



## **MINUTES OF THE MEETING OF THE PLANNING COMMITTEE**

**TUESDAY 4 NOVEMBER 2025  
VIA HYBRID MEETING FACILITY**

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### **Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Allan (R)  
Councillor D Collins (R)  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert (R)  
Councillor C McGinn  
Councillor S McIntosh  
Councillor K McLeod  
Councillor J McMillan  
Councillor C Yorkston

### **Other Councillors Present:**

None

### **Council Officials Present:**

Mr G Marsden, Service Manager – Planning  
Mr C Grilli, Service Manager – Governance  
Ms E Taylor, Team Manager – Planning Delivery (R)  
Mr D Irving, Senior Planner  
Mr C Kiely, Planner  
Ms A Law, Assistant Planner  
Mr J Baker, Service Manager – Economic Development (R)  
Mr N Morgan, Outdoor Access Officer (R)  
Ms J Newcombe, Biodiversity Officer (R)  
Mr C Wiseman, Project Officer – Landscape (R)  
Ms S Cheyne, Project Officer – Landscape  
Ms T Olusina, Project Officer – Landscape (R)  
Ms L Hunter, Senior Roads Officer (R)  
Ms M Haddow, Senior Roads Officer (R)  
Mr M Greenshields, Senior Roads Officer (R)  
Mr J Canty, Transport Planner (R)  
Ms C Clark, Environmental Health Officer (R)  
Mr I Chalmers, Team Manager – Structures & Flooding (R)  
Mr C Hamm, Sustainability & Climate Change Officer (R)  
Ms P Gray, Communications Adviser (R)  
Ms E Barclay, Democratic Services Assistant

### **Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2: Mr A Hamilton, Mr G Simpson, Ms J Pepper, Dr D Zawinski, Ms J Bell, and Mr C Bruce

Item 3: Mr K Ross, Mr R Haig, Mr C Black, Ms J Bell, Mr S Flame, Ms K Harper, and Ms P Swan

Item 4: Mr I Hynd, Mr H Harper, Mr S Baird, and Ms L Adam

Items 5-6: Mr C Stevenson

**Apologies:**

Councillor C Cassini

**Declarations of Interest:**

Item 3: Councillor Hampshire made a declaration of interest on the basis that residents considered that he had already declared his position on the application.

The clerk advised that the meeting was being held as a hybrid meeting; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the East Lothian Licensing Board was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for five years from the date of the meeting.

The committee clerk recorded the attendance of Planning Committee members by roll call.

**1. MINUTES FOR APPROVAL  
Planning Committee, 7 October 2025**

The minutes were agreed as an accurate record of the meeting.

**2. ENERGY CONSENTS UNIT CONSULTATION 25/00003/SGC: SECTION 36 – CONSTRUCT, INSTALL, OPERATE AND DECOMMISSION A GROUND-MOUNTED SOLAR PHOTOVOLTAIC (PV) DEVELOPMENT WITH A GENERATING CAPACITY OF UP TO APPROXIMATELY 165 MEGAWATTS (MW), BATTERY ENERGY STORAGE SYSTEM (BESS) WITH A CAPACITY OF UP TO APPROXIMATELY 80 MW, ASSOCIATED INFRASTRUCTURE, ACCESS, AND LANDSCAPING FOR AN OPERATIONAL PERIOD OF UP TO 40 YEARS – ECU00004815, SPRINGFIELD SOLAR FARM & BATTERY ENERGY STORAGE SYSTEM (BESS), LOCATED APPROXIMATELY 7.8 KM SOUTHEAST OF DUNBAR**

A report had been submitted in relation to planning application no. 25/0000/SCG. Amy Law, Assistant Planner, presented the report, highlighting the salient points. The report recommendation was to approve the consultation response outlined at Appendix 1.

Officers responded to questions from Committee members in relation to: the requirement for a public inquiry following a local authority's objection to the Section 36 application; how

the Council had concluded that the use of prime agricultural land had been minimised; and whether the project could be claimed to be essential infrastructure when there were more projects than would be required by 2030 net zero targets.

Alexander Hamilton spoke on behalf of the applicant, Voltalia, and was accompanied by Luke Major. He gave information on: Voltalia's other projects and the expected investment from Voltalia's pipeline of renewable energy projects in Scotland; due diligence undertaken to ensure the proposals best fit the requirements of the national renewable energy infrastructure; the makeup of the site in terms of infrastructure and habitat mitigation; how the technology would work; the role of the project in helping to fulfil net zero targets; changes made to the scheme following feedback; the project's role in diversification of farming operations; an acknowledgement of localised visual impact, but that these would be in line with National Planning Framework 4 (NPF4) Policy 11, and generally considered to be acceptable; the lack of objection from statutory consultees; the anticipated community benefit fund of over £2 million over the lifetime of the project; design aims to enhance local biodiversity; strategic reasons for there being a high density of energy developments in East Lothian; and the decommissioning process to leave the land in better condition than at the point of commencement.

Mr Hamilton and Mr Major answered questions regarding: attenuation and bunding measures, given the proximity to a water course; how the land would be improved by the scheme; the applicant's lack of engagement with the Local Place Plan; fencing and wildlife corridors; the use of the land for growing food; procurement of the solar panels; the applicant's other projects; engagement with other developers; East Lammermuir Community Council's (ELCC) priorities; pre-application discussions with the Council; and site selection.

Gordon Simpson spoke against the proposals, and advised that the officer's report largely concurred with the position of the group Save Our Rural East Lammermuir Landscape (SORELL). He pointed out that there had never been such a strong level of objection from the community to any other proposed development, with almost 100% of residents in opposition. He also commented on: the vast scale of the development and the level of disruption and intrusion on the conservation area and special landscape area; the lack of community engagement or reassurances about safety; the poor communication and response from Voltalia in relation to concerns raised; potential implications of an environmental incident; the visual impact being unmitigable; and the stress and worry the proposals had caused to residents.

Jacqueline Pepper spoke against the proposals. She made comment regarding: the overwhelming consensus that the proposals were the wrong development in the wrong place; the report's reflection of the community's concerns; the vast scale of the proposals; the lack of sufficient data, illustrations, and visualisations to convey the scale of the proposals, and the lack of representation of the land's topography; the community's commitment to safeguarding the landscape, while embracing renewable energy; failures in the application, such as breaches of NPF4, omissions of critical assessments, and unsubstantiated claims of biodiversity net gain; Voltalia's tokenistic consultation; the profound impact of the proposals on the wellbeing of the community; and safety concerns relating to open spaces becoming closed corridors. She summed up the community's belief that the development would cause irreversible damage to the landscape, that Voltalia had ignored the opportunities for dialogue and lost all trust, and that the issues of scale, and nature and extent of the proposal could not be resolved. She asked that the Committee object to the proposal and called for a public inquiry.

Deborah Zawinski spoke against the proposals. She gave an account of the horror of receiving notification of the proposal to surround her property by what would be Scotland's largest solar project. She advised that Voltalia had previously been unaware that the

whole area of land was not owned by the landowner. She made comparison with a small-scale community project on Black Castle Hill, which would have had far less impact, but which was not allowed to go ahead due to insufficient connectivity. She noted that there was no minimum distance between dwellings and a solar farm in Scottish or UK legislation, but advised that other countries required distances of 500m to 2km. She explained that an amendment to the proposal had been made, but only on the sides that least affected her property. She also raised concerns about the medical impact of such a proposal, and concerns over the impact of noise. She talked about the transformation of the rural landscape into an industrial landscape, leaving residents feeling trapped, and rendering their properties valueless. She implored the Committee to object to the proposals, due to the damaging impact on the houses in closest proximity, and because the proposals had nothing to offer the community.

Chris Bruce spoke against the proposals on behalf ELCC. He pointed out that ELCC's surveys showed residents to be supportive of the national shift to green energy, and gave examples of proposals they had supported. He pointed out that the previously approved Fred Olsen development at Crystal Rig was an inactive project, and highlighted concerns that the Springfield proposal was not economically viable either. He highlighted the massive impact on residents' wellbeing caused by the announcement of the proposals, which he described as 'blanketing of the local countryside with industrial equipment', and also pointed to the significant community interest and opposition. He described having the proposals hanging over residents, perhaps for years, as feeling punitive. ELCC saw no evidence that Votalia had taken account of biodiversity aspirations, active travel corridors, or shared ownership of electricity generation. He also highlighted that there was no evidence that the proposals would offset any carbon emissions, and provided further details of ELCC's research on this matter. He implored the Committee to object to the proposals. He also asked that the objection make specific reference to significant doubts over economic viability and the proposals' ability to offset any greenhouse gas emissions.

Jacquie Bell spoke against the proposals on behalf of West Barns Community Council (WBCC). She highlighted a number of concerns, including: the poor standard of public engagement from Votalia; that brownfield sites had not been considered; the vast scale of the development and the resultant visual impact and loss of agricultural land; road safety during the construction phase; WBCC's consideration that Votalia should agree to the ELCC Code of Good Practice and make financial contributions towards road safety; the detrimental impact on Oldhamstocks and the close proximity of fences and panels to property boundaries; the blocking of rights of way; the impact on habitat and wildlife corridors; the impact on the socioeconomic health of the locality; fire safety associated with BESS technology, and the ability of local fire services to cope with potential incidents; and whether the proposals could be considered essential infrastructure. She concluded that the long-term negative impacts on the environment and community outweighed any benefits of the renewable energy project.

In the debate stage, Members commented on: the possibility of growing crops on Grade 3 farmland; the need for diversification of farming operations; the limited potential for biodiversity around industrial infrastructure, and minimal potential for soil improvement due to compaction; the close proximity to the water course; fire safety concerns; traffic issues; the extreme industrialisation of the area; the requirement to factor BESS and control of renewable energy locations into the next iteration of the East Lothian Local Development Plan (LDP); the potential for the proposal to destroy the countryside, and the need to protect rural residents; the poor choice of location; numerous inconsistencies, mistakes, and lack of information in the applicant's submissions, meaning that the application could not be adequately assessed; that the proposals could not be considered to be essential infrastructure; concerns over the loss of land for growing food; the lack of national strategy around renewable energy projects; the proposals being wrong in terms of setting, site, strategy, scale, and scope; the adverse impact on the conservation area,

and there being no possibility for meaningful mitigation; the significant detriment to the wellbeing of residents; and the hope that other developers would reconsider submitting such an application, without consideration for communication or collaboration.

In response to proposals made for changes to the response by Councillor McIntosh and Mr Bruce, Graeme Marsden, Service Manager – Planning and Chief Planning Officer, gave advice on which suggestions could be included. The following change was discussed:

- Due to the potential impact the proposed development would have on recreational use, *and Scottish outdoor access legislation*, the Council objects to the proposal in terms of access and recreation;

He advised that points made in relation to economic viability and concerns over the development's potential to offset any CO<sub>2</sub> emissions were not planning matters, however, he suggested that comments made at the meeting could be noted as an addendum to the response. Mr Marsden also gave an account of a case in Angus where Scottish ministers recommended that an appeal be refused on the basis of the cumulative impact of loss of prime agricultural land; he suggested that this could also be noted in the Council's submission.

Councillor McIntosh suggested, given the precedent in Angus, that the Council's submission ask the ECU to consider whether the development could be considered essential infrastructure that would justify the loss of prime agricultural land. It was agreed that final wording of this amendment could be established between Councillor McIntosh, the Convener, and Mr Marsden.

On the basis of the outline provided by Mr Marsden, Councillor McIntosh formally proposed the amendments, noted below, and they were seconded by the Convener.

The Convener then moved to a roll call vote, and Committee members unanimously voted in support of approving the consultation response, as amended by Councillor McIntosh's proposal.

## **Decision**

Planning Committee agreed to approve the Council's consultation response, objecting to the application, subject to the following:

- An amendment to one of the grounds for objection, which would now read, 'Due to the potential impact the proposed development would have on recreational use, and Scottish outdoor access legislation, the Council objects to the proposal in relation to access and recreation.'
- That the Council's submission would ask the ECU to consider whether the development could be considered essential infrastructure that would justify the loss of prime agricultural land, with the wording of this amendment to be agreed between Councillor McIntosh, the Convener, and Mr Marsden.
- That points made in relation to economic viability and concerns over the development's potential to offset any CO<sub>2</sub> emissions be noted as an addendum to the Council's response.

**Sederunt:** *Councillor Hampshire left the meeting.*

**3. PLANNING APPLICATION NO. 24/01004/P: INSTALLATION OF SURFACE WATER PIPE, LAND EAST OF DUNBAR GARDEN CENTRE, SPOTT ROAD, DUNBAR**

A report had been submitted in relation to planning application no. 24/01004/P. Daryth Irving, Senior Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members in relation to whether it was feasible to construct the pipe without damaging an existing private septic tank, and any recourse in case of any problems.

Ken Ross spoke to the application on behalf of the applicant, and was accompanied by Campbell Black and Richard Haig. He drew attention to various points, including: that the proposal would serve the commercial and industrial area of Dunbar, but would also be required to support future development elsewhere in Dunbar; existing registered burdens on the title to the land affected by the application, which allowed statutory authorities access to carry out repairs and new works; that specialist advice obtained by the applicant indicated that this work could be carried out; the lack of objections from the Council's technical departments, or from statutory consultees; technical consent having been granted by Scottish Water; and the applicant's acceptance of the officer's recommended conditions.

Committee members asked questions relating to: the method used to lay the pipe without causing disturbance to the septic tank (to which Mr Ross responded that there were several ways of doing this safely, but that any damage would be repaired and replaced); and the destination of any excess water above the 43L per second hydrobrake limit.

Ms Bell spoke against the application on behalf of WBCC. She raised issues concerning: why an alternative connection point or SuDS solution had not been considered; there having been a previous judgement that there was not space to install a pipe without risk to the septic system and Brox Burn; the Ancroft residents' lack of support for the development on their property; that a building warrant would not be granted; the burn's history of flooding, and the increased risk to properties caused by the increased pipe size. She welcomed and noted Conditions 3, 4, and 5, but still felt that the proposal should be refused due to the risk of pollution. She noted the burn's importance as habitat and fishing ground, and ongoing work to monitor water quality and biodiversity; she highlighted the importance of avoiding the risk of pollution, and requested that an oil interceptor be installed to mitigate risk from the proposed Eastern Green Link Park & Ride. She was also concerned about the impact of the new pipe route on the wall that would be breached, and on the A1087. She concluded that WBCC were aware of the economic case for the retail park and that a drainage solution was needed, but felt that the risks from this proposal were too great.

In response to Ms Bell's representation, Mr Ross provided commentary on the potential for alternative pipe routes, but advised that the proposed route had been taken forward at the request of Scottish Water. Committee members also asked questions about: the need for a building warrant; Scottish Water's reasons for supporting the current route; the capacity of the pipe to North Beach, roads drainage; and the storage volume within the length of the pipe.

Simon Flame spoke against the application. He expressed that, as the owner of Broxmouth Estate, he was supportive of initiatives to drive investment in Dunbar, but was

extremely worried about the application's approach taken to the handling of surface water. He raised particular concern over the implications for the estate and its neighbours, and the evidence submitted in relation to the increased risk of flooding. He highlighted a number of points raised by his environmental consultants, including: flawed sensitivity testing results within the drainage impact flood assessment, and he referred to photographs to show that the banks of the river at flood level; that the drainage route was not in the natural catchment area; and the potential impact on the listed landscape. He questioned why, as capacity had already been identified as an issue at Spott Road, Scottish Water could not bring forward works to ensure the town was better prepared for planned growth. He discussed the estate's business operations and future growth; he concluded that adding water from outside the catchment, when water levels were already increasing naturally, would impact on estate development and protection of existing infrastructure. He added that interfering with the flow of the burn was a violation of his riparian rights.

Kirsten Harper spoke against the application. She considered the various revisions as acknowledgement of the original application's flaws, and said residents maintained that the current application was also flawed. She raised concern about the significant water level rise during snowmelt and high rainfall; she pointed out that the latest version of the Environmental Impact Assessment (EIA), as well as the report commissioned by Mr Flame, indicated that there was potential for flooding at Broxburn. She pointed out that the burn would not be allowed to flow naturally following the pipe's installation, and insisted that her riparian rights be respected. She made further points, including: that the full survey should be carried out prior to approval, and that the application should be refused until the final version was complete; that the pipe would come within four inches of the residents' septic tank; that the Environmental Rights Centre for Scotland maintained that the EIA remained unlawful; the immense stress caused by the application; the lack of evidence of Scottish Water's approval of the plans; and she questioned whether revised plans had been approved now that the location of the septic tank had been confirmed. She said residents continued to fight against the application, but she outlined additional conditions sought if approval were to be granted. These related to: upgrading the septic tank system futureproofing the banking and concealing the pipe; replacing trees to maintain privacy; leaving wildlife routes open; strengthening the bridge; covering the cost of legal advisers to the residents; setting an agreed time limit on disturbance to residents; and the site being left in the same or an upgraded state. She reiterated her position that the application should be refused.

Councillor McMillan asked Ms Harper whether the statement required by Condition 7 gave some comfort. Mr Marsden pointed out that it was possible for surveys to be undertaken following planning consent being granted, and appropriate for Construction Management Plans to be provided under conditions.

Pippa Swan spoke against the application on behalf of Dunbar Community Council (DCC), which was supportive of development at Dunbar Business Park. She highlighted that, although the application had been billed as drainage only for three commercial units, it was designed to collect surface water for the whole developed estate. She pointed out that, beyond the detailed development to the east of the garden centre, the pipe ran clear to the Brox Burn without attenuation, hydrobrakes, or SuDS ponds; she said the proposal did not even pretend to deal with the surface water disposal for the site as a whole. She described the designs as being based on best guess, and that the applicants expected any alternative would avoid public scrutiny. She pointed to a lack of evidence that Scottish Water supported the current design. She sought two further conditions, in addition to those proposed by Ms Harper, relating to receiving assurance from Scottish Water that the design would accommodate the full impact of surface water and pose no increase flood risk to the homes at Ancroft, and that homeowners at Ancroft be indemnified against flood damage to their property. She asked Planning Committee to refuse the application and

require a fully resolved design that was endorsed by Scottish Water as meeting the demands of the full Dunbar Business Park.

Councillor McMillan thanked Pippa and Alistair Swan for their work in the community through their association with DCC.

Officers responded to questions about Scottish Water's technical approval of the design, and Mr Irving pointed out that it was not felt that reconsulting Scottish Water following the submission of additional information had been necessary, because their technical approval was a separate process. Ian Chalmers, Team Manager – Structures and Flooding, pointed out that investigation work had not yet been undertaken, and this would require to be reviewed and updated before approval would come from East Lothian Council. Mr Haig responded by providing an outline of the stages at which Scottish Water had been consulted, and advising of various barriers to investigation work in terms of land ownership. He agreed that the developer would have to go back to Scottish Water following investigation.

Mr Marsden gave his position on the seven conditions proposed by Ms Harper and Ms Swan. In relation to minimising the impact of construction activity, and to provide reassurance of Scottish Water's technical approval, he suggested an amendment to Condition 7 and a new Condition 8 could be added, noted below. Mr Ross offered that the developer would replace and upgrade the existing septic tank system free of charge.

Councillor Collins, local member, referred to an existing report which indicated that the bend in the burn would increase flooding, and would be affected by any additional water being added into the system; she would pass this onto the developer and Ancroft residents. She felt that communication and processing of the development had been poor; she pointed out that a new septic tank had only been offered to one resident, and felt that the developer should have been up front about the pipe serving the whole Dunbar Business Park. She proposed the application be continued until such time as the survey could be undertaken, as she was concerned about futureproofing the design and communication with residents. Councillor Findlay seconded Councillor Collins' motion to continue the application.

Councillors McIntosh, Findlay, and Allan raised concerns about the application, including: being convinced by the objections and Mr Flame's photo of the burn at flood level; the proposals not being in keeping with NPF4 Policy 20 due to the surface water coming from outwith the catchment of the burn; concerns about under resourcing and a lack of prioritisation from SEPA and Scottish Water in the prevention of pollution or small scale flooding; being unconvinced of Brox Burn's capacity for the influx of additional input; and concerns over the futureproofing of the proposals.

Councillor McMillan then moved to a roll call vote on Councillor Collins' proposal to continue the application, and votes were cast as follows:

For:	3	(Councillors Allan, Collins, and Findlay)
Against:	7	(Councillors McMillan, Forrest, Gilbert, McGinn, McIntosh, McLeod, and Yorkston)
Abstain:	0	

Planning Committee therefore agreed to move to determination of the application, and the amendment to Condition 7 and an additional Condition 8, noted below, were formally proposed and seconded by Councillors McMillan and McGinn, respectively.

Councillor McMillan noted the offer from the applicant to replace the septic tank, and the request from objectors to look at flood protection issues; he asked that these be covered



in the Construction Method Statement. The applicant's representatives indicated that they had been aware that the septic tank system served six properties.

Councillor McMillan then moved to a roll call vote. Position 1 was the officer's original recommendation to grant consent, and position 2 was to grant consent, as amended by Councillor McMillan's proposal. Votes were cast as follows:

For (position 1):	0	
For (position 2):	6	(Councillors McMillan, Forrest, Gilbert, McGinn, McLeod, and Yorkston)
Against (refuse):	4	(Councillors Allan, Collins, Findlay, and McIntosh)
Abstain:	0	

## Decision

Planning Committee agreed to grant consent, subject to the following 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 Unless otherwise approved in writing by the Planning Authority, the surface water pipe hereby approved shall be designed and constructed such that the surface water output from it into the Brox Burn does not exceed 43 litres per second. The surface water pipe shall be fitted with a hydrobrake or similar flow-restricting device to ensure the surface water flow does not exceed that output amount.

Reason:

In the interests of flood protection.

- 3 Prior to the commencement of development, a copy of the relevant European Protected Species licence, (or notification of works to be carried out under a Bat Low Impact Licence) and a Species Protection Plan (bats, otter and badger) shall be submitted to and approved by the Planning Authority. The Species Protection Plan should be informed by supplementary surveys for the protected species (bats, otter and badger) to be carried out by a suitably qualified person, which shall include biodiversity enhancement measures.

Any mitigation measures required as a result of the approved Species Protection Plan shall be detailed within a Construction Environmental Management Plan (CEMP), which shall be submitted to and approved by the Planning Authority prior to the commencement of development. Development shall thereafter be carried out in accordance with the approved CEMP.

Reason:

In the interests of safeguarding the biodiversity of the area.

- 4 There shall be no commencement of development until the Planning Authority has approved in writing the terms of appointment by the applicant of an appropriately experienced and qualified Ecological Clerk of Works (ECoW). The terms of the appointment shall:

\* impose a duty to monitor compliance with the Construction Environmental Management Plan as required by Condition 3 above; and

\* detail the stages of the construction phase of the development when the ECoW shall be in post.

The EcoW shall be appointed on the approved terms unless otherwise agreed in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of wildlife.

- 5 Unless otherwise agreed in writing by the Planning Authority, no development shall take place on site until temporary protective fencing for trees and a hedgerow has been erected:

- \* 3 metres to the south side of the surface water pipe route on the south side of the old A1 road;

- \* on the southern side of hedge adjacent to 6 Ancroft, and;

- \* around trees on the bank of the Brox Burn south of the new outfall to the burn.

The detail of the temporary protective fencing and its positioning shall be submitted to and approved in advance by the Planning Authority.

The temporary protective fencing shall be erected prior to site start and retained on site and intact through to completion of development.

Reason:

To ensure the protection of trees and hedging in the interests of safeguarding the landscape character of the area.

- 6 If any tree to be retained along the site of the surface water pipe is removed, damaged or dies as a result of the site works hereby approved it shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In the interests of the landscape character of the area.

- 7 Prior to the commencement of development, a detailed method statement shall be submitted to and approved by the Planning Authority, which shall set out the scope of works, site investigations and method of construction of the surface water pipe hereby approved. The method statement shall also include mitigation measures to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust and shall include hours of construction work.

If the method statement concludes that the existing waste water treatment tank it passes has to be removed to facilitate construction of the surface water pipe, then the existing waste water treatment tank shall be replaced by the applicant.

Development shall thereafter be carried out in accordance with the detailed method statement as so approved.

Reason:

To ensure the surface water pipe can be installed as approved in the interests of the amenity of the area.

- 8 Prior to the commencement of development, confirmation from Scottish Water that the surface water drainage pipe hereby approved has been granted technical approval shall be submitted to and approved by the Planning Authority.

Reason:

In the interests of the amenity of the area.

**Sederunt:** *Councillor Hampshire re-joined the meeting.*

**4. PLANNING APPLICATION NO. 24/00902/PM: ERECTION OF 339 HOUSES, 24 FLATS, 2 RETAIL/COMMERCIAL UNITS (CLASS 1A) AND ASSOCIATED WORKS, LAND SOUTH OF WHITECRAIG**

A report had been submitted in relation to planning application no. 24/00902/PM. Mr Irving presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions from Committee members regarding: the number of one-bed cottage flats; measures to alleviate flooding while the development was ongoing; remediation work required due to the presence of mineshafts; changes to speed limits; calculation of developer contributions, particularly in relation to the upgrade of Old Craighall Junction; consideration given to active travel connections to better connect Whitecraig; developer contributions to sports and changing provisions; the timeline for the bus turning circle; speed control measures; and the timeframe for delivery of the retail units.

Iain Hynd spoke to the application on behalf of the applicant, and explained the context, characteristics, and benefits of the proposed development. He made reference to: the number of homes and proportion of affordable homes; the proposals' compliance with the Whitecraig South Development Brief; an area of land transferred by the applicant to allow delivery of the new Whitecraig Primary School; the makeup of the new retail centre; a large area of open space to be formed at the northern part of the development, and landscaping of this area; further areas of parkland as part of the new neighbourhood; new active travel links, core path connections, bus stops, and improvements to the site's accessibility; and strategies used to strike the balance between creating an urban edge to Whitecraig while also respecting the adjacent rural character and environmental quality.

Mr Hynd, Henry Harper, and Steven Baird responded to questions from Committee members on: the parking management strategy during construction; a single point of contact for feedback or requests; the landscaping and layout plans, strategies to ensure off-road bikes could not cause issue; ramped access to various parts of the site; factoring arrangements; the timetable for connection of foul water drainage serving the development; timetable for completion of the footpath, SuDS basin, and buses being able to access the site; mitigation for the foraging of European protected species; construction traffic and parking; the need for a bus turning circle; and marketing of the two retail units.

Louise Adam spoke against various aspects of the application. She raised concerns about: the newbuilds' back gardens looking directly onto her living room and bedroom; vibrations from piling work affecting properties, many of which already had cracks from other works; that street lighting from the footpath would spill into her living room; and plans for the path outside her home, which was currently a dead end.

**Sederunt:** *Councillor McIntosh left the meeting.*

Officers and Mr Hynd responded to a number of questions raised in response to Ms Adam's representation, and Mr Hynd confirmed that there would be no proposal to develop on land which was on her property's title deed.

At the debate stage, Committee members commented on: the mix of house types, the two new retail units and the new sports and changing facilities being welcome; the development's role in futureproofing Whitecraig Primary School; issues experienced by residents of other developments with factoring arrangements; the protected species report

being welcome; the importance of the surface water drainage system development; and a hope that the development would be carried out with minimum disruption to the village.

In response to points raised by Committee members, Mr Marsden provided suggested wording for additional conditions to require the timescale for delivery of a bus turning circle and the timescale for the retail/commercial units, noted below. These conditions were formally proposed by the Convener and seconded by Councillor McLeod.

The Convener then moved to a roll call vote, and Committee members unanimously voted in support of the officer's recommendation to grant consent, as amended by the Convener's proposed additional conditions.

## **Decision**

Planning Committee agreed to grant planning permission, subject to the following:

1. The undernoted conditions.

2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

(i) a financial contribution of a total of £7,964,749 towards the provision of additional accommodation at Whitecraig Primary School and Rosehill High School;

(ii) the provision of 91 affordable housing units within the application site;

(iii) a financial contribution to the Council of £461,010 towards sports and changing provision within Whitecraig;

(iv) a financial contribution to the Council of £102,910 towards enhancement and provision of additional play facilities at the existing play park within the Whitecraig Park to the north of the site;

(v) the transfer to East Lothian Council at no cost of the land as shown outlined in red on docketed drawing no. WC-TITLE-002 Rev A titled 'Proposed Title Area';

(vi) a financial contribution to the Council of £48,688 towards landscaping of the transfer land; and

(vii) a financial contribution to the Council of £26,320 for transport improvements to Old Craighall Junction, Salters Road Interchange, Bankton Interchange, Musselburgh town centre improvements, Tranent town centre improvements and rail network improvements.

(viii) The retail/commercial part of the site must be fully serviced (drainage, water, electricity, gas, telecoms and fully accessible to vehicular and pedestrians), including formation of road access from Salters Road by the completion of the 50<sup>th</sup> housing unit to enable development of the site.

3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient primary and secondary school capacity within the catchment, a lack of provision of affordable housing, a lack of sports infrastructure improvements and a lack of roads and transport infrastructure contrary to, as applicable, Policy 18 of NPF4, Policies DEL1, HOU3, HOU4 and Proposals T9, T10, T15, T17, T21, T27, T28, ED1, CF1 and MH13 of the adopted East Lothian Local Development Plan 2018 and its adopted supplementary guidance: Developer Contributions Framework.

As per the Adopted Supplementary Guidance: Developer Contributions Framework, all Strategic Transportation and Sports Provision Contributions will be increased in line with indexation from Q1 2019 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS)

Limited for the Royal Institution of Chartered Surveyors until due date of payment, all Primary Education Contributions will be increased from Q3 2023, Secondary Education Contributions will be increased from Q4 2023 and the Secondary Education Campus Land Contribution will be increased from Q1 2019 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment, and the Play Provision Contribution will be increased in line with indexation from Q3 2017 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment. The Landscape Contribution will be increased in line with indexation from Q3 2025 until date of payment using the BCIS All-in Tender Price Index.

## 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 ridge height of the proposed 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 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions on the application site in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 2026/27 - 40 residential units  
Year 2027/28 - 50 residential units  
Year 2028/29 - 50 residential units  
Year 2029/30 - 50 residential units  
Year 2030/31 - 50 residential units  
Year 2031/32 - 50 residential units  
Year 2032/33 - 50 residential units  
Year 2033/34 - 23 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2034/35 or beyond and not added to the subsequent year.

Reason:

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

- 4 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses, flats and garages hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour, and shall show the roofs being clad in more than one colour of roof tile. All such materials used in the construction of the houses, flats and garages shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 5 Prior to their erection, details, including their size, form, position, appearance and colour(s), of all substations and gas governors to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any substations and gas governors shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of the substations and gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 6 A timetable for the provision of all boundary treatments for the gardens of the houses and flats hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby and to ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 7 Other than the area shown outlined in red on docketed drawing no. WC-TITLE-002 Rev A titled 'Proposed Title Area', all the open space recreation areas indicated on the docketed drawings shall be available for use prior to the occupation of the last house or flat on the site. The open space recreation areas, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

To ensure the satisfactory laying out of all areas of open space in the interest of the amenity of the future occupants of the houses and flats hereby approved.

- 8 Prior to the occupation of any of the residential units hereby approved a timetable for the implementation of the play area and its equipment also as hereby approved hereby approved shall be submitted to and approved in advance by the Planning Authority and the play area and its equipment shall be installed in accordance with the timetable so approved.

The equipped play area, when provided, shall be used for such purposes at all times thereafter unless agreed in writing by the Planning Authority.

Reason:

In the interests of the amenity of the development.

- 9 Prior to the occupation of any of the residential units hereby approved details of the surfacing of the path to be provided through the play area along with details of bins and benches to be installed at the play area shall be submitted to and approved by the Planning Authority, and such detail shall include a timetable for their installation. The path, bins,

benches and any enclosure shall thereafter be installed in accordance with the detail and timetable so approved.

Reason:

In the interests of the amenity of the development.

- 10 No development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Archaeological Excavation) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

Reason:

In the interests of archaeological and natural heritage.

- 11 Prior to the commencement of development, the footpath/cycle connection between the application site and Dean Court as shown on docketed drawing no. WC-DL-001 Rev V shall be constructed. Details of the route and construction of the footpath/cycle connection, including a timetable for its implementation, shall be submitted to and approved in writing by the Planning Authority and thereafter those works shall be implemented as so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure appropriate pedestrian and cycle links to and from the site.

- 12 Prior to the commencement of development, a timetable for the provision of the 3 footpath/cycle connections from the application site to the Smeaton Railway Walk as shown on docketed drawing no. WC-DL-001 Rev V shall submitted to and approved by the Planning Authority. The 3 footpath/cycle connections shall thereafter be provided in accordance with the timetable as so approved unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure appropriate pedestrian and cycle links to and from the site.

- 13 There shall be no deliveries to the 2 retail/commercial units hereby approved nor any loading or unloading of delivery vehicles in connection with the operation of the 2 retail/commercial units outwith the hours of 0700-2300 hours on any day.

Reason:

To ensure that the amenity of the occupiers of nearby residential properties is safeguarded.

- 14 Prior to the commencement of development details of the provision of pedestrian crossing points to be provided within the application site and the provision of pedestrian and cycle crossing facilities at the bellmouths of all access junctions into the site shall be submitted to and approved by the Planning Authority. Thereafter development shall be carried out in accordance with the details so approved.

Reason:

In the interests of pedestrian safety.

- 15 A visibility splay of 2.5 metres by 70 metres to the north and 2.5 metres by 90 metres to the south shall be provided and maintained at the site access junction to the commercial/retail units with the A6094 Salters Road so that no obstruction lies within it above a height of 1.05 metres measured from the adjacent carriageway surface.

Reason:

To ensure that adequate visibility is provided at the access in the interest of highway safety.

- 16 No residential unit shall be occupied unless and until the existing 20 miles per hour (mph) speed limit on the A6094 Salters Road has been extended southwards to the southern side of the site access junction to the commercial/retail units with the A6094 Salters Road. Details of the new 20 miles per hour speed limit shall be submitted to and approved in

advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 20mph speed limit. Thereafter the new 20 miles per hour speed limit and street lighting shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety and the amenity of the area.

- 17 No residential unit shall be occupied unless and until a 30 miles per hour (mph) speed limit has been brought into effect on the A6094 Salters Road, from a point on the southern side of the site access junction to the commercial/retail units with the A6094 Salters Road to a point south of its junction with U102 Smeaton Farm Road and on the U102 Smeaton Farm Road to a point east of the proposed site access junction. Details of the new 30 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 30mph speed limit and shall incorporate village entry treatments on A6094 and U102 roads. Thereafter the new 30 miles per hour speed limit, street lighting and village entry treatments shall be implemented and installed in accordance with the details so approved.

Reason:

In the interests of road safety and the amenity of the area.

- 18 No residential unit shall be occupied unless and until bus shelters have been provided at both new bus stops within the application site, the detail and locations of which shall be submitted to and approved in advance by the Planning Authority. Thereafter the bus shelters shall be provided in accordance with the details so approved and shall remain in place unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of sustainable travel.

- 19 Prior to the commencement of development, a Stage 2 Quality Audit shall be submitted to and approved by the Planning Authority, which shall detail any further changes required to maximise the accessibility of the site for all modes of transport, including walking and the needs of users who are mobility impaired. The Stage 2 Quality Audit shall also recommend signage to ensure that vehicular and active travel routes through the development are clear and legible and shall include an implementation programme describing when measures identified in the audit will be provided in relation to construction of the development.

The approved Quality Audit shall thereafter be implemented through the detailed design stages and the full audit process completed through to construction/occupation.

Reason:

In the interests of road and pedestrian safety.

- 20 Prior to the commencement of development a Stage 2 Road Safety Audit shall be submitted to and approved by the Planning Authority, which shall be undertaken for the detailed design of roads, junctions, footways, cycle ways and pedestrian crossings where applicable within the development hereby approved, and shall include an implementation programme describing when measures identified in the audit will be provided in relation to construction of the proposed development.

The Road Safety Audit shall be carried out in accordance with the most recent revision of GG119 Road Safety Audit.

Reason:

In the interests of road and pedestrian safety.

- 21 Immediately following completion of the development, the date of which shall be provided in writing to the Planning Authority, a Stage 3 Road Safety Audit - Post Opening shall be submitted to and approved by the Planning Authority.



The Road Safety Audit shall be carried out in accordance with the most recent revision of GG119 Road Safety Audit.

Reason:

In the interests of road and pedestrian safety.

- 22 12 months following approval of the Stage 3 Road Safety Audit as required by Condition 21 above, a Stage 4 Road Safety Audit shall be submitted to and approved by the Planning Authority.

The Road Safety Audit shall be carried out in accordance with the most recent revision of GG119 Road Safety Audit.

Reason:

In the interests of road and pedestrian safety.

- 23 A Travel Information Pack shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved. The Travel Information Pack shall have particular regard to provision for walking, cycling and public transport access to and within the site, shall include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents. It shall also include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Pack.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the development.

- 24 A Construction Method Statement to minimise the impact of construction activity on the amenity of the area, including from the effects of noise and dust, shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control construction traffic, shall include hours of construction work and routes of construction traffic to/from the site. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

The Construction Method Statement shall also include details of wheel washing facilities to be provided, and that these facilities shall be maintained in working order during the period of operation of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

The Construction Method Statement shall also provide details of utility/service drainage connections, including what temporary measures shall be put in place to control surface water drainage during the construction of any drainage system.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

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

- 25 Prior to the commencement of the development, a programme for monitoring the condition of the public roads to be used by construction traffic throughout the period of the development shall be submitted to and approved in writing by the Planning Authority. Unless otherwise agreed in writing by the Planning Authority, the extent of public road to be monitored shall include the A6094 between its junction with the A1 to the north of Whitecraig and the boundary of the East Lothian Council area with Midlothian Council immediately north of the A68 Salter's Road interchange.

The programme shall include details of the monitoring inspection schedule and a plan of how any emergency repairs shall be identified and repaired for damage to the road surface

that could represent a significant road safety risk arising from the construction of the development.

Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the proposed development is rectified.

- 26 The actions to be taken to reduce the carbon emissions from the build and from the completed development as detailed in the 'Whitecraig Statement on Energy' docketed to this planning permission shall be fully implemented on site prior to the occupation of the last residential unit hereby approved and thereafter shall be retained unless otherwise approved in writing by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 27 Prior to the commencement of development, a scheme for the provision of electric car charging points to serve all of the residential units, and associated infrastructure for them, where feasible and appropriate in design terms, shall be submitted to and approved in writing by the Planning Authority. The scheme shall show 1:1 ratio provision with the installation of one 7kW Type 2 charger per dwelling, either socketed or tethered. Where it is not possible to connect to the household's own electrical supply then a factored arrangement shall be provided.

The scheme shall include a timetable for implementation and details of factoring and maintenance arrangements for any charging units which are to be installed outwith the curtilages of residential units.

Development shall thereafter be carried out in accordance with the details so approved and charge points shall be maintained in accordance with the details so approved and shall remain in place unless otherwise approved by the Planning Authority.

Reason:

To minimise the environmental impact of the development.

- 28 Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall 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 shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works as well as details of the procedures to be followed for the verification of the remedial works. It shall also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable.

- 29 Following completion of the measures identified in the Remediation Statement as required by Condition 28 above, a Verification Report shall be submitted to and approved by the Planning Authority prior to the occupation of any of the residential units hereby approved, that demonstrates the effectiveness of the remediation carried out.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable.

- 30 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.

Reason:

To ensure that the site is clear of contamination.

- 31 All of the remedial treatment works to address land instability arising from shallow coal mining legacy as identified in the Statement With Regard to Mine Entry 335669-007 (June 2025) docketed to this planning permission shall be carried out on site in accordance with the terms of that Report prior to the commencement of any other development on the site.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

- 32 On completion of the remedial works as required by Condition 31 above and prior to the occupation of any residential unit, a signed statement or declaration prepared by a suitably qualified person confirming that the site has been made safe and stable for the development hereby approved and confirming the completion of the remedial works and any mitigatory measures necessary to address the risks posed by past coal mining activity shall be submitted to and approved in writing by the Planning Authority and any mitigation works identified shall thereafter be fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to the occupation of any of the buildings.

- 33 Unless otherwise agreed in writing by the Planning Authority no residential unit shall be occupied unless and until details of artwork to be provided on the application site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provided in accordance with the details and timetable so approved.

Reason:

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

- 34 Prior to the commencement of development, a Habitat Enhancement and Management Plan (HEMP) shall be submitted to and approved by the Planning Authority. The HEMP shall detail a gain in biodiversity through habitat creation and enhancement and identify suitable commuting and foraging routes for protected species.

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

Reason:

In the interests of safeguarding the biodiversity of the area.

- 35 The development hereby approved shall be carried out in accordance with Part 4: Recommendations of the Species Protection Plan Rev 1.0 by Ironside Farrar (ref: 62249) dated 18 September 2025 that is docketed to this planning permission.

Reason:

In the interests of safeguarding the biodiversity of the area.

- 36 There shall be no commencement of development until the Planning Authority has approved in writing the terms of appointment by the applicant of an appropriately experienced and qualified Ecological Clerk of Works (ECoW). The terms of the appointment shall:

- \* impose a duty to monitor compliance with the Habitat Management and Enhancement Plan as required by Condition 34 and to monitor compliance with Condition 35; and
- \* detail the stages of the construction phase of the development when the ECoW shall be in post.

The EcoW shall be appointed on the approved terms unless otherwise agreed in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of wildlife.

- 37 Prior to the commencement of development, a revised detailed scheme of landscaping shall be submitted to and approved 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; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the application site, details of any to be retained, and measures for their protection in the course of development. The scheme shall also include a maintenance and management plan for the landscaping.

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 or flat hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased within ten years of 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 or shrubs, 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.

Reason:

In the interests of achieving an appropriate landscaped setting for the housing development.

- 38 Prior to the commencement of development, a timetable for the provision of the early delivery of the road loop around the SuDS basin (which would function as a bus turning circle) and its connection to the A6094 Salters Road shall be submitted to and approved by the Planning Authority. Thereafter the road loop shall be formed and made available for use in accordance with the timetable so approved and shall remain in place unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of sustainable travel.

- 39 No development shall commence unless and until a delivery plan for the two retail/commercial units hereby approved has been submitted to and agreed in writing by the Planning Authority. Thereafter, the two retail/commercial units shall be delivered in accordance with the delivery plan so agreed.

Reason:

In the interests of securing the delivery of the two retail/commercial units in accordance with that proposed.

**5. PLANNING APPLICATION NO. 25/00770/PM: SECTION 42 APPLICATION TO VARY CONDITION 5 OF OUTLINE PLANNING PERMISSION 06/00754/OUT TO EXTEND OCCUPANCY IN DECEMBER, SETON SANDS HOLIDAY VILLAGE AND RESIDENTIAL CARAVAN SITE, PORT SETON, PRESTONPANS**

A report had been submitted in relation to planning application no. 25/00770/PM. Ciaran Kiely, Planner, presented the report, highlighting the salient points. He pointed out that the one submitted objection had been withdrawn. The report's recommendation was to grant consent.

Craig Stevenson, General Manager of Seton Sands Holiday Village, answered questions from Committee members regarding: the choice of date at the end of the holiday period; the reasons behind the request; and other holiday parks offering this service.

In the debate section, Committee members commented on: the holiday park being an asset to the community and local economy; the benefit to the local community from guests staying over the Christmas period; and the further employment brought by the amendment to seasonal opening. Local members and other Committee members indicated that they were fully in support of the application.

The Convener then moved to a roll call vote, and Committee members unanimously voted in support of the officer's recommendation to grant consent.

**Decision**

- 1 The 780 static holiday caravans within Seton Sands Holiday Village can only be occupied seven days per week between 1st March and 7th January of the following calendar year, both dates inclusive and outwith this period they will not be used for any purpose.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation.

- 2 No more than a total of 780 static caravans shall be located on those combined areas of land of the application site marked for caravans, other than touring caravans on the masterplan docketed to this outline planning permission.

Reason:

In the interests of ensuring a satisfactory density of development is achieved, and in the interests of preserving the amenity of neighbouring properties.

- 3 No parts of the lands of the application site designated on the masterplan docketed to this outline planning permission as golf course, wildflower meadows and scheduled ancient monument shall have touring caravans sited on them and elsewhere within the application site touring caravans shall only be sited during the period 1st March to 31st October in each calendar year.

Reason:

To safeguard the amenity of the area and to restrict the siting of touring caravans in a manner respectful of their intended purpose.

- 4 No lighting units shall be installed within the golf course or on or within the vicinity of the wildflower meadows unless with the prior approval of the Planning Authority.

Reason:

To safeguard the visual amenity of the area and the amenity of surrounding residential properties.

**6. PLANNING APPLICATION NO. 25/00768/PM: SECTION 42 APPLICATION TO VARY CONDITION 1 OF PLANNING PERMISSION 18/00843/PM TO EXTEND OCCUPANCY IN DECEMBER, SETON SANDS HOLIDAY VILLAGE AND RESIDENTIAL CARAVAN SITE, PORT SETON, PRESTONPANS**

A report had been submitted in relation to planning application no. 25/00768/PM. Mr Kiely, presented the report, highlighting the salient points. The report recommendation was to grant consent.

As all relevant matters had already been discussed under the previous item, the Convener moved directly to a roll call vote. Committee members unanimously voted in support of the officer's recommendation to grant consent.

**Decision**

Planning Committee agreed to grant consent, subject to the following condition:

- 1 The static holiday caravans within the application site can only be occupied seven days per week between 1st March and 7th January of the following calendar year, both dates inclusive and outwith this period they will not be used for any purpose.

Reason:

To ensure that the static holiday caravans are not used as permanent residential accommodation.

**7. CONFIRMATION OF TREE PRESERVATION ORDER AT LAND ADJACENT TO 12 SEGARSDEAN TERRACE, HADDINGTON [T.P.O. NO. 151 (2025)]**

A report had been submitted in relation to confirmation of a Tree Preservation Order (TPO) [TPO no. 151]. Sarah Cheyne, Landscape Projects Officer, presented the report, highlighting the salient points. The report recommendation was to confirm the order.

Ms Cheyne responded to questions from Committee members regarding: responsibility for the tree's upkeep; enforcement action available to the Council should there be illegal damage to the tree; and whether there was planning permission for the fence around an area that had previously been public open space.

At the debate stage, Committee members commented: on the significance of the tree in an attractive area; that they welcomed enforcement action regarding the fence, which lacked planning permission; and on the importance of protecting trees, particularly when so many were being lost to ash dieback.

The Convener then moved to a roll call vote, and Committee members unanimously voted in support of the officer's recommendation to confirm the TPO.

**Decision**

Planning Committee agreed to confirm the Tree Preservation Order [TPO no. 151].

Signed .....

Councillor N Hampshire  
Convener of the Planning Committee

*The webcast for this meeting will be available at the link below for five years from the date of the meeting:*

[https://eastlothian.public-i.tv/core/portal/webcast\\_interactive/1032991](https://eastlothian.public-i.tv/core/portal/webcast_interactive/1032991)