you please not to retract your original refusal of planning permission to build on that land.

Yours faithfully,

[REDACTED]
[REDACTED]



From: [REDACTED]
To: [Environment Reception](#)
Subject: FW: 24/00868/P - Primrose cottage planning permission
Date: 22 November 2024 08:20:04

Hi

Could the below please be logged as an objection to 24/00868/P. [REDACTED]

Thanks

James

Sent: Thursday, November 21, 2024 8:58 PM

Subject: Re: 24/00868/P - Primrose cottage planning permission

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi James,

My wife [REDACTED] has already put a comment on the planning application. In addition I would like to add the following points:

- The application is outside of the permitted for development line. There is already an area in Innerwick that is designated for development. It is not included in the official documentation for development.

- This development if authorised, will not spoil the rural character of the area but also spoil the character of a listed building.

As quoted "East Lothian is committed to maintaining rural character of the countryside", authorising this development will go against that commitment and encourage future development in the countryside.

The right of access does not exist for that piece of Land, [REDACTED] was only given due to a long standing historical agreement.

This is in addition to her other points:

- Making the junction busier and more dangerous
- Limiting the access to the Cemetery
- Putting at risk the access to our septic tank
- Threat to local wildlife

Cheers,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED],

Thank you very much for all your help!

We still haven't received a notification on this application. We are engaging with Historic Scotland [REDACTED]. They are not open during the week, would we be able to extend the deadline for comments so we can gather more information on the matter?

[REDACTED]

[REDACTED]

On 6 Nov 2024, at 11:54, Allan, James [REDACTED]

[REDACTED]

Hi

I have just checked the application and no representations or objections have been received yet. The comments you refer to are likely to be comments from consultees within the Council i.e. Environmental Health, Landscape, Roads etc. Consultee comments are not made public and therefore are not visible on the planning portal.

If objections or representations are received then these will also not be visible on the planning portal as they are not made public during the determination of an application.

Kind regards

James

-----Original Message-----

[REDACTED]

Subject: Re: 24/00868/P - Primrose cottage planning permission

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi,

In regards to the application below, we see that there are comments on the application already but cannot see them. How are we able to see the comments that have been placed on the application?

Cheers,

[REDACTED]

On 31 Oct 2024, at 13:20, Allan, James

[REDACTED]

Good afternoon

Thanks for your email in connection with the above named planning application. I can confirm the deadline for comments is 15th November. [REDACTED]

[REDACTED] if you require additional time to make comments please let me know and I can arrange for that to be done.

Kind regards

James Allan

-----Original Message-----

[REDACTED]
Sent: Thursday, October 31, 2024 12:59 PM
To: Environment Reception <environment@eastlothian.gov.uk>
Subject: 24/00868/P - Primrose cottage planning permission

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

[REDACTED]

Dear Keith

[REDACTED]. We would appreciate the ability to add comments to this planning application. The important date information online suggests that we only have until Monday the 4th November. However the site notice suggests that we have 21 days from the 25/10. Could you please let us know when the deadline for our comments are?

[REDACTED]

%3D&reserved=0]

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of the individual or entity to whom they are addressed. If you have received this email in error please notify the sender and ensure it is deleted and not read copied or disclosed to anyone else. It is your responsibility to scan this email and any attachments for computer viruses or other defects. East Lothian Council do not accept liability for any loss or damage which may result from this email or any files attached. Email is not secure and can be intercepted, corrupted or amended without the knowledge of the sender. East Lothian Council do not accept liability for errors or omissions arising as a result of interrupted or defective transmission.

[REDACTED]



From: [Clark, Colin - EHO](#)
To: [Environment Reception](#)
Cc: [Allan, James](#)
Subject: RE: 24/00868/P-James Allan - Planning Consultation
Date: 16 October 2024 11:24:02

I refer to your consultation request of 14th October and would advise as follows.
In order to protect amenity of neighbours from noise associated with the operation of the proposed Air Source Heat Pump, particularly the occupier of East Lodge to the north, I would request the following condition be attached to any consent granted:

- Noise associated with the operation of the air source heat pump hereby approved shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any existing residential property. All measurements to be made with windows open at least 50mm.

Cheers
Colin

From: Environmental Protection <envprot@eastlothian.gov.uk>
Sent: Monday, October 14, 2024 1:30 PM
To: Clark, Colin - EHO <cclark1@eastlothian.gov.uk>; Callow, Scott <scallow@eastlothian.gov.uk>
Subject: Fw: 24/00868/P-James Allan - Planning Consultation
Sent from [Outlook for iOS](#)

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: Monday, October 14, 2024 1:26:24 PM
To: Environmental Protection <envprot@eastlothian.gov.uk>
Subject: 24/00868/P-James Allan - Planning Consultation
Please see attached document in relation to the following application: Erection of 2 houses and associated works at Primrose Cottage Garden
Innerwick
East Lothian

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance__1.png&data=05%7C02%7Cenvprot%40eastlothian.gov.uk%7Cc2a2ed088e314ad34c8b08dcec4b6b76%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638645056029595701%7CUnknown%7CTWFpbGZsb3d8eyJWIjoiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=CtD0Vu%2FDCAVIlBVSyKzjzLq84mJ2GNmcmr6UhJT7x0%3D&reserved=0]

From: [Callow, Scott](#)
To: [Allan, James](#)
Cc: [Environment Reception](#); [Clark, Colin - EHO](#)
Subject: Planning Application : 24/00868/P (Primrose Cottage Garden, Innerwick)
Date: 25 October 2024 09:40:06

Hi James,

No comments to make regards any specific contaminated land issues on the site that could affect the proposed development but given the former use as a domestic garden there is always the possibility that areas of made ground may be encountered. In addition, the proximity of Thurston Cemetery may have contributed to localised contamination issues. I would recommend that the following condition be attached to any grant of consent:

Land Contamination Condition (Investigation, Risk Assessment, Remediation and Validation) - Part 1

Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

- *A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment).*
- *A Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:*
 - *A survey of the extent, scale, and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site.*
 - *An appraisal of the remediation methods available and proposal of the preferred option(s).*

The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced, and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to use of the new

development.

Part 4

If 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage, a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.

Cheers,

Scott

**Scott Callow | Senior Environmental Compliance Officer | Environmental Protection |
Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA**

Tel. 01620 827256

Email. scallow@eastlothian.gov.uk

Visit our website at www.eastlothian.gov.uk



From: [Allan, James](#)
To: [Environment Reception](#)
Subject: FW: 24/00868/P-Erection of 2 houses and associated works at Primrose Cottage Garden Innerwick
Date: 30 October 2024 10:04:55
Attachments: [image001.png](#)

Hi

Can the below please be logged.

Thanks

James

From: Cheyne, Sarah <scheyne@eastlothian.gov.uk>

Sent: Wednesday, October 30, 2024 9:52 AM

To: Allan, James <jallan1@eastlothian.gov.uk>

Subject: RE: 24/00868/P-Erection of 2 houses and associated works at Primrose Cottage Garden Innerwick

Hi James

I write in response to the consultation on the above application with landscape comments. The site lies within an area defined as woodland within the Tree and Woodland Strategy (TWS) for East Lothian. The proposal to form two houses with garden ground and parking will lead to the loss of this woodland area. The woodland of the site forms a continuous woodland block continuing to the south. This woodland forms an attractive backdrop and biodiversity corridor and is important to the amenity of the area.

Loss of this woodland is contrary to section b parts ii and iii, section c and section d of Policy 6 of NPF4, Policy 1 of the TWS and Policy NH8 of the LDP. Given this we could not support the application on landscape grounds.

Regards

Sarah

Sarah Cheyne | [Senior Landscape Officer](#) | Landscape Team | Planning Service | East Lothian Council | John Muir House | Haddington | EH41 3HA | E-mail:

landscape@eastlothian.gov.uk



Consider the environment. Please don't print this e-mail unless you really need to.

-----Original Message-----

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>

Sent: Monday, October 14, 2024 1:27 PM

To: Landscape <landscape@eastlothian.gov.uk>

Subject: 24/00868/P-James Allan - Planning Consultation

Please see attached document in relation to the following application: Erection of 2 houses and associated works at Primrose Cottage Garden Innerwick East Lothian

[[https://gbr01.safelinks.protection.outlook.com/?](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7CLandscape%40eastlothian.gov.uk%7Ca970c683217b475c3b4708dcec4b7055%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638645056092633167%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=ghcbNYRRAmJDttSovIT5a2KQh9pBZ2R2I%2BoPjtHj%2Fmc%3D&reserved=0)

[url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7CLandscape%40eastlothian.gov.uk%7Ca970c683217b475c3b4708dcec4b7055%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638645056092633167%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=ghcbNYRRAmJDttSovIT5a2KQh9pBZ2R2I%2BoPjtHj%2Fmc%3D&reserved=0\]](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7CLandscape%40eastlothian.gov.uk%7Ca970c683217b475c3b4708dcec4b7055%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638645056092633167%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IklhaWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=ghcbNYRRAmJDttSovIT5a2KQh9pBZ2R2I%2BoPjtHj%2Fmc%3D&reserved=0)

From: [Newcombe, Jen](#)
To: [Allan, James](#); [Environment Reception](#)
Cc: [Miller, Lydia](#)
Subject: 24/00868/P - Primrose Cottage Garden- BIO response
Date: 15 November 2024 16:06:58

Hi James,

My comments in regards to:

24/00868/P Erection of 2 houses and associated works at Primrose Cottage Garden, Innerwick

I have based my response on examination of the documents provided by the applicant. There appears to be a significant area of trees that are to be felled to fulfill the application and with inadequate mitigation planting of 3 trees to remedy this. I also have a record of a European Protected bat species within 500m of the site, and therefore I would also require the applicant to have produced a Preliminary Bat Survey. Bats may use this woodland for commuting or roosting and therefore the removal of this woodland would result in a reduction in the biodiversity and ecologically functional woodland.

As this development is contrary to Planning policy regarding new builds in the countryside, alongside the aforementioned omissions from the documents supplied I would not be in a position to support this application.

Kind regards

Jen

Jen Newcombe (She/Her)

Biodiversity Officer

Countryside Services | Sport, Countryside & Leisure | East Lothian Council | Tel:
01620 827845 |

Check out what we have been up to lately [Mud in Your Eye newsletter | East Lothian Council](#)



In terms of information that this Council has concerning flood risk to this site, I would state that SEPA's Flood Hazard Mapping indicates that the site is not at risk from a flood event with a return period of 1 in 200 years plus climate change. That is the 0.5% annual risk of a flood occurring in any one year with an allowance for climate change. However, the proposed site is very close to being to the 1 in 200 year plus climate change flood extent.

The Flood Hazard Mapping has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

The site is for two houses however the development proposed is not a large footprint therefore I would class this as a small-scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I would not oppose it on the grounds of flood risk.

With regards to drainage, the applicant has not submitted a Drainage Impact Assessment (DIA), Surface Water Strategy or Drainage Layout. I would require that the applicant submits information on the drainage they propose for the site. However, due to the nature of the site, the requirements are more basic than for a larger site (e.g. development site). The key aspects for assessment should be the increased runoff caused due to increased impervious areas; there is paved areas for parking that were previously greenfield (it appears from the drawings).

We would request the following;

- A Drainage Layout drawing
- Details of all SUDS proposed
- Discharge from the site should be limited to 5l/s/Ha or existing greenfield run-off rates, whichever is lower – calculations should be submitted.
- Details of the attenuation, as required - flood water should be attenuated on site up to a 1 in 30 + CC flood event
- Confirmation that there is no flooding of properties at a 1 in 200 + CC flood event
- Consideration of tree planting within vicinity of drainage pipes and inspection points.

As this site is not shown to be at flood risk, I have no objection to the location of the properties on the grounds of flood risk. However, I would still require the drainage information listed above before approval.

Please note that this information should be taken in the context of the material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Many Thanks,

Andy Riva

Technician – Flood Protection

Currie, Fiona

From: McLeod, Graeme
Sent: 03 December 2024 09:07
To: Environment Reception; Allan, James
Cc: King, Ian; Greenshields, Marshall; Taylor, Emma
Subject: RE: TRANSPORT PLANNING RESPONSE: 24/00868/P-James Allan - Planning Consultation

Further to my consultation response – ELC planning have advised that there was a previously refused application 01/00256/OUT – that identified issues with visibility to the **North** of the site access, in addition to concerns set out within previous consultation response with regard to the position of the house and boundary treatment to the South of the access. Please see extract from planning report, below.

The intention would be for the proposed house to be accessed of the lane that presently serves Innerwick Graveyard and The East Lodge. The Head of Transportation advises that the existing junction of the lane with the public road (C165) lies on a down hill gradient with a blind crest approximately 90 metres to the north. Given this, the access has relatively poor visibility to the north and does not meet the normal requirement for a visibility splay of 2.5 metres by 160 metres. The Head of Transportation advises that in some circumstances the visibility splay can be relaxed if the public road topography and alignment results in traffic speeds being significantly less than the national speed limit (i.e. 60mph). However, the existing junction although in use does not fall into this category. The Head of Transportation advises that the proposal would result in an increase in traffic movements at the junction of the access with the public road resulting in a road safety hazard. Accordingly the Head of Transportation recommends refusal of the application.

From inspection of the site access, the above extract from the planning officers report provides an accurate description and assessment of the restricted visibility available to the North of the proposed site access.

I therefore confirm that, on the basis of the above, I object to this application.

Graeme McLeod
Transportation Planning Officer
Road Services
East Lothian Council

01620 827675

From: McLeod, Graeme
Sent: Wednesday, November 13, 2024 12:30 PM
To: environment@eastlothian.gov.uk; Allan, James <jallan1@eastlothian.gov.uk>
Cc: [REDACTED]
Subject: TRANSPORT PLANNING RESPONSE: 24/00868/P-James Allan - Planning Consultation

EAST LOTHIAN COUNCIL ROAD SERVICES
From: Asset & Regulatory Manager
To: Service Manager, Planning

Proposal: Erection of 2 houses and associated works at Primrose Cottage Garden, Innerwick

The site is located adjacent to a classified road - the C122.

Parking / access to serve the application site would be via a private road which joins the C122 public road.

The application drawings indicate that a total of 4 no. parking spaces would be provided - 2 for each house - which is sufficient, therefore the provision of 2 no. driveway parking spaces should be placed as a condition on any consent that may be granted.

It may be appropriate to request Electric Vehicle charging provision is provided at a ratio of 1 no. EV charging space per dwelling.

The application drawings indicate that a 1.2 metre high boundary treatment would be installed on the northern/north-eastern site boundary, however this could restrict visibility to the south from the minor access junction, therefore any boundary treatment installed should not be greater than 1.05 metres high with respect to the level of the adjoining minor road or set back to provide/ maintain a visibility splay of 2.4 metres x 160 metres to the south of the adjoining minor road.

Please advise the applicant that all works within or affecting the public road including works on the footway or verge must be authorised in advance by this Council as Roads Authority.

Sent on behalf of IAN KING
ROAD SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

Graeme McLeod
Transportation Planning Officer
Road Services
East Lothian Council

01620 827675

-----Original Message-----

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>

Sent: Monday, October 14, 2024 1:27 PM

To: [REDACTED]

Subject: 24/00868/P-James Allan - Planning Consultation

Please see attached document in relation to the following application: Erection of 2 houses and associated works at Primrose Cottage Garden Innerwick East Lothian

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER__zerotolerance_1.png&data=05%7C02%7Ctransportplanning%40eastlothian.gov.uk%7C2cf40f4c26704cc462e608dcec4b7202%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638645056114365157%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzIiLCJBTiI6IjEhaWwWwLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=mm2%2F907XvpjDesLwHshJ%2BjXiMwF1y6kpVQ06ukhwx2A%3D&reserved=0]

Friday, 18 October 2024



Local Planner
Planning and Building Standards
East Lothian Council
Haddington
EH41 3HA

Development Operations
The Bridge
Buchanan Gate Business Park
Cumbernauld Road
Stepps
Glasgow
G33 6FB

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Primrose Cottage Garden, Innerwick, East Lothian, EH42 1SA
Planning Ref: 24/00868/P
Our Ref: DSCAS-0119820-2RP
Proposal: Erection of 2 houses and associated works.

Please quote our reference in all future correspondence

Scottish Water has no objection to this planning application. The applicant should be aware that this does not confirm that the proposed development can currently be serviced.

Please read the following carefully as there may be further action required. Scottish Water would advise the following:

Water Capacity Assessment

- There is currently sufficient capacity in the Castle Moffat Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Waste Water Capacity Assessment

- According to our records there is no public waste water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal

connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should refer to our guides which can be found at <https://www.scottishwater.co.uk/Help-and-Resources/Document-Hub/Business-and-Developers/Connecting-to-Our-Network> which detail our policy and processes to support the application process, evidence to support the intended drainage plan should be submitted at the technical application stage where we will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

Drinking Water Protected Areas

A review of our records indicates that there are no Scottish Water drinking water catchments or water abstraction sources, which are designated as Drinking Water Protected Areas under the Water Framework Directive, in the area that may be affected by the proposed activity.

Next Steps

Developments are required to submit a Pre-Development Enquiry (PDE) Form via our Customer Portal prior to any formal technical application being submitted, allowing us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

I trust the above is acceptable however if you require any further information regarding this matter, please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,

Ruth Kerr

Development Services Analyst

PlanningConsultations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Supplementary Guidance

- Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - Site Investigation Services (UK) Ltd
 - Tel: 0333 123 1223
 - Email: sw@sisplan.co.uk
 - www.sisplan.co.uk
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Development Operations department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or a Sustainable Drainage System (SUDS) proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal.

National Planning Framework 4

Policy 1



Sustainable Places

Tackling the climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Local Development Plans:

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

All other policies.

Biodiversity

Policy Principles

Policy Intent:

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy Outcomes:

- Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.

Local Development Plans:

LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

Policy 3

- Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - wherever feasible, nature-based solutions have been integrated and made best use of;
 - an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - local community benefits of the biodiversity and/or nature networks have been considered.
- Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy 5

Soils

Policy Principles

Policy Intent:

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy Outcomes:

- Valued soils are protected and restored.
- Soils, including carbon-rich soils, are sequestering and storing carbon.
- Soils are healthy and provide essential ecosystem services for nature, people and our economy.

Local Development Plans:

LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

Policy 5

- a) Development proposals will only be supported if they are designed and constructed:
- i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
- iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and
- In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.
- c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:
- i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
- d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
- i. the extracted peat is supporting the Scottish whisky industry;
 - ii. there is no reasonable substitute;
 - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;
 - iv. the time period for extraction is the minimum necessary; and
 - v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Energy](#)

[Blue and green infrastructure](#)

[Rural development](#)

Forestry, woodland and trees

Policy Principles

Policy Intent:

To protect and expand forests, woodland and trees.

Policy Outcomes:

- Existing woodlands and trees are protected, and cover is expanded.
- Woodland and trees on development sites are sustainably managed.

Local Development Plans:

LDPs should identify and protect existing woodland and the potential for its enhancement or expansion to avoid habitat fragmentation and improve ecological connectivity, helping to support and expand nature networks. The spatial strategy should identify and set out proposals for forestry, woodlands and trees in the area, including their development, protection and enhancement, resilience to climate change, and the expansion of a range of types to provide multiple benefits. This will be supported and informed by an up to date Forestry and Woodland Strategy.

Policy 6

- Development proposals that enhance, expand and improve woodland and tree cover will be supported.
- Development proposals will not be supported where they will result in:
 - Any loss of ancient woodlands, ancient and veteran trees, or adverse impact on their ecological condition;
 - Adverse impacts on native woodlands, hedgerows and individual trees of high biodiversity value, or identified for protection in the Forestry and Woodland Strategy;
 - Fragmenting or severing woodland habitats, unless appropriate mitigation measures are identified and implemented in line with the mitigation hierarchy;
 - Conflict with Restocking Direction, Remedial Notice or Registered Notice to Comply issued by Scottish Forestry.

- Development proposals involving woodland removal will only be supported where they will achieve significant and clearly defined additional public benefits in accordance with relevant Scottish Government policy on woodland removal. Where woodland is removed, compensatory planting will most likely be expected to be delivered.
- Development proposals on sites which include an area of existing woodland or land identified in the Forestry and Woodland Strategy as being suitable for woodland creation will only be supported where the enhancement and improvement of woodlands and the planting of new trees on the site (in accordance with the Forestry and Woodland Strategy) are integrated into the design.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Heat and cooling](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Health and safety](#)

[Tourism](#)

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
 - i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
 - i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
 - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.
- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Key policy connections:

[Tackling the climate and nature crises](#)
[Climate mitigation and adaptation](#)
[Natural places](#)
[Forestry, woodland and trees](#)
[Green belts](#)
[Brownfield, vacant and derelict land and empty buildings](#)
[Coastal development](#)

Policy 13

Sustainable transport

Policy Principles

Policy Intent:

To encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

Policy Outcomes:

- Investment in transport infrastructure supports connectivity and reflects place-based approaches and local living.
- More, better, safer and more inclusive active and sustainable travel opportunities.
- Developments are in locations which support sustainable travel.

Local Development Plans:

LDPs should prioritise locations for future development that can be accessed by sustainable modes. The spatial strategy should reflect the sustainable travel hierarchy and sustainable investment hierarchy by making best use of existing infrastructure and services.

LDPs should promote a place-based approach to consider how to reduce car-dominance. This could include low traffic schemes, shared transport options, designing-in speed controls, bus/cycle priority, pedestrianisation and minimising space dedicated to car parking. Consideration should be given to the type, mix and use of development; local living and 20 minute neighbourhoods; car ownership levels; the accessibility of proposals and allocations by sustainable modes; and the accessibility for users of all abilities.

LDPs should be informed by an appropriate and effective transport appraisal undertaken in line with relevant transport appraisal guidance. Plans should be informed by evidence of the area's transport infrastructure capacity, and an appraisal of the spatial strategy on the transport network. This should identify any potential cumulative transport impacts and deliverable

mitigation proposed to inform the plan's infrastructure first approach. Where there is likely to be an impact on the trunk road or rail network, early engagement with Transport Scotland is required.

Policy 13

- a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:
- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
 - ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
 - iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).
- b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:
- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
 - ii. Will be accessible by public transport, ideally supporting the use of existing services;
 - iii. Integrate transport modes;
 - iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
 - v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
 - vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
 - viii. Adequately mitigate any impact on local public access routes.
- c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.
- d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.
- e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.
- f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.
- g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Rural homes](#)
- [Blue and green infrastructure](#)
- [Business and industry](#)
- [City, town, local and commercial centres](#)
- [Retail](#)
- [Rural development](#)
- [Tourism](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Local Living and 20 minute neighbourhoods

Policy Principles

Policy Intent:

To encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

Policy Outcomes:

- Places are planned to improve local living in a way that reflects local circumstances.
- A network of high-quality, accessible, mixed-use neighbourhoods which support health and wellbeing, reduce inequalities and are resilient to the effects of climate change.
- New and existing communities are planned together with homes and the key local infrastructure including schools, community centres, local shops, greenspaces, health and social care, digital and sustainable transport links.

Local Development Plans:

LDPs should support local living, including 20 minute neighbourhoods within settlements, through the spatial strategy, associated site briefs and masterplans. The approach should take into account the local context, consider the varying settlement patterns and reflect the particular characteristics and challenges faced by each place. Communities and businesses will have an important role to play in informing this, helping to strengthen local living through their engagement with the planning system.

Policy 15 |

- a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development

with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Retail](#)

Quality homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

Policy Outcomes:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes, supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

Local Development Plans:

LDPs are expected to identify a Local Housing Land Requirement for the area they cover. This is to meet the duty for a housing target and to represent how much land is required. To promote an ambitious and plan-led approach, the Local Housing Land Requirement is expected to exceed the 10 year [Minimum All-Tenure Housing Land Requirement \(MATHLR\)](#) set out in Annex E.

Deliverable land should be allocated to meet the 10 year Local Housing Land Requirement in locations that create quality places for people to live. Areas that may be suitable for new homes beyond 10 years are also to be identified. The location of where new homes are allocated should be consistent with local living including, where relevant, 20 minute neighbourhoods and an infrastructure first approach. In rural and island areas, authorities are encouraged to set out tailored approaches to housing which

reflect locally specific market circumstances and delivery approaches. Diverse needs and delivery models should be taken into account across all areas, as well as allocating land to ensure provision of accommodation for Gypsy/Travellers and Travelling Showpeople where need is identified.

The LDP delivery programme is expected to establish a deliverable housing land pipeline for the Local Housing Land Requirement. The purpose of the pipeline is to provide a transparent view of the phasing of housing allocations so that interventions, including infrastructure, that enable delivery can be planned: it is not to stage permissions. Representing when land will be brought forward, phasing is expected across the short (1-3 years), medium (4-6 years) and long-term (7-10 years). Where sites earlier in the deliverable housing land pipeline are not delivering as programmed, and alternative delivery mechanisms identified in the delivery programme are not practical, measures should be considered to enable earlier delivery of long-term deliverable sites (7-10 years) or areas identified for new homes beyond 10 years. De-allocations should be considered where sites are no longer deliverable. The annual Housing Land Audit will monitor the delivery of housing land to inform the pipeline and the actions to be taken in the delivery programme.

Policy 16

- a) Development proposals for new homes on land allocated for housing in LDPs will be supported.
- b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:
 - i. meeting local housing requirements, including affordable homes;
 - ii. providing or enhancing local infrastructure, facilities and services; and
 - iii. improving the residential amenity of the surrounding area.

- c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:
- i. self-provided homes;
 - ii. accessible, adaptable and wheelchair accessible homes;
 - iii. build to rent;
 - iv. affordable homes;
 - v. a range of size of homes such as those for larger families;
 - vi. homes for older people, including supported accommodation, care homes and sheltered housing;
 - vii. homes for people undertaking further and higher education; and
 - viii. homes for other specialist groups such as service personnel.
- d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.
- e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:
- i. a higher contribution is justified by evidence of need, or
 - ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.
- The contribution is to be provided in accordance with local policy or guidance.
- f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:
- i. the proposal is supported by an agreed timescale for build-out; and
 - ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
 - iii. and either:
 - delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
 - the proposal is consistent with policy on rural homes; or
 - the proposal is for smaller scale opportunities within an existing settlement boundary; or
 - the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.
- g) Householder development proposals will be supported where they:
- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
 - ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.
- h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Policy 17

Rural homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Policy Outcomes:

- Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.
- Homes are provided that support sustainable rural communities and are linked with service provision.
- The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced.

Local Development Plans:

LDPs should be informed by an understanding of population change over time, locally specific needs and market circumstances in rural and island areas.

LDPs should set out tailored approaches to rural housing and where relevant include proposals for future population growth – including provision for small-scale housing such as crofts and woodland crofts and the appropriate resettlement of previously inhabited areas. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Plans should reflect locally appropriate delivery approaches. Previously inhabited areas that are suitable for resettlement should be identified in the spatial strategy.

Policy 17

- a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
- i. is on a site allocated for housing within the LDP;
 - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
 - iii. reuses a redundant or unused building;
 - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
 - vi. is for a single home for the retirement succession of a viable farm holding;
 - vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
 - viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
- i. supports and sustains existing fragile communities;
 - ii. supports identified local housing outcomes; and

- iii. is suitable in terms of location, access, and environmental impact.
- d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
 - i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to its rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Natural places](#)
- [Historic assets and places](#)
- [Green belts](#)
- [Brownfield, vacant and derelict land and empty buildings](#)
- [Coastal development](#)
- [Sustainable transport](#)
- [Design, quality and place](#)
- [Local Living and 20 minute neighbourhoods](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [City, town, local and commercial centres](#)
- [Rural development](#)
- [Tourism](#)

East Lothian Local Development Plan 2018

Policy DC1

Policy DC1: Rural Diversification

Development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

- a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6.

Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan.

Any proposals for the restoration or conversion of vernacular buildings to accommodate uses supported in principle by this policy should be of an appropriate scale and character and designed in such a way that maintains or complements their layout and appearance.

Policy DC4

Policy DC4: New Build Housing in the Countryside

New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

- (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.
- (iii) The proposal satisfies the terms of Policy NH1.

Policy CH1

Policy CH1: Listed Buildings

Internal or external alterations or extensions to listed buildings will only be permitted where they do not harm the architectural or historic character of the building.

The demolition of a listed building will not be permitted unless the building is no longer of special interest, is incapable of repair or there are overriding environmental or economic reasons, and it must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.

New development that harms the setting of a listed building will not be permitted.

Policy CH6

Policy CH6: Gardens and Designed Landscapes

Development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records, will not be permitted.

Policy DP2

Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

Policy NH4

Policy NH4: European Protected Species

Proposals that may have an impact on European protected species will only be permitted where:

- a) there are imperative reasons of overriding public interest or for public health and safety;
- b) there is no satisfactory alternative;
- c) favourable conservation status of the species can be maintained; and
- d) A species protection plan has been submitted, which is based on survey results and includes details of the status of European protected species on site and how possible adverse effects are to be mitigated.

Policy NH7

Policy NH7: Protecting Soils

Development on prime quality agricultural land or rare or carbon rich soils, such as peat, will not be permitted unless:

- It is to implement a proposal of this plan, or
- It is necessary to meet an established need and no other suitable site is available; or
- It is for an appropriate development in the countryside, including that which is directly linked to a rural business or an existing house; and
- The layout, design and construction methods of development minimises the amount of such land that is affected, taking into account the design policies of the plan.

Proposals for renewable energy generation or mineral extraction on prime quality agricultural land may also be acceptable where provision is made for restoration of the land to its former status and if soil will be reused where feasible.

In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO₂ emissions as a result of its construction and where relevant operation.

Policy NH8

Policy NH8: Trees and Development

There is a strong presumption in favour of protecting East Lothian's woodland resources.

Development affecting trees, groups of trees or areas of woodland will only be permitted where:

- a. any tree, group of trees or woodland that makes a significant positive contribution to the setting, amenity of the area has been incorporated into the development through design and layout, and wherever possible such trees and hedges should be incorporated into public open space and not into private gardens or areas; or
- b. (i) in the case of woodland, its loss is essential to facilitate development that would achieve significant and clearly defined additional public benefits in line with the Scottish Governments Policy on Control of Woodland Removal; in particular the loss of Ancient Woodland will not be supported; or
(ii) in the case of individual trees or groups of trees, their loss is essential to facilitate development that would contribute more to the good planning of the area than would retaining the trees or group of trees.

Development (including extensions to buildings) must conform to British Standard 5837:2012 Guide for Trees in Relation to Design, Demolition and Construction, or any subsequent revisions.

Policy NH11

Policy NH11: Flood Risk

Development that would be at unacceptable risk of flooding will not be permitted. New development within areas of medium to high risk of coastal or watercourse flooding (with greater than 0.5% annual probability of flooding) should generally be avoided in accordance with the provisions set out in Advice Box 8.

All relevant development proposals will be assessed based on the probability of a flood affecting the site and the nature and vulnerability of the proposed use, taking into account the following:

- a) the characteristics of the site and any existing or previous development on it;
- b) the design and use of the proposed development, including use of water resistant materials and construction;
- c) the size of the area likely to flood;
- d) depth of flood water, likely flow rate and path, and rate of rise and duration;
- e) the vulnerability and risk of wave action for coastal sites;
- f) committed and existing flood protection methods: extent, standard and maintenance regime;
- g) the effects of climate change, including an appropriate allowance for freeboard;
- h) surface water run-off from adjoining land;
- i) culverted watercourses, drains and field drainage;
- j) cumulative effects, especially the loss of storage capacity;
- k) cross-boundary effects and the need for consultation with adjacent authorities;
- l) effects of flood on access including by emergency services; and
- m) effects of flood on proposed open spaces including gardens.

Flood Risk Assessments will normally be required for proposals within the medium to high risk category of flood risk. They may also be required in the low to medium category in certain circumstances, for example at the upper end of the probability range or for essential infrastructure and the most vulnerable uses.

Development proposals will not be supported if they would increase the probability of flooding elsewhere. Piecemeal reduction of the functional floodplain will be resisted given the cumulative effects of reducing storage capacity.

Areas of land that contribute to sustainable flood management, or have the potential to do so, will also be safeguarded from inappropriate development by this policy. These areas will include locations where the Council will promote flood defences in Musselburgh and Haddington once solutions are identified through the outputs of its Local Flood Risk Management Plan.

Policy T1

Policy T1: Development Location and Accessibility

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

Policy T2

Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

24/00868/P - Suggested Conditions:

1 – Time Condition

The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

2 – Site Setting Out

No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above-mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Benchmark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- the ridge height of the proposed development shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

3 – Materials

Prior to their use on site, full details (including samples where requested) of materials and finishes to be used to externally clad the roof and walls of the house, for the windows, doors and any ground surfacing on the site shall be submitted to and approved in writing by the Planning Authority.

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

Reason:

To allow the consideration of details yet to be submitted and control the materials used on the site in the interest on visual amenity.

4 – Access, Parking and Turning

Prior to the occupation of the houses hereby approved, the access, parking and turning areas shown on docketed drawing reference JAF/BJP/P/01 Rev D shall have been formed and made available for use, and thereafter the access, parking and turning areas shall be retained for such uses unless otherwise approved in advance in writing by the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access, parking and turning in the interests of road safety.

5 – EV Charging

Prior to the occupation of the houses hereby approved two 7kW rated Type 2 electric vehicle charging points and infrastructure for it shall be installed and available for use and thereafter shall be retained for use, unless otherwise agreed by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

6 – Visibility Splay

Any boundary treatment installed should not be greater than 1.05 metres high with respect to the level of the adjoining minor road or set back to provide and maintain a visibility splay of 2.4 metres x 160 metres to the south of the adjoining minor road.

Reason:

In the interests of road and pedestrian safety.

7 – Noise Curve Rating

Noise associated with the operation of the air source heat pump hereby approved shall not exceed Noise Rating curve NR20 at any octave band frequency between the hours of 2300-0700 and Noise Rating curve NR25 at any octave band frequency between the hours of 0700-2300 within any existing residential property. All measurements to be made with windows open at least 50mm.

Reason:

In the interests of protecting the amenity of neighbouring residential properties.

8 – Contaminated Land

Part 1

Prior to any site development works a suitable Geo-Environmental Assessment must be carried out, with the Report(s) being made available to the Planning Authority for approval. It should include details of the following:

- A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment).
- A Phase II Ground Investigation (only if the Desk Study has determined that further assessment is required), comprising the following:
 - A survey of the extent, scale, and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site.
 - An appraisal of the remediation methods available and proposal of the preferred option(s).

The Desk Study and Ground Investigation must be undertaken by suitably qualified, experienced, and competent persons and must be conducted in accordance with the relevant guidance and procedures.

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. It should also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to use of the new development.

Part 4

If 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage, a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a

Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the use of the new development.

9 – Drainage Details

Notwithstanding drawings docketed to this grant of planning permission, a drainage layout drawing(s) and a Drainage Impact Assessment/Surface Water Management Plan which outlines any drainage calculations/attenuation calculations for the site shall be submitted to and approved by the Planning Authority prior to commencement of any part of the development hereby approved. The drainage layout drawing(s) and the Drainage Impact Assessment/Surface Water Management Plan shall thereafter be fully implemented in accordance with the details so approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

10 – Biodiversity Enhancement

Prior to commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the houses hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

11 – Carbon Emissions

Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in advance in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.