

LOCAL REVIEW BODY

20 NOVEMBER 2025

Application No: 25/00577/P

**Land to North of Spittalrigg Main House, Spittalrigg,
Letham, Haddington**

Appointed Officer's Submission

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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 - Refusal	SDELL	Y/N
		CDEL	Y/N
Location	Land To North Of Spittalrigg Main House Spittalrigg Letham Haddington East Lothian	Bad Neighbour Development	Y/N

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

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



14th July 2025

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

28th July 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.

Conditions:

1. 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. 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:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. 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 Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the finished height of the proposed flat roof house 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. Samples of the materials to be used as external finishes of the houses and for the areas of hardstanding hereby approved shall be submitted to and approved by the Planning Authority prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the house and for the areas of hardstanding.

Reason:

To secure a standard of development that is appropriate to its location and in keeping with its surroundings in the interests of safeguarding the character and appearance of the North Berwick Conservation Area as well as the surrounding area.

4. Prior to the occupation of the house hereby approved the access, turning and parking arrangements shall be laid out and made available for use, as shown in docketed drawing no. 00 200 titled 'Site Plan' and thereafter the access, turning and parking areas shall be retained for such uses, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the provision of an acceptable standard of access, turning and parking in the interests of road safety.

5. Within three months of the date of the occupation of the dwelling hereby approved, an EV charging points shall be installed and made available for use for the dwelling. The approved EV charging points shall thereafter be retained, unless otherwise approved in writing by the Local Planning Authority.

Reason:

In the interests of promoting sustainable travel and the environment.

6. **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 following demolition of the building (and 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 occupation of the new development.

Part 4

In the event that '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.

Reason

To ensure the site is clear of contamination

7. The development hereby approved shall be 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, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. If any tree to be retained on the site is removed, damaged or dies replacement planting will be required. Reason:

Reason

To ensure the retention and maintenance of landscaping which is an important feature of the area.

8. No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" has been installed, approved and confirmed in writing by the Planning Authority. The fencing must be fixed in to the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing must be as indicated on the drawing 'Tree Locations' in the Arboricultural Constraints Assessment by Hinshelwood Arboricultural Consultants dated February 25, shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No excavation of underground service trenches
- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

9. Prior to the commencement of development hereby approved, a detailed statement on the measures to be implemented to protect and enhance biodiversity on the application site, including appropriate measures to conserve, restore and enhance biodiversity on

the site and a timescale for their implementation and details of ongoing maintenance shall be submitted to and approved in advance in writing by the Planning Authority.

The measures to conserve, restore or enhance biodiversity on the site as so approved shall be implemented in accordance with the details and timescale so approved prior to any use being made of the house hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of enhancing biodiversity on the site and within the surrounding area in accordance with National Planning Framework 4, Policy 3.

10. 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 writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, 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 and timescales so approved.

Reason:

To minimise the environmental impact of the development.

APPLICATION 24/01210/P

Erection of 1 house and associated works, Land to north of Spittalrig Main House

We are writing to object to the above referenced application.

We live at [REDACTED] and the application site accommodates our private sewage treatment plant that serves three of the residences on the farm. Due to the complexities of moving the current sewage treatment plant which resides on the proposed land this would be at a huge cost to the three residences approximately £20 - £30k. This in turn would mean finding a new location for the sewage treatment plant and would also mean that the capacity of the sewage treatment plant would need to be increased to accommodate the new house. We would need to seek permission to increase the discharge into the burn to accommodate the four houses. The current sewage treatment plant is in excellent working order and is regularly serviced to keep it in good working order.

Again there will be more of dramatic drop in wildlife activity due to the new house/occupants having cars, which in turn will add to more traffic on the farm on a very battered and bruised road that cannot cope already.

The purpose of the planned building is unclear, is this going to be a new main residence, or to run as a business with more cars going in and out of the farm.

We are concerned that this will set a precedence to allow for more inappropriate buildings to be built on the farm. Since we have moved to the farm we seem to be in a constant battle with either new businesses being ran from the farm and now planning for a new property being developed on the farm.

The principle of such a proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the development of new build houses in the countryside and this in turn would constitute sporadic development in the countryside.

We moved to Spittalrig Farm because of its quiet, rural location and we are currently bombarded with either new businesses moving onto the farm and now the proposal for development of a new house of which the use is totally unclear. On these grounds alone we wholly object.

Dear Mr Dingwall

Application 25/00577/P

Erection of 1 house and associated works, Land To North Of Spittalrigg Main House

We are writing **to object** to the above referenced application. We would also wish to note that we previously objected to a similar application 24/01210/P that was subsequently withdrawn.

We live at [REDACTED]. The area of land has historically been the [REDACTED]. It is essentially in agricultural use as a fruit orchard. This historic link to the existing cluster at Spittalrigg will be lost forever if the application is granted.

We would note that the application site partially accommodates the private sewage treatment plant that serves three of the existing nearby homes, including ourselves. Whilst mention is made of replacing the existing treatment facilities with an upgraded plant in a new location, we have no knowledge of this and there is no agreement in place with any of the users of the plant including the owner of the land on which the main treatment unit is located. **Consequently, it would seem that the application is invalid without such agreement.** A recent inspection of the existing unit showed it is in good order and will not need replacement for a long time. We were also advised that the unit would be difficult to replace due to complex old drainage and that the process would cause significant disruption to the properties involved, likely leaving them without grey and black water drainage and hence uninhabitable for some time. The cost of such replacement has been estimated at £20k to £25k, at a minimum. Furthermore, any alteration to the capacity of the unit, which would probably be required, would need permission to increase discharge into the burn.

The application site is located in a countryside location that is characterised by a low density dispersed built form within an agricultural landscape. Indeed, there are countryside related buildings immediately to the north of the application site and the existing residential buildings are all a result of the history of the site as farmland.

We understand that is the right of any landowner to seek planning approval for development, and, indeed, have done so ourselves in the past. However, we are concerned that this project could set a precedent for future inappropriate building works in Spittalrigg. In recent years there have been several developments nearby already, including an extension to Mr/Mrs Turvill's current home at 4, Spittalrigg Cottages with planning permission granted and the construction of a wood cabin in the woodland on their property but the essential nature of the area is fundamentally unchanged. It seems to us that the purpose of the proposed new building is uncertain but would clearly change the local environment considerably whether it is to be used as a main residence, to house a new business

enterprise or to operate as an Air B and B. We would note that it has been indicated to us that the applicants sought advice from Council planners some time ago and were advised then that it was not in line with current policy – as noted below, this appears still to be the case.

The proposed development has attempted to show respect for the existing natural environment, but the building process will inevitably be severely disruptive to wildlife and habitats. Spittalrigg is rich in wildlife with mammals from Weasels to Roe Deer, **including Badgers from a nearby sett**, crossing this orchard to move about the farmland. **There are also known to be bat roosts on our property abutting the orchard and it is probable that there are also roosts in the orchard itself – these would clearly be disturbed by any development**¹. Over 42 species of birds have also been seen in the vicinity, **including grey partridges, which are an increasingly rare and threatened species**². Wildlife is a joy to many residents here and this development would reduce both vertebrate and invertebrate habitats. We note that the applicants have commissioned an Ecological Report but this raises a number of issues.

The Ecological Report indicates that this development would create ecological damage, and recommends an array of mitigations and preparations beforehand including a further survey no more than 3 months before work starts, plus setting up a Tree Protection Plan for the remaining trees during construction, and that lost trees should be replaced. The survey also makes a number of recommendations regarding minimising lighting on the site, including canopies and cowls on the building and avoiding bright exterior lights or motion sensor operated lights. Biodiversity enhancement, meadow creation and maintenance are advised. These measures have a significant cost implication before, during and after the proposed build.

We do have evidence of the presence of wildlife that is mentioned in the survey as likely to be present but was not seen at the time it took place. Badger are frequent visitors to the part of our garden that is adjacent to the proposed site, as are Roe Deer, Fox, Brown Hare, Stoat and Weasel and Rabbit. [REDACTED]. These Mammals may not reside in the proposed site, but its wild nature undoubtedly encourages them. The build would therefore be detrimental to them.

The likely presence of bats is regarded as Moderate in the survey. However, we can confirm that bats do roost in the roof of [REDACTED], [REDACTED] [REDACTED] to the site and probably about 3m from the wall of the proposed building. We have found their droppings and seen them coming in and out of the roof space. They overfly our garden and the Orchard for feeding on a frequent basis. Therefore, the development would be very detrimental to them particularly as it

¹ We would note the relevance of NPPG14 Natural Heritage and PAN60 Planning for Natural Heritage in this context – the steps outlined in NatureScot guidance at <https://www.nature.scot/doc/standing-advice-planning-consultations-bats> seem not to have been considered to date and are clearly relevant.

² Classified in the UK as Red under the Birds of Conservation Concern 5: the Red List for Birds (2021). Priority Species under the UK Post-2010 Biodiversity Framework.

introduces lights in an otherwise dark area.

We regard these ongoing Ecological concerns as one of several reasons why the application should be refused. However, should permission be granted, we hope that the further eco-surveys, the modifications to the building to reduce light pollution, short and long term mitigations such as bat boxes, hedgehog homes, insect hotels etc and meadow creation and maintenance should be a requirement of such approval.

In order to carry out this project the access road to Spittalrigg would have to be excavated to bring in mains water and mains electricity. This would cause significant disruption and is dependent on whether the applicant has the right to do so, or the owner of the surrounding land, including the vehicle access ways around the property, is willing to grant access. As it is currently unclear if the outline plan of the land accurately identifies the boundary of their title, this is uncertain. Similarly, we are unsure if the applicant owns all the land required to deliver the proposed new home. Furthermore, the electrical supply for the sewage unit is supplied from The Studio, which is currently up for sale, adding further complexity to the proposed project. Taken together, these practical issues could mean that the proposed development would not be financially viable in any event.

We would also note that the Design and Access Statement (DAS) says that a ground source heat pump is to be used. Ground source heat pumps require intrusive ground works unless vertical works are being undertaken instead of the usual horizontal works. Usually ground source heat pumps are avoided where there are lots of trees that are to be retained and protected, as in this instance. Indeed, if these trees are protected in accordance with BS 5837 then the property cannot be constructed as the root protection zone would encompass the entire east section of the site.

The DAS also refers to the site as a garden (see above) with an existing access for vehicles and existing waste and recycling arrangements. These assertions are not true. The proposed site layout also shows two parking spaces associated with this non-existent access. These appear to be very small spaces particularly given the size of modern cars and are more akin to spaces in commercial car parks. Consequently, the property would not be useable or accessible by a disabled resident or visitor and the dimensions are certainly far too small to permit construction. The bin store proposed does not appear large enough for the number of wheelie bins and receptacles required by ELC for waste and recycling. There is also no provision made for bike storage.

Whilst there are both residential and commercial buildings within the vicinity of 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.

It is somewhat surprising that the applicant has not offered any statement justifying the proposals against planning policies. We have therefore assessed the application against relevant development plan policies relating to the control of new housing development in the

countryside. We also consider that the proposed new home would have an adverse and unacceptable impact on existing nearby mature trees.

Policy 17 of National Planning Framework 4 (NPF4) sets out the circumstances in which new homes in rural areas will be supported.

Policy 17 (a) (i) echoes the Local Development Plan policy approach in that development will be allowed on a site that is allocated for housing within the LDP. **The proposed site is not allocated in the current LDP for development**

Policy 17 (a) (ii) relates to brownfield land which by definition is land that has been previously developed. **The site had not previously been developed and therefore does not constitute brownfield land.**

Policy 17 (a) (iv) and (v) also states that the development is necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker to live permanently at or near their place of work or a single home for the retirement succession of a viable farm holding. This is in line with Policies DC1 (Rural Diversification) and DC4 (New Build in the Countryside) of the LDP. **No evidence has been provided to suggest that the proposal meets this requirement. It is our understanding that no such justification exists.**

Policy 16 (Quality Homes) (f) states 'Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where: (f) (iii) the proposal is consistent with policy on rural homes. **As above, the proposals do not accord with any policies relating to new homes in the countryside.**

Although the application site is adjacent to existing residential properties, these houses are not defined as a settlement in the adopted Local Development Plan. Rather they are defined as being located within the countryside. These existing houses are not new build developments but are long-established homes in a countryside location, and form part of the character and appearance of the area. The application site would not be an addition to a settlement or an addition adjoining the edge of a settlement. **The proposed new home would constitute sporadic development in the countryside.**

The proposed house does not reuse a redundant or unused building. There is no agricultural or other employment use presently in operation to justify the need for a new house on the application site.

The applicant has not provided any such case of justification of need for the principle of the proposed new house. No case has been put forward that the proposed house has an operational requirement for its countryside location or that it 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 a 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.

Specifically, the proposal to erect a new build house on the application site is in principle contrary to Policies 16 and 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

NPF4 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 and on allocated housing sites.

The proposed scheme of development for a house on this rural site located within the East Lothian countryside would undermine the spatial strategy of the Local Development Plan and 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.

To summarise, the application does not accord with the Development Plan and there are no material planning considerations that outweigh the fact that the proposals are not in accordance with the Development Plan.

We would ask that East Lothian Council takes this objection into consideration in the determination of this application and we look forward to hearing from you in due course.

Yours sincerely,

[Redacted signature]

[Redacted name]

[Redacted title]

[Redacted address line 1]

[Redacted address line 2]



APPLICATION NUMBER - 25/00577/P

Dear Sirs/Madams,

I wish to lodge an objection to the above planning application, as the owner of [REDACTED] [REDACTED] of the property having received a Neighbour Notification. I'm sorry for the tardiness of my letter, I have been away and only just got my hands on the application. The concerns from the previous letter are still valid and would appreciate answers even if I am late in reply. Especially as some of the concerns are structural to my property.

I'm looking for clarification (from both the planning authority and applicants) on the following points in relation to the application for planning permission:

1. Planned Soak away is positioned above the foundations of an existing warehouse and would be draining into the foundation and bank of such existing warehouse. On page 2 of the document named - "24_01210_P-AIR_WATER_HEAT_PUMP_INSTALLER_MANUAL-3543482" in the previous planning application documents (25/00577/P - which has conveniently been removed and I presume its the same soak away), it states that, "It is important to the heat pump function that condensation water is led away and that the drain for the condensation water run off is not positioned so that it can cause damage to the house." This statement should also apply to my warehouse. With up to 50 litres of water per 24 hour cycle being "soaked" into the bank and beyond. I need to be assured that this would not cause issues with subsidence and eventually the degradation of my buildings foundations and concrete in front of the warehouse.
2. I would also like a report on the stability of the banking and the impact the proposed changes would have on it. I'm concerned about the ability of the banking to withhold its integrity under its new stresses, which is a concern because my warehouse is positioned below it.
3. I refer to the document titled, "25_00577_P-DESIGN_STATEMENT-3629751" in which it states at page 6, "The proposed dwelling will take precedence from the local rural Scottish building vernacular." I do not believe the building is in keeping with Spittalrigg Farm or the properties in East Lothian and I would like to understand how the applicants came to this conclusion.
4. I would like clarification that the property is wholly enveloped within the land that is owned by Mr and Mrs Turvill. The square patch of grass that borders the property to the north is owned by myself and in the site plan, it looks like a section of their driveway could overlap with my property.
5. The document, "25_00577_P-DESIGN_STATEMENT-3629751" on page 9 states, "Importantly, no trees or hedgerows will be removed to allow for the development, demonstrating our unwavering commitment to preserving the natural environment" this

statement is incorrect. I refer to

"25_00577_P-ARBORICULTURAL_IMPACT_ASSESSMENT-3627259".

6. The document, "25_00577_P-DESIGN_STATEMENT-3629751" on page 9 states, "Vehicle access and parking has been illustrated on drawing (PL) 001". The current access is solely maintained and [REDACTED] and I would expect an agreement that would provide for the maintenance costs of the access road to be shared proportionally given the new development and extra traffic.

7. I'm concerned that the planning application lacks merit, especially considering the East Lothian Local Development Plan 2018. The law requires applications to align with the Development Plan unless there are significant reasons otherwise. The plot is in a rural area with low-density housing, warehousing and agricultural land; it's not designated for housing in the Local Development Plan.

I would be grateful if you could address my above mentioned concerns.

Yours faithfully,

[REDACTED]

From: [REDACTED]
To: [Taylor, David \(Officer\); Environment Reception](#)
Cc: [REDACTED]
Subject: 25/00577/P BIO response
Date: 27 June 2025 14:55:02

Hi David,

25/00577/P: Erection of 1 house and associated works at Land To North Of Spittalrigg Main House, Spittalrigg, Letham, Haddington

Please find my biodiversity comments and the above application below:

The existing site provides a variety of habitats comprising of an orchard, broadleaved and mixed woodland tree belts east of the site, hedgerows and grassland. There are existing farm buildings north and south of the site out-with the red line boundary that may provide habitat for bats and nesting birds. The application proposes 1 dwelling with vehicle parking change of use from orchard to garden ground and removal of 7 trees.

The site is within 1km of Haddington to Longniddry Railway Walk and St Lawrence Burn Local Biodiversity Sites. The orchard and the broadleaved woodland tree belt on site is part of Central Scotland Green Network for woodland connectivity.

The Preliminary Ecological Appraisal was completed by TD Tree & Land Services (June 2025) is incomplete, and as such, unsatisfactory to accept the document. Concerns particularly in relation to specifics in the report include but is not restricted to:

- Conclusions drawn around Potential Roost Features in trees
- Local Record Centre data not accessed
- Sections unpopulated and/or incomplete (presumably an issue from using a proforma-PEA is unchecked by a seconder)
- suggestions for retaining ivy growth on trees would not be supported

Badger activity was noted within the PEA for the area surrounding the site including a potential outlier sett 12 meters from the site, confirming that badgers are likely to be in the wider environs and active. Given the current orchard land use, it is likely that badger and other wildlife will be continuing to access the area for foraging.

Orchards are priority habitat in East Lothian and there are currently no proposals of replanting trees that are to be removed. This is contrary to Policy 1 of the Tree and Woodland Strategy. Further, as the plan proposes there will be a change of use from woodland/ orchard to garden due to the development being residential. This could impact the biodiversity value of the existing site in the future. Therefore, I would suggest this does not comply with LDP 2018 Policy NH8- Trees and Development.

National Planning Framework 4 requires proposals for local development to include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. The current planting schemes proposed does not provide

sufficient biodiversity enhancement or mitigation for the loss of existing trees. 3 trees have been proposed to be planted and a bird friendly hedgerow is mentioned within the site plan. However, the proposed hedgerow is not within the red line boundary of the site and there is no detail of the length proposed, however the suggested species to be planted the hedgerow is positive to see and supported.

As this proposal is contrary to policy NH8, I would not be supportive of this proposal.

Kind regards,

Jen

Jen Newcombe (She/Her)

Biodiversity Officer

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

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From: [REDACTED]
To: [Taylor, David \(Officer\)](#)
Cc: [Environment Reception](#)
Subject: Planning Application : 25/00577/P - Land To North Of Spittalrigg Main House, Spittalrigg, Letham (25/00804/PLANCO)
Date: 12 June 2025 10:07:51

Hi David,

There is no direct evidence to suggest any previous (historic) contaminative use of the site, however, given the agricultural nature of the wider area there is the possibility that localised 'hotspots' of contamination may exist due to any areas of made ground.

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 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 following demolition of the building (and 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 occupation of the new development.

Part 4

In the event that '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.

It should also be noted that according to the latest Radon Mapping data the site falls within a Radon Affected Area (Class 3 : 3 to <5% of properties are at or above the radon action level). In this instance it would be advisable for the applicant to obtain a site-specific Radon GeoReport (Scotland) from the BGS website to determine the actual radon potential for the site.

Considering the above I would recommend that the following advisory note be attached to any grant of consent:

Advisory Note (Radon Risk Area) -

According to the latest Radon Mapping the proposed development site lies within a Radon Affected Area meaning it may require radon protection measures to be installed in accordance with relevant Building Standards legislation and appropriate guidance. It would be advisable to obtain a Site-Specific Radon Report to determine the actual radon potential for the site.

Cheers,

Scott

Scott Callow

Senior Environmental Compliance Officer - Environmental Protection

Environmental Health

Protective Services

Communities

East Lothian Council / Comhairle Lodainn an Ear

Tel: 01620 827256

Mob: [REDACTED]

Email. scallow@eastlothian.gov.uk

Visit our website at www.eastlothian.gov.uk

Please note I work Tuesday to Thursday only.



Scott, Megan (Committees)

From: Anstock, Luke
Sent: 05 June 2025 21:10
To: Environment Reception
Cc: Taylor, David (Officer)
Subject: FW: 25/00577/P-Mr David Taylor - Planning Consultation 25/00804/PLANCO
Attachments: ufm2_E-Consultation_Letter_-_No_Reason.pdf

Categories: Kirsty

Good evening,

I refer to your e-mail consultation of 4th June 2025 in connection with the above and would advise that I have no comment to make.

Kind regards,

Luke Anstock
Environmental Health Officer
Public Health & Environmental Protection Protective Services East Lothian Council


Email: lanstock@eastlothian.gov.uk

Website:

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7C97bc84b4b1254102aa4408dda46cf356%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638847510163133968%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMtIsIkFOljoiTWFpbGlldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=B2C6b4TB%2FdI9yJQKGWK%2FWom4KRJT9vUSBvVh9Mjc5A8%3D&reserved=0>

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

From: Environmental Protection <envprot@eastlothian.gov.uk>
Sent: 04 June 2025 14:24
To: Anstock, Luke <lanstock@eastlothian.gov.uk>
Cc: Callow, Scott <scallow@eastlothian.gov.uk>
Subject: FW: 25/00577/P-Mr David Taylor - Planning Consultation 25/00804/PLANCO

25/00804/PLANCO

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: 04 June 2025 13:47
To: Environmental Protection <envprot@eastlothian.gov.uk>
Subject: 25/00577/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Land To North Of Spittalrigg Main House Spittalrigg Letham Haddington 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%7Cenvironment%40eastlothian.gov.uk%7C97bc84b4b1254102aa4408dda46cf356%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638847510163164179%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMtIsIkFOljoiTWFp]

bCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=84R4IpedVALY2BbixDW8yy7nMIjXcbUKuyUpPqojHqQ%3D&reserved=0]

From: [REDACTED]
To: [Environment Reception; Taylor, David \(Officer\)](#)
Cc: [REDACTED]
Subject: 25/00577/P Spittalrigg
Date: 05 June 2025 11:21:51

Hi David,

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.

The Flood Hazard Mapping has 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.

If the applicant wishes to view these maps, they are publicly available at <https://map.sepa.org.uk/floodmaps>.

This 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. I have no objection on the grounds of flood risk.

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

Andy Riva

Technician/Flood Protection



From: [REDACTED]
To: [Taylor, David \(Officer\)](#)
Subject: 25/00577/P - Erection of 1 house and associated works at Land To North Of Spittalrigg, Main House Spittalrigg, Letham, Haddington
Date: 20 June 2025 08:12:09
Attachments: [image001.png](#)

Hi David,

I write in response to your consultation on the above application and offer the following comments.

The application site ('the site') is not within, or near to, an SLA. The 'host' landscape character area (LCA) is the 'Mid Tyne Valley Plain'.

The site comprises grassland and orchard tree planting, with the latter described in the PEA as being in 'unmanaged' condition. Broadleaved and mixed woodland trees enclose the site to the east and south. To the west is a fence and scrub/hedgerow tree boundary.

The applicant has submitted an 'Arboricultural Impact Assessment' (AIA) (dated June 2025), prepared by TD Tree & Land Services. In total, 25 trees were surveyed. The AIA states that 7 trees are proposed to be removed. These are categorised as 'C', except for T24 which is categorised 'U' because of the presence of fungus. Facilitation pruning would be required to T13, T19, and woodland group G1. The 'Tree Protection Plan' (Drawing no. 250429003) and Arboricultural Method Statement provide details of mitigation measures to prevent damage to the remaining trees to be retained. We support the recommendation of the AIA that replacement planting should be undertaken for trees lost within the site.

Regarding potential landscape and visual impacts. The location of the site is on a slightly elevated landform. The site's existing mature tree and hedgerow boundaries and nearby built form provide varying degrees enclosure to the site in close-range views. In more distant views from the wider landscape, shelterbelt planting to the east and west of Spittalrigg offering further layers of screening. The proposed built form would be a maximum 6.25m to ridge height above the finished floor level. Intervening vegetation, including that to be retained within the site, is likely to provide varying degrees of screening in views from Spittalrigg Farm and Studio to the south during the construction of the proposal and of the completed built form thereafter. It is considered unlikely that visibility of the proposed development within the wider landscape would be widespread and, therefore, potential impacts on more distant landscape and visual receptors is likely to be limited.

In landscape terms, we have no objection to the proposed development. We recommend the following conditions as part of any grant of consent.

The development shall be carried out in strict accordance with the 'Arboricultural Impact Assessment' (AIA) (dated June 2025), prepared by TD Tree & Land Services, unless otherwise agreed in writing with the Planning Authority.

Tree Retention

No trees, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped, or interfered with in any manner without the previous written consent of the Planning Authority.

Reason

In the interests of the amenity of the area.

Tree Protection

No development shall take place on site until temporary protective fencing and temporary ground protection as detailed in the Arboricultural Impact Assessment' (AIA) (dated June 2025), prepared by TD Tree & Land Services has been installed, approved by the arboriculturist, and confirmed in writing by the Planning Authority. The fencing must be fixed into the ground to withstand accidental impact from machinery, erected prior to site start and retained on site and intact through to completion of development. The position of this fencing and ground protection must be as indicated on the drawing 'Tree Protection and Mitigation' (Drawing no. 250501001), shall be positioned outwith the Root Protection Area (RPA) as defined by BS5837:2012 for all trees and approved in writing by the Planning Authority.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced off areas creating the Construction Exclusion Zones the following prohibitions must apply:-

- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

In order to form Construction Exclusion Zones around retained trees and protect retained trees from damage.

Planting Plan, Timescale and Replacement planting

No development shall take place until there has been a scheme of landscaping submitted to and approved in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details; replacement tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting and maintenance. We would recommend that any

trees be planted at light standard size, 6-8cm girth, 2.50 to 2.75 metres.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the approved drawings. Any trees, hedges or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All landscape shall be retained and maintained to accord with the details of the approved details of landscaping.

Reason:

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

If you have any questions, please don't hesitate to get in touch.

Best regards,
Chris

Chris Wiseman | Project Officer - Landscape | 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.



Scott, Megan (Committees)

From: [REDACTED]
Sent: 06 June 2025 10:21
To: Taylor, David (Officer)
Cc: Environment Reception; [REDACTED]
Subject: TRANSPORT PLANNING RESPONSE: 25/00577/P-Mr David Taylor - Planning Consultation

Categories: Isla

EAST LoTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager

To: Service Manager, Planning

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

The proposed single dwelling includes a double driveway which would be an acceptable parking provision in consideration of our adopted car parking standards. The driveway includes two car parking spaces, both of which are set out as 2.5m by 5.0m size, plus a 1.2m width path on one side and at the rear of the spaces as shown in the proposed site plan - such dimensions meet our requirements. One electric vehicle charging point is also proposed, which is welcome. The materials and arrangement of the driveway are also considered to be acceptable given the quiet nature of this private lane.

On the basis of the above, we have no objections to this planning application.

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

please ask for:

Jon Canty

Transportation Planning Officer

East Lothian Council

01620 827285

jcanty@eastlothian.gov.uk

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Good afternoon,

Waste Services would have no objection to this.

Kind regards

Ross Largue

Team Manager – Waste

Kinwegar Transfer Station

A199 Haddington Road

Wallyford

East Lothian

EH21 8JU

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

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

Sent: 04 June 2025 13:48

To: Largue, Ross <rlargue@eastlothian.gov.uk>

Subject: 25/00577/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Land To North Of Spittalrigg Main House Spittalrigg Letham Haddington 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%7Cenvironment%40eastlothian.gov.uk%7C122c81c220f64eb63ada08dda36e0a5e%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638846415210094496%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoitWFrpbClslldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=7yqNjcWqh3htDpPFfCMnFWLzDvHVtQPstPrjweCe%2Bnl%3D&reserved=0]