

NOTICE OF REVIEW

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

APPLICATION REFERENCE: 25/00577/P

SITE: LAND TO NORTH OF SPITTALRIGG MAIN HOUSE, HADDINGTON, EH41 3SU

PROPOSAL: ERECTION OF 1 HOUSE AND ASSOCIATED WORKS

Dear Sir/Madam,

Please accept this letter and the accompanying documents as a formal request for a review by the East Lothian Local Review Body of the decision to refuse the above-referenced planning application, as detailed in the Decision Notice dated 28th July 2025.

We believe the decision to refuse this application was based on a misinterpretation of the proposal's fundamental purpose and a series of inconsistencies in the application of planning policy. The core of our case, which was not made sufficiently clear in the initial submission, is that this proposal is for the delivery of a single, self-built affordable home, secured in perpetuity via a Section 75 Agreement.

As such, the proposal directly addresses one of the primary exceptions for housing in the countryside outlined in Policy DC4 and provides a tangible response to the Council's own declared "Affordable Housing Emergency".

The accompanying statement provides a comprehensive, point-by-point rebuttal of all four reasons for refusal. In this document, we demonstrate with clear evidence that the proposal:

1. Is a policy-compliant affordable housing proposal that meets an acute local need.
2. Is sensitively designed and sited, consistent with precedents set by the Council for high-quality contemporary rural architecture.
3. Is located in a sustainable location that meets the functional requirements of a 20-minute neighbourhood when assessed by the Council's own multi-modal standards.
4. Delivers a clear biodiversity net gain through significant habitat enhancement, fully complying with NPF4.

We respectfully submit that our proposal fully aligns with the principles of the East Lothian Local Development Plan 2018 and National Planning Framework 4. We trust that upon review of the evidence provided, the Members of the LRB will agree and grant planning permission.

Yours faithfully,

Mrs Norma Turvill.

Proposal Details

Proposal Name	100690598
Proposal Description	New Post and Beam Dwelling
Address	
Local Authority	East Lothian Council
Application Online Reference	100690598-007

Application Status

Form	complete	
Main Details	complete	
Checklist	complete	
Declaration	complete	
Supporting Documentation	complete	
Email Notification	complete	
Fee	complete	0.00
Payment Method	complete	

Attachment Details

Notice of Review	System	A4
Cover Letter	Attached	A4
Responses to planning committee points	Attached	A4
Officer Report	Attached	A4
Decision	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-007.xml	Attached	A0

App No. 25/00577/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

Mr & Mrs Norma & Jon Turvill
c/o Caledonia Log Homes Ltd
Per Kevin MacKenzie
Lilliesleaf Sawmill
Melrose
TD6 9JP

APPLICANT: Mr & Mrs Norma & Jon Turvill

With reference to your application registered on 4th June 2025 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of 1 house and associated works
at
Land To North Of Spittalrigg Main House
Spittalrigg
Letham
Haddington

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 a house on the application site would be new build housing development in the countryside of East Lothian 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 Policy DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed house would not be suitably scaled, sited and designed to be in keeping with the character of the area contrary to Policies 16 and 17 of NPF4 and Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed new house would not be located in a sustainable location or within a 20 minute neighbourhood and would not contribute to local living within an existing settlement. Consequently it 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 contrary to Policies 1, 13, 14 and 15 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.
- 4 It has not been demonstrated that the proposals would not have a harmful to the biodiversity of the site, contrary to Policy 3 of NPF4 and Policy NH5 of the adopted East Lothian Local Development Plan 2018.

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>
00 200	-	04.06.2025
00_001	-	04.06.2025
PL 001	-	04.06.2025
PL 002	-	04.06.2025



Keith Dingwall
Chief Planning Officer

NOTES

If the applicant is aggrieved by the decision of the Planning Authority to grant permission for the proposed development subject to conditions, 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 decision notice. The notice of review, with the correct appropriate fee, should be submitted online at <https://www.edevelopment.scot/eDevelopmentClient/> or sent 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.

OFFICER REPORT

14th July 2025

App No. **25/00577/P**

Application registered on **4th June 2025**

Target Date **3rd August 2025**

Proposal	Erection of 1 house and associated works	SDELL	Y
		CDEL	N
Location	Land To North Of Spittalrigg Main House Spittalrigg Letham Haddington East Lothian	Bad Neighbour Development	N

APPLICANT: **Mr & Mrs Norma & Jon Turvill**

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

**c/o Caledonia Log Homes Ltd
Per Kevin MacKenzie
Lilliesleaf Sawmill
Melrose
TD6 9JP**

DECISION TYPE:

Application Refused

REPORT OF HANDLING

SITE CONTEXT

The site of this application is located to the west of Haddington and some 260 meters to the south of the A199 public road. The site forms an area of garden orchard associated with the property of 4 Spittalrig Cottages some 85 meters to the southwest. It is located within the countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018.

The application site consists of a roughly rectangular-shaped area of level land of some 667 square meters and located some 25 meters to the north of Spittalrigg Main House. It is enclosed to the south by tree and shrub planting and a section of low stone wall with the garden ground of Spittalrigg Main House beyond. To the west is a timber fence with a further area of garden orchard beyond. The site is enclosed to the east by tree and shrub planting with a private access road beyond that serves a number of residential properties. To the north is a further area of garden orchard bounded by high hedging with a large commercial building beyond. A number of mature trees are located across the site.

PROPOSAL

Through this application planning permission is sought for the erection of 1 house and associated works.

The development proposed would be of a single storey pitched roof house featuring accommodation within its roofspace. It would be located within the western part of the site and would be oriented to face east. It would be positioned so that its east (front) elevation would be set back some 21 metres from the existing access road to the east. The proposed house would be constructed predominantly of timber. Its external walls would be finished in vertical larch cladding and would feature traditionally sized alu clad windows at ground floor level within the east (front), north (side) and south (side) elevations. Glazed door openings would be formed within its west (rear) elevation. Its dual pitched roof would overhang the east and west elevation walls and would be finished in slate. It would feature a shed dormer within its east roofslope finished in larch cladding with a shallow sloped metal roof. Its west roofslope would feature three roof windows and an array of solar voltaic panels. The proposed house would be some 14.4 metres in length, some 7.2 metres in width at its widest point with a ridge height of some 6.3 metres. An area of timber decking would attach to its west (rear) elevation for some 12.2 meters and would project out some 2.5 meters. An air source heat pump would be attached to the east (front) elevation of the proposed house at ground floor level. All rainwater goods would be of lindab steel construction.

Main entrance would be taken from a doorway formed within the east elevation providing access to an open plan kitchen/dining/living space, shower room, utility/storage space and a bedroom at ground floor level. Additional roofspace accommodation would consist of a further two bedrooms and a bathroom.

Application drawings show that amenity space for the proposed house would be provided in the form of front, side and rear areas of garden ground featuring grassed areas and trees. Existing boundaries of the site are to be retained and repaired where necessary. It is proposed that seven trees within the application site are removed to facilitate the proposed development. Paved footpaths would be formed to the front (east) and side (south) of the proposed house. The areas of garden ground would contain a bin store and a surface water soakaway. Foul drainage would be connected to a new private treatment facility located within the application site.

Vehicular access would be taken from the existing private access road to the east of the application site. A gravel surfaced driveway would be formed to provide two vehicle parking spaces served by an electric vehicle charging point.

A Design Statement has been submitted in support of the application. It purports that the proposals provide an inclusive design with a high-quality, low carbon footprint that integrates into the established landscape. It further purports that the proposed house will take precedence from the local rural Scottish building vernacular and that in terms of location, siting, massing and materials it would not significantly impact on existing buildings or the landscape character of the wider area.

Further documents in support of the application involve an Arboricultural Impact Assessment (TD Tree & Land Services, June 2025) and a Preliminary Ecological Appraisal (TD Tree & Land Services, June 2025).

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 (ELLDP).

Policies 1 (Tackling the climate and nature crises), 2 (Climate Mitigation and adaptation), 3 (Biodiversity), 5 (Soils), 6 (Forestry, woodland and trees), 12 (Zero waste), 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.

Also relevant are Policies DC4 (New Build Housing in the Countryside), DP1 (Landscape Character), DP2 (Design), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH7 (Protecting Soils), NH8 (Trees and Development), NH11 (Flood Risk), W3 (Waste Separation and Collection), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the ELLDP.

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 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
- 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 ELLDP 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 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.

REPRESENTATIONS:

Two letters of objection have been received in relation to this planning application. In summary the main grounds of objection are:

- i)the historic link between existing residential properties and the orchard garden ground that occupies the application site will be lost should planning permission be granted;
- ii)the existing private sewage treatment plant serves three of the existing residential properties and there is no agreement in place for its renewal or relocation;
- iii)should planning permission be granted for the proposals it would set a precedent for future inappropriate building works within Spittalrigg;
- iv)the proposed new house would be disruptive to wildlife and habitats;
- v)excavations to provide the proposed house with mains water and electricity would incur significant disruption and access issues for existing residential properties;
- vi)it is uncertain if applicants own all of the land of the application site;
- vii)the proposed house and associated air source heat pump would impact on the root protection areas of existing trees;
- viii)there is no existing vehicle access nor are there waste and recycling arrangements on the application site, all as stated in the submitted Design and Access Statement. The proposed bin store shown on drawings does not appear large enough for required waste and recycling facilities;
- ix)no bicycle storage facilities are proposed for the development;

x)the adopted East Lothian Local Development Plan does not identify Spittalrigg as a settlement and the application site is not allocated for housing development. No statement has been submitted to justify a requirement for the proposed new house and there is no agricultural or employment use in operation that would provide such justification. The proposals are inconsistent with national, strategic and local planning policy and guidance concerning the control of new build houses in the countryside;

xi)the proposed house would result in increased non-public transport journeys; and

xii)application submissions do not make clear if the proposed house would be used as main residence or facilitate a business.

Matters relating to the renewal of a private sewage treatment plant is a civil matter between affected parties and does not prevent the determination of this planning application.

With regards to the comments received in relation to disruption and access issues resulting from excavations to provide the proposed house with mains water and electricity, this is a matter between affected parties and is not material to the determination of this planning application.

With regard to comments received relating to ownership of the land of the application site a Land Ownership Certificate has been submitted as part of the application stating that applicants are the sole owners of the land of the application site.

COMMUNITY COUNCIL

No comments received.

PLANNING ASSESSMENT

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 Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

Two ground floor windows within the south (side) elevations of the proposed house would be less than 9 metres from the garden boundary of the residential property of Spittalrigg Main House. However those windows would face towards shrub and tree planting enclosing that boundary. Given the proposed location and orientation of the proposed house there are no neighbouring houses with directly facing windows within 18 metres. Therefore the proposed house would not result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties.

The proposed house would also provide any future occupants with a satisfactory level of privacy and residential amenity.

On the matter of the impact of the proposed house on daylight and sunlight on neighbouring properties, guidance is taken from "Site Layout and Planning for Daylight and Sunlight: A Guide to Good Practice" by P.J. Littlefair.

In its position and due to its orientation the proposed house would not have a harmful impact on the sunlight and daylight received by the any neighbouring residential properties.

The Councils Protective Services have been consulted on the application and have responded no comment.

The Council's Road Services raise no objection to the application, being satisfied that the proposed access and parking arrangements are acceptable and that the proposed development would not have an adverse impact on any road safety issues.

Scottish Water raise no objection to the proposals. They do however advise that the applicant should be aware that this does not confirm that the proposed development can currently be serviced. They confirm that there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the development, however, their records indicate that there is no public waste water infrastructure within the vicinity of this proposed development. Therefore, they advise the applicant to investigate private treatment options. Scottish Water will not accept any surface water connections into their combined sewer system. A copy of the Scottish Waters consultation response has been forwarded to agents for the applicant.

The Councils Senior Engineer-Flooding raises no objection to the application on grounds of flood risk.

The Councils Senior Environmental Compliance Officer has been consulted on the application and advises that there is no direct evidence to suggest any previous contaminative uses associated with the site, however given the agricultural nature of the wider area there is the possibility that localised contamination may exist due to any areas of made ground. He further advises that, given the above and due to the nature of the development (residential), further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-Environmental Assessment being carried out). In light of this the Councils Senior Environmental Compliance Officer recommends that a condition be attached to any grant of consent with regards to land contamination (Investigation, Risk Assessment, Remediation and Validation).

Subject to the above controls the Councils Senior Environmental Compliance Officer raises no objection to the proposals.

The Councils Landscape (Projects) have been consulted on the application. Having reviewed the submitted Arboricultural Impact Assessment the Councils Landscape (Projects) Officer notes that seven trees are proposed to be removed to facilitate development of the site. He is supportive of proposed replacement planting and of measures proposed to prevent damage to trees to be retained during construction. He advises that existing vegetation and trees to be retained on the application site would provide acceptable screening of the proposed development and that its impact on the wider landscape would be limited. Should planning permission be granted he recommends the following conditions:

* development is carried out in strict accordance with the Arboricultural Impact Assessment (TD Tree & Land Services, June 2025), unless otherwise agreed in writing with the Planning Authority;

* no trees to be retained on the site are damaged or uprooted, felled, topped, lopped, or interfered with in any manner without the previous written consent of the Planning Authority; and

* prior to the commencement of any development of the site temporary protective fencing and temporary ground protection as detailed in the Arboricultural Impact Assessment is installed, approved by the arboriculturist, and confirmed in writing by the Planning Authority.

Subject to the above controls the Councils Landscape (Projects) Officer raises no objection to the application.

The Councils Waste Services raise no objection to the application.

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. While there are both residential and commercial buildings within the vicinity of the application site it is not identified in the ELLDP as being within a settlement and the Local Plan does not allocate the land of the application 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.

Policy 17 of NPF4 states that development proposals for new homes in rural areas will be supported where the development is:

- 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.

As the proposed house is a new build house that does not meet any of the acceptable criteria of Policy 17 the proposal is contrary to Policy 17 of NPF4.

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.

There is no agricultural, horticultural, forestry or other employment use presently in operation to justify the need for a new house on the application site, nor has the applicant advanced any such case of justification of need for the principle of the proposed new house. In the absence of any such direct operational requirement or justified supporting case for the erection of a new house 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.

The Councils Policy and Projects Manager has been consulted on the application and has responded that the proposal fails to meet any of the specific circumstances set out in NPF4 and LDP planning policies relating to new build housing in the countryside and therefore the erection of a new house at this countryside location cannot be supported. Therefore, the principle of the new build house in this location is contrary to Policy 17 of NPF4 and Policy DC4 of the ELLDP .

Policy 17 of NPF4 also requires that a new house in a rural location should suitably scaled, sited and designed to be in keeping with the character of the area.

The adopted East Lothian Local Development Plan 2018 states that designs for new development must evolve from and respond to an analysis of the proposed development site and its wider context. Furthermore it states that the design, materials and finishes proposed must complement those of existing buildings in the local area.

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 palette of materials and colours that complement its surroundings.

The existing group of houses at Spittalrigg are existing buildings of a traditional form that are long established in their countryside location and form part of the landscape character and appearance of this part of Spittalrigg.

The proposed house would be of a modern contemporary design finished predominantly in timber cladding. The overall appearance would be of a modern house designed without reference to either its landscape setting or the neighbouring buildings in residential use within the locality. It would be of a form and design that would not reflect the architectural character of any nearby buildings or the landscape character of the wider area. As such the proposed house would not be appropriate to its setting in terms of its form, massing and scale. Consequently on the matter of design the proposed house would be contrary to Policy 17 of NPF4 and Policies DP1 and DP2 of the ELLDP.

Policy 13 states that development proposals will be supported where they will amongst other things provide direct and safe links to local facilities via walking, wheeling and cycling and be accessible by public transport. Policy 14 of NPF4 supports development that is consistent with the 6 qualities of successful places including being sustainable. Policy 15 of NPF4 supports development proposals that will contribute to local living including, where relevant, 20 minute neighbourhood, where people can meet the majority of their daily needs within a reasonable distance of their home preferably by sustainable and active travel methods. Policy 1 and NPF4 as a whole, seeks to give significant weight to the global climate crisis. In this regard housing should be directed towards existing settlements where facilities and services including public transport are available. This is a sustainable approach to spatial planning and is in line with the LDP. Housing in rural areas should only be supported in particular circumstances.

In this instance, the site is located in a countryside location and is not close to public transport networks or well connected to local facilities. The future occupants of any house would not be located within a reasonable distance of employment, shopping, health/social care facilities and childcare that could be easily accessed by sustainable or active travel methods. Consequently the proposed house would not be located in a sustainable location or within a 20 minute neighbourhood and would not contribute to local living within an existing settlement. Therefore the proposed scheme of development for a house 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 1, 13, 14 and 15 of NPF4 and T1 of the ELLDP.

As the proposed house would be on an unallocated site and in a countryside location which is not well served by public transport it would not be consistent with other relevant policies of the development plan including local living and 20 minute neighbourhoods. Therefore the proposal is contrary to Policy 16 of NPF4.

NPF4 Policy 3 states that proposals for local development types will include appropriate measures to conserve, restore and enhance biodiversity.

Amongst other things Policy NH5 of the ELLDP states that developers must demonstrate, where relevant, how impacts on biodiversity and geodiversity have been addressed as part of their proposals and that sufficient supporting information should be submitted.

The Councils Biodiversity Officer has reviewed the Preliminary Ecological Appraisal submitted as part of the application and advises that measures detailed do not provide sufficient biodiversity enhancement or mitigation required to safeguard the existing habitat on the site that forms part of Central Scotland Green Network for woodland connectivity.

A copy of the Councils Biodiversity Officers consultation response has been forwarded to agents for the applicant however no further details of proposed biodiversity enhancement or mitigation measures have been submitted. Without that information it is not possible to determine what, if any, mitigation may be required to safeguard any protected species or habitats on the application site.

It has not therefore been demonstrated that the proposals would not have a harmful impact on the biodiversity of the site, contrary to Policy 3 of NPF4 and Policy NH5 of the ELLDP.

On the above considerations the proposal is contrary to NPF4 Policies 1, 2, 3,13,14,15,16 and 17 and Policies DP1, DP2, DC4 and T1 of the ELLDP.

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 a house on the application site would be new build housing development in the countryside of East Lothian 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 Policy DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed house would not be suitably scaled, sited and designed to be in keeping with the character of the area contrary to Policies 16 and 17 of NPF4 and Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.
- 3 The proposed new house would not be located in a sustainable location or within a 20 minute neighbourhood and would not contribute to local living within an existing settlement. Consequently it 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 contrary to Policies 1, 13, 14 and 15 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.
- 4 It has not been demonstrated that the proposals would not have a harmful to the biodiversity of the site, contrary to Policy 3 of NPF4 and Policy NH5 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

14th July 2025

STATEMENT OF CASE IN SUPPORT OF A NOTICE OF REVIEW

Regarding Planning Application:

25/00577/P

For Site:

Land to North of Spittalrig Main House, Spittalrig, Haddington, East Lothian, EH41 3SU

For Proposal:

Erection of 1 house and associated works

Submitted by:

Mr & Mrs Norma & Jon Turvill
(The Applicants)

Submitted to:

The East Lothian Local Review Body

Date of Submission:

16/9/25

Introduction and Statement of Purpose

This document has been prepared by the applicant, Mrs Turvill, in support of a Notice of Review submitted to the East Lothian Local Review Body. It serves as our formal response following the refusal of planning application 25/00577/P, as detailed in the Decision Notice issued on 28th July 2025.

We contend that the decision to refuse this application is based on a fundamental misunderstanding of the proposal's primary objective and an inconsistent application of relevant national and local planning policies. We acknowledge that the core purpose of this application, to deliver a single, self-built, affordable home, secured in perpetuity through a Section 75 legal agreement, was not made sufficiently clear in our original submission. This response seeks to rectify that omission and provide the necessary evidence to allow for a positive determination.

This statement provides a detailed, evidence-based rebuttal to each of the four reasons for refusal outlined in the Officer's Report. In the following sections, we will demonstrate conclusively that the proposal:

1. Is a policy-compliant affordable housing proposal that directly addresses an officially recognised, acute local housing need in East Lothian.
2. Is sensitively designed, scaled, and sited to be in keeping with its rural context, and is fully consistent with precedents set by the Council for high-quality contemporary architecture.
3. Is located in a demonstrably sustainable location, meeting the functional requirements of a 20-minute neighbourhood when assessed correctly against the Council's own multi-modal guidance.
4. Will protect existing habitats and deliver a clear biodiversity net gain through significant ecological enhancement, fully satisfying the requirements of NPF4.

We respectfully request that the Members of the Local Review Body consider the comprehensive evidence presented herein. We are confident that it demonstrates the proposal's full compliance with the development plan and trust that it will enable the Members to overturn the refusal and grant planning permission.

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Planning Comment 1:

1. The erection of a house on the application site would be new build housing development in the countryside of East Lothian 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 Policy DC4 of the adopted East Lothian Local Development Plan 2018.

Applicant response:

Thank you for the opportunity to respond to the points raised regarding our planning application. This response provides clarification on our proposal, specifically addressing the comments that the development is contrary to Policy 17 of NPF4 and Policy DC4 of the adopted East Lothian Local Development Plan 2018.

We acknowledge that the affordable housing nature of this proposal was not made sufficiently clear in our initial submission. The core purpose of this application is to deliver a single, self-built, affordable home, secured in perpetuity through a Section 75 legal agreement. We believe this directly aligns with the exceptions for housing in the countryside as outlined in the relevant policies.

1. The Policy Case for a Self-Build Affordable Home

Our proposal directly answers a critical and officially recognised local need. It is not speculative development, but a targeted response to the housing crisis in the region.

Addressing the Housing Emergency

- East Lothian Council declared an *Affordable Housing Emergency* in November 2024, highlighting the severe pressure on housing stock (East Lothian Council, 2024).
- This single unit is a direct contribution to alleviating that pressure.

Meeting Local Housing Targets

- The *East Lothian Local Housing Strategy (LHS) 2024–2029* prioritises “maximising the delivery of affordable housing” (East Lothian Council, 2023a).
- The *Housing Need and Demand Assessment (HNDAS)* quantifies this need at **476 new units per year**, with **66% required to be affordable** (East Lothian Council, 2023b).
- Our project will contribute to this target.

Alignment with National Planning Policy

- Scottish Planning Policy (SPP) explicitly includes “*housing sold at a discount (including plots for self-build)*” within its definition of affordable housing (The Scottish Government, 2014).

- This confirms that our self-build proposal is a recognised and valid route for delivering affordable homes in line with planning policy.

2. Our Delivery Mechanism: A Section 75 Agreement

We formally propose to enter into a Section 75 agreement with East Lothian Council to legally designate this property as affordable housing in perpetuity.

- In line with the affordable housing policy - The sale price could be set at 80% of independently assessed market value and would remain at that level on every resale. Valuation will be by an independent or District Valuer, to the Council's satisfaction. Affordability will be secured in perpetuity through a Section 75 agreement and a Deed of Conditions attached to the missives. Eligible purchasers will need to evidence a local connection and an ability to finance the full market value.
- We are ready to work with the Council's legal team to draft an agreement that meets all established requirements.
- Eligibility and nominations. We will agree eligibility, local-connection criteria and nominations with East Lothian Council's Strategic Investment & Regeneration Team, in line with the SPG. For Golden Share, the local-connection requirement applies; for Discounted Sale, we could agree the identified client group with the Council.
- The approach to delivery would be agreed with the Council. We will conclude the Section 75 within the Council's normal timescales (expected within six months of any minded-to-grant decision). Before commencement, we will agree a delivery package with the Council

3. Wider Benefits of the Proposal

Beyond delivering an affordable home, this self-build project offers further benefits that align with council and national objectives.

Sustainable and High-Quality Design

- The home will be highly energy-efficient, exceeding standard building regulations.
- Lower running costs will enhance its long-term affordability and contribute to climate change targets.

Supporting Rural Communities

- It will provide a home for those with strong local connections who might otherwise be priced out of the area, helping sustain the rural community and its services.

Promoting Self-Build

- The Scottish Government's *Housing to 2040* strategy encourages self-provided housing (The Scottish Government, 2021).

- Approving this project would support this ambition and help diversify housing delivery in East Lothian.

Conclusion

We trust this response demonstrates that our proposal is, by its nature, an affordable housing development designed to meet an acute local need. By committing to a permanent Section 75 agreement, we ensure the project complies with both the letter and the spirit of Policy 17 (NPF4) and Policy DC4 (LDP 2018).

References

Applicant (2025) WIP Design + Access Statement: Spittalrig, Haddington. Unpublished, August.

East Lothian Council (2018) East Lothian Local Development Plan 2018. Haddington: ELC. Available at: https://www.eastlothian.gov.uk/downloads/download/13023/local_development_plan_2018 (Accessed 9 Aug 2025).

East Lothian Council (2020) Planning Application 20/00629/P: Garden Ground of Garden Cottage, Gifford – Report of Handling. Haddington: ELC, 3 Nov. Available at: https://www.eastlothian.gov.uk/download/meetings/id/21844/03_planning_application_no_2_000629p_erection_of_1_house_and_associated_works_at_garden_ground_of_garden_cottage_edinburgh_road_gifford (Accessed 9 Aug 2025).

East Lothian Council (2022) Planning Application 21/00025/P: Auburn, Walled Garden and Former Art Gallery, Dirleton – Report to Planning Committee. Haddington: ELC, 15 Mar. Available at: https://www.eastlothian.gov.uk/download/meetings/id/22888/04_planning_application_no_2_100025p_alterations_extension_to_house_erection_of_greenhouse_domestic_studio_shed_2_holiday_let_units_and_associated_works_auburn_walled_garden_and_former_art_gallery_manse_road_dirleton (Accessed 9 Aug 2025).

East Lothian Council (2024) ELLRB Review Decision Notice 24/00741/P: Land at Newmains, Whitekirk. Haddington: ELC, 23 Dec. Available at: https://www.eastlothian.gov.uk/download/meetings/id/25470/2400741p_decision_notice (Accessed 9 Aug 2025).

Scottish Government (2023) National Planning Framework 4 (NPF4). Edinburgh: Scottish Government, 13 Feb. Available at: <https://www.gov.scot/publications/national-planning-framework-4/> (Accessed 9 Aug 2025).

Planning Comment 2:

2. The proposed house would not be suitably scaled, sited and designed to be in keeping with the character of the area contrary to Policies 16 and 17 of NPF4 and Policies DP1 and DP2 of the adopted East Lothian Local Development Plan 2018.

Further detail offered in the response:

The proposed house would be of a modern contemporary design finished predominantly in timber cladding. The overall appearance would be of a modern house designed without reference to either its landscape setting or the neighbouring buildings in residential use within the locality. It would be of a form and design that would not reflect the architectural character of any nearby buildings or the landscape character of the wider area. As such the proposed house would not be appropriate to its setting in terms of its form, massing and scale. Consequently, on the matter of design the proposed house would be contrary to Policy 17 of NPF4 and Policies DP1 and DP2 of the ELLDP.

Applicant response:

Thank you for the detailed comments regarding the design of the proposed dwelling. This response directly addresses Point 2 of the report, which states the proposal is contrary to Policies 16 and 17 of NPF4 and Policies DP1 and DP2 of the East Lothian Local Development Plan 2018.

We contend that the proposal has been carefully and deliberately designed to be in keeping with the character of the area. We will demonstrate this by showing how the design:

1. Directly complies with the key principles of the relevant design policies.
2. Is fully consistent with the approach the Council and Local Review Body have taken on comparable contemporary rural designs.

1. Direct Compliance with Design Policy (NPF4 & LDP)

The officer's view is that the design is "without reference to its landscape setting or neighbouring buildings." We respectfully disagree and assert that the design is a direct response to its context, satisfying the requirements of policies DP1 and DP2.

1.1 Scale, Form, and Massing (Policy DP2)

The proposal is deliberately modest in scale to respect the rural setting.

- **Height & Form:** The design is for a simple, single-storey rectangular building with a ridge height of only 6.3m. This is significantly lower than nearby two-storey farmhouses and steadings.
- **Massing:** The narrow gables, a simple 45° pitched roof, and a small, shallow (17°) set-back dormer ensure the building's mass is broken down and reads as a subordinate rural structure, akin to a converted steading.

1.2 Siting and Landscape Integration (Policy DP1)

The house is sited to minimise visual impact and integrate into the existing landscape.

- **Positioning:** The dwelling is located in a naturally low-lying part of the site, set back 21 metres from the access road.
- **Screening:** It is nestled behind a substantial, mature tree belt which is being fully retained. New native planting will further soften the building into its setting, maintaining the established orchard character. Privacy from neighbouring property south of site adequate due to distance, fall in ground level and suitable plantings, trees and existing shed providing acoustic and visual mitigation. Large hedge to the North encloses structure within Orchard.
- **Tree Protection:** All existing mature trees and hedgerows are retained, with construction managed under a BS 5837:2012 Tree Protection Plan.

1.3 Materials and Character (Policy DP2)

The material palette is specifically chosen to be quiet, recessive, and reflective of the local rural vernacular.

- **Palette:** The use of a natural slate roof, locally sourced Scottish larch cladding (left to weather to a silver-grey), and low-sheen anthracite metal (RAL 7016) for the small dormer and windows directly references the simple, agricultural character of the area.
- **Context:** The surrounding building cluster already features a mix of render, timber, and slate. Our proposal uses this same family of materials in a contemporary but respectful manner. It avoids suburban tropes and instead echoes a simple barn conversion aesthetic.

2. Consistency with East Lothian Planning Precedent

Our design approach is not an exception. It follows a consistent pattern of the Council supporting high-quality, contemporary designs in rural and sensitive locations where scale, siting, and materiality are carefully considered. The officer's assertion that the design is "not in keeping" appears inconsistent with the council's own recent decisions.

Precedent 1: Dirleton – Auburn, Walled Garden (21/00025/P)

- **What was approved:** A contemporary design using Siberian larch and zinc.
- **The Council's Rationale:** The officer's report accepted that zinc roofing would "contrast harmoniously" with traditional slate and that timber cladding would "add variety... without detracting" (East Lothian Council, 2022).

- **Direct Parallel:** Our proposal follows this exact logic, using a restrained palette of weathering larch and a small amount of recessive metal that complements the primary slate roof. The treatment of these materials here is *more* restrained than in the approved Dirleton scheme.

Precedent 2: Gifford – Garden Cottage (20/00629/P)

- **What was approved:** A contemporary, one-and-a-half storey house in a conservation area.
- **The Council's Rationale:** The report stated, "it is not essential to replicate existing building styles," and the goal is for buildings to be "looking different without detracting" from coherence (East Lothian Council, 2020).
- **Direct Parallel:** Our proposal embraces the same principle of "fit first, not imitation." It achieves coherence through its modest scale, low-lying position, and careful integration with the landscape, precisely the approach praised in the Gifford decision.

3. A Constructive Way Forward: Securing Quality by Condition

In the precedents cited, and in the recent Local Review Body decision for Whitekirk (24/00741/P), any final concerns regarding material appearance were appropriately managed via a standard pre-commencement planning condition.

We would welcome similar condition requiring the submission and approval of samples for the slate, timber cladding (species, profile, and finish), and metal elements. This is a standard mechanism that removes any residual risk regarding the final appearance and provides the Council with control over the quality of the finish.

Conclusion

The proposed house is modest in scale, carefully sited within a visually contained part of the landscape, and uses a quiet, high-quality material palette that references the local vernacular. The design approach fully complies with the principles of LDP Policies DP1 and DP2 and NPF4 Policy 17.

Furthermore, the principles of our design are entirely consistent with the Council's own precedents for accepting contemporary architecture where it respects scale and setting. An outright refusal on design grounds is therefore inconsistent with this established practice. We respectfully request that the application is approved, with any final details on materials secured by a standard planning condition.

References

East Lothian Council (2018) *East Lothian Local Development Plan 2018*. Haddington: ELC.

East Lothian Council (2020) *Planning Application 20/00629/P: Garden Ground of Garden Cottage, Gifford – Report of Handling*. Haddington: ELC, 3 Nov.

East Lothian Council (2022) *Planning Application 21/00025/P: Auburn, Walled Garden and Former Art Gallery, Dirleton – Report to Planning Committee*. Haddington: ELC, 15 Mar.

East Lothian Council (2024) *ELLRB Review Decision Notice 24/00741/P: Land at Newmains, Whitekirk*. Haddington: ELC, 23 Dec.

Scottish Government (2023) *National Planning Framework 4 (NPF4)*. Edinburgh: Scottish Government, 13 Feb.

Planning Comment 3:

3. The proposed new house would not be located in a sustainable location or within a 20-minute neighbourhood and would not contribute to local living within an existing settlement. Consequently, it 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 contrary to Policies 1, 13, 14 and 15 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.

Further detail from the ELC response:

“In this instance, the site is located in a countryside location and is not close to public transport networks or well connected to local facilities. The future occupants of any house would not be located within a reasonable distance of employment, shopping, health/social care facilities and childcare that could be easily accessed by sustainable or active travel methods. Consequently the proposed house would not be located in a sustainable location or within a 20 minute neighbourhood and would not contribute to local living within an existing settlement. Therefore the proposed scheme of development for a house 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 1, 13, 14 and 15 of NPF4 and T1 of the ELLDP.

As the proposed house would be on an unallocated site and in a countryside location which is not well served by public transport it would not be consistent with other relevant policies of the development plan including local living and 20 minute neighbourhoods. Therefore the proposal is contrary to Policy 16 of NPF4.”

Applicant response:

This response addresses Point 3 of the report, which concludes the site is not in a sustainable location and would be contrary to Policies 1, 13, 14, 15 and 16 of NPF4 and Policy T1 of the LDP.

We respectfully contest this conclusion. The officer's assessment is based on an overly restrictive interpretation of "local living" and the "20-minute neighbourhood" concept. We will demonstrate that, when the Council's own definitions and precedents are applied correctly, the site is demonstrably sustainable and compliant with all relevant policies.

Our argument is structured as follows:

1. **Establishing the Correct Policy Test:** Defining the 20-minute neighbourhood based on the Council's own time-based guidance (a 10-minute cycle).
2. **Applying the Test:** Evidencing the full range of essential services accessible within this radius.

3. **Demonstrating Consistency:** Showing how this approach aligns with the Council's flexible application of the policy in other recent cases.

1. The Correct Policy Test: A 10-Minute Cycle (2.5km Radius)

The core of NPF4 Policy 15 is accessibility. East Lothian Council's own "Local Living & 20-minute neighbourhoods" factsheet clarifies the test is not based on walking alone. It defines accessibility as reaching services within a "10-minutes' walk **or cycle** each way" (East Lothian Council, n.d.).

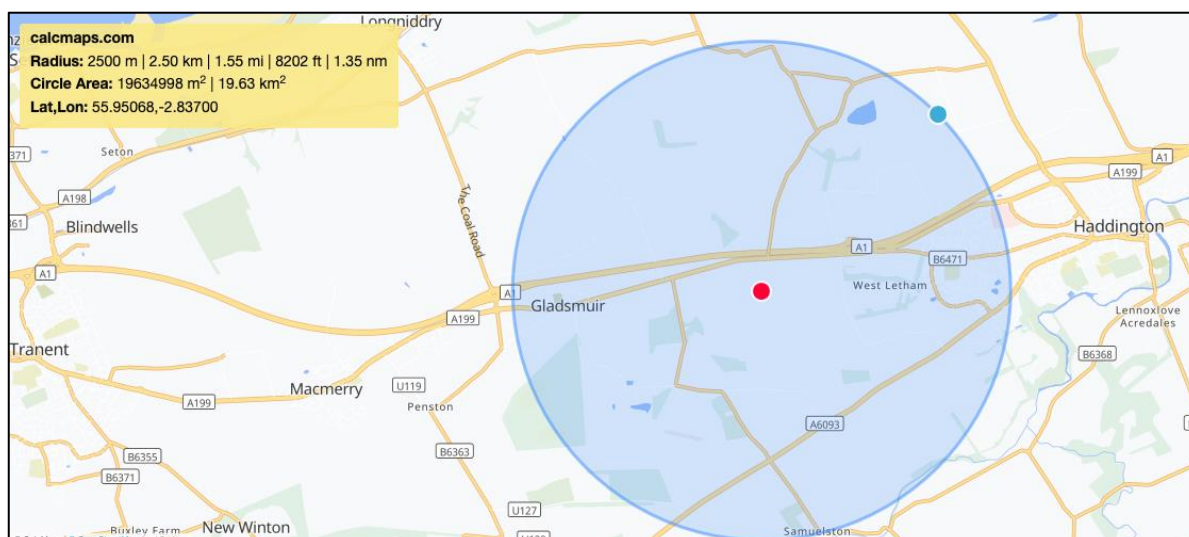
This time-based metric is key. Using a default utility cycling speed of 15 km/h, as cited in the Department for Transport's Active Mode Appraisal Toolkit, a 10-minute cycle equates to a **2.5km radius** (Department for Transport, 2022). This is the appropriate and evidence-based benchmark against which the sustainability of this site should be judged.

2. Applying the Test: Services Accessible from the Site

The site is well-connected by existing infrastructure. A pavement runs directly from the property towards Haddington, and a dedicated cycle route exists on the A199. A bus stop is also within minutes' walking distance on the A199, providing public transport links.

Using the correct 2.5km cycle-based radius, the site has excellent access to the full suite of services required for local living, as demonstrated below.

Service Category	Facility / Location Within 2.5km Radius
Retail & Food	Haddington Retail Park (including major supermarket)
Health & Social Care	East Lothian Community Hospital
Education	Letham Mains Primary School
Employment	Haddington Retail Park & other nearby businesses
Recreation & Green Space	Gateside Road Playground, David's Way Playground
Community Facilities	Cafes, shops, and public toilets at Haddington Retail Park
Affordable Housing	This proposal itself directly contributes to this need.



This evidence clearly shows that the daily needs of residents can be comfortably met via a short cycle ride, fully satisfying the principles of a 20-minute neighbourhood.

3. Consistency with ELC Precedent

Our interpretation is not novel; it is consistent with how the Council applies this policy in practice. Recent decisions show that planning officers assess connectivity "in the round," rather than by a fixed, restrictive radius.

- **Elphinstone West (23/01333/PM):** Officers deemed facilities 2 miles away in Tranent to be accessible and compliant with Policy 15 because they could be reached by public transport (East Lothian Council, 2025a).
- **Saltcoats Field, Gullane (24/01054/P):** The scheme was found to contribute to local living based on a combined assessment of walking, cycling, and public transport links (East Lothian Council, 2025b).

These precedents confirm that a flexible, multi-modal approach to assessing accessibility is standard practice. The officer's assessment in our case, which appears to disregard viable cycling and public transport connections, is therefore inconsistent with these recent decisions.

Conclusion

The assertion that this proposal is unsustainable is based on a flawed premise and overlooks the excellent sustainable transport links available. The site is only a five-minute cycle from the Railway Walk, which provides a scenic and traffic-free route to Haddington and Longniddry Train Station, creating an attractive and accessible option for daily journeys.

Furthermore, the location is exceptionally well-served by public transport. Nearby bus stops provide frequent services—more than one per hour—to Haddington and Tranent, with journey times of just 10 minutes, alongside direct links to Edinburgh. When assessed against the Council's own time-based definition of a 20-minute neighbourhood (a 10-minute cycle), the site demonstrates excellent access to a comprehensive range of services and facilities.

This combination of high-quality cycling infrastructure and frequent public transport ensures residents will not be car dependent. The proposal is therefore fully compliant with the aims of NPF4 policies on local living and sustainable travel and should be supported.

References

Department for Transport (2022) *Active Mode Appraisal Toolkit: User Guide*. Available at: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1102781/active-model-appraisal-toolkit-user-guidance.pdf (Accessed: [Date of access]).

East Lothian Council (n.d.) *Local Living & 20-minute neighbourhoods factsheet*. Available at: https://eastlothianconsultations.co.uk/housing-environment/east-lothian-council-evidence-report-for-ldp2/supporting_documents/Design_Factsheet__20_min_neighbourhoods_final.pdf (Accessed: [Date of access]).

East Lothian Council (2025a, 14 January) *Further Report of Handling – 23/01333/PM (Elphinstone West) & 24/00699/P*. Haddington: ELC.

East Lothian Council (2025b, 14 January) *Report of Handling – 24/01054/P (Saltcoats Field, Gullane)*. Haddington: ELC.

Planning Comment 4:

4 It has not been demonstrated that the proposals would not have a harmful to the biodiversity of the site, contrary to Policy 3 of NPF4 and Policy NH5 of the adopted East Lothian Local Development Plan 2018.

Applicant response

This response addresses Point 4 of the report, which states it has not been demonstrated that the proposal would not be harmful to biodiversity, contrary to Policy 3 of NPF4 and Policy NH5 of the adopted East Lothian Local Development Plan 2018.

We contend that the proposal has been designed from the outset with the protection and enhancement of biodiversity as a core principle. The development not only avoids harm to existing ecological assets but will deliver a tangible net gain for biodiversity on the site.

This is achieved through a three-pronged approach of Protection, Mitigation, and Enhancement, which we detail below, referencing the submitted plans and statements.

1. Protection of Existing Biodiversity Assets

The primary strategy is the retention and protection of the most valuable ecological features on the site, in line with LDP Policy NH5 which seeks to protect trees and woodland.

- **Strategic Tree Removal and Retention:** We acknowledge that the optimal siting of the dwelling necessitates the removal of seven trees from the interior of the orchard, as detailed in the submitted Arboricultural Impact Assessment. These are generally smaller, lower-quality specimens whose removal has been minimised to the smallest number necessary to create a viable building footprint. Crucially, all of the mature, higher-value trees and established hedgerows that frame the site boundaries are being fully retained and will be protected throughout construction in accordance with BS 5837:2012. This approach retains the essential wooded character and key habitats of the site while allowing for appropriate development.
- **Minimal Site Disturbance:** Beyond the identified tree removals, site disturbance is minimal. The only other vegetation removal is clearly marked on the Site Plan (Drawing 00 200) as "Existing overgrowth to be removed," which is limited to low-value scrub and does not impact the retained trees or their canopies.

2. Mitigation of Harm During Construction

We have committed to best-practice construction methods to ensure that the retained trees and habitats are not inadvertently damaged during the build process.

- **Commitment to British Standards:** The Design & Access Statement (p.9) and the Site Plan (Drawing 00 200) explicitly commit to protecting all retained trees in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction.'
- **Root Protection Areas (RPAs):** The Site Plan legend clearly shows the provision of a "Protective Barrier" to be erected around the RPAs of the retained trees before any work commences. This is the industry-standard method for ensuring the long-term health of trees adjacent to development.

3. Enhancement and Net Biodiversity Gain

Crucially, the proposal delivers positive enhancements that will increase the ecological value of the site, directly addressing the requirements of NPF4 Policy 3 to "protect, and enhance biodiversity."

- **Comprehensive Habitat Enhancement and Net Gain:** The proposal delivers a comprehensive planting strategy designed to significantly enhance the site's ecological value, composed of two key elements: a new native hedgerow and new replacement trees.
 - Firstly, the Site Plan (Drawing 00 200) dedicates a significant area to "Proposed Planting." The legend details that this will be a "Bird friendly hedge row to encourage biodiversity, comprising of a mixture of Hawthorn, Blackthorn, Field Maple, Alder and Guelder Rose." This new, species-rich native planting (at a density of 5-7 plants per square metre) will create a valuable new habitat corridor and foraging resource for birds, pollinators, and other insects.
 - Secondly, the plan includes the planting of new trees. This measure directly mitigates the removal of the lower-quality specimens and, crucially, was a component explicitly noted and supported by the Council's own Landscape Officer in his consultation response.
 - Taken together, these enhancement measures go far beyond simple mitigation. They will leave the site in a demonstrably better state ecologically than it is at present, delivering a clear and substantial biodiversity net gain.
- **Sustainable Drainage (SuDS):** The proposal incorporates a new surface water soakaway, as shown on the Site Plan. This sustainable drainage approach manages water naturally on-site, which is environmentally preferable to a direct connection to a combined sewer and helps maintain the local water table.
- **Modern Treatment Plant:** The replacement of the existing shared system with a new, modern treatment plant represents an environmental upgrade, ensuring foul drainage is dealt with to the highest modern standards.

A Proportionate Approach to Ecological Assessment

We acknowledge that a formal Ecological Impact Assessment (EcIA) was not submitted with the application. For a development of this very small scale (a single dwelling), on a site that is not subject to any statutory nature designations, a full EcIA would be disproportionate.

However, to provide the Council with complete confidence, we would be willing to accept a pre-commencement planning condition requiring a Preliminary Ecological Appraisal (PEA) of the site to be undertaken. This would formalise the findings above, confirm the absence of any protected species, and ensure the proposed enhancement measures are implemented effectively. This is a standard and proportionate approach used by the Council on similar small-scale applications.

Conclusion

The proposal does not cause harm to biodiversity. On the contrary, it has been designed to protect all significant existing habitats and uses industry-standard mitigation techniques.

More importantly, through the introduction of a substantial new native, species-rich hedgerow, the development will leave the site in a demonstrably better state ecologically than it is at present. This delivers a clear biodiversity net gain, fully satisfying the requirements of NPF4 Policy 3 and LDP Policy NH5.