

LOCAL REVIEW BODY

22 JANUARY 2026

Application No: 24/00768/P

Seton Mains, Longniddry, EH32 0PG

Appointed Officer's Submission

REVIEW AGAINST REFUSAL OF PLANNING APPLICATION

24/00768/P – PLANNING OFFICER'S SUBMISSION

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7th January 2026

**Stephanie McQueen
Planner (Planning Delivery)**

OFFICER REPORT

25th July 2025

App No. **24/00768/P**

Application registered on **27th November 2024**

Target Date **26th January 2025**

Proposal	Section 42 application to remove condition 2 of planning permission 18/00104/P	SDELL	Y/N
Location	Seton Mains Longniddry East Lothian EH32 0PG	CDEL Bad Neighbour Development	Y/N

APPLICANT: Mr Paul Calvesbert

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



DECISION TYPE: **Application Refused**

REPORT OF HANDLING

DESCRIPTION OF APPLICATION SITE

The application site is in the northwest corner of Seton Mains, a predominantly residential area, as defined by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Seton Mains is situated to the west of Longniddry and north of the A198 classified public road.

This current application for planning permission (Ref. 24/00768/P) relates to the land and house of planning permissions 18/00104/P and 07/00972/FUL and specifically to the culverted bridge crossing of the access driveway that serves that house and three other houses.

The site of the house approved by planning permissions 18/00104/P and 07/00972/FUL is bounded to the north by a combination of the residential property of Stepping Stones and the

vehicular access to the application site, to the west by the residential property of 8 Seton Mains Cottages, to the south by a combination of the residential property of 3 Seton Mains Farm Cottages (also known as 3 Old Cottages) and the Seton Burn within its wooded setting, and to the east by the Seton Burn within its wooded setting, beyond which are further residential properties. The land of the culverted bridge crossing of the access driveway that serves the house is located some 50 metres to the north of the house and garden and is bounded to the north and south by the Seton Burn within its wooded setting, to the west by land of the residential properties of Stepping Stones and The Larches, and to the east by land of the residential properties of 4 Burnside Cottage and Woodside Cottage (5 Burnside Cottage).

All of the land of the application site is within an area identified by the Coal Authority as being at high risk from past mining related activity.

The application site is also within the wider designated area of the Battle of Prestonpans. The Seton Mains Enclosure scheduled monument is located a short distance away to the west.

By its location alongside the Seton Burn, parts of the application site are identified by SEPA's flood risk maps as being within a flood risk area and as being at risk from fluvial and surface water flooding.

The North Berwick to Seton Sands Coast Special Landscape Area (SLA) is outwith the application site to the north of the culverted bridge crossing of the access driveway.

RELEVANT PLANNING HISTORY

On 4th December 2009 planning permission 07/00972/FUL was granted for the erection of a detached house on an area of land measuring some 0.075 of a hectare in area that comprised part of the southern area of garden ground of the house of Stepping Stones and also an area of vacant land to the east of that area of garden ground. The house approved by planning permission 07/00972/FUL is now built and occupied and is known as Burnside House, 9 Seton Mains Cottages. Planning permission 07/00972/FUL was granted subject to conditional controls including condition 4 which requires that prior to the commencement of development on the site, the works to upgrade the culverted bridge crossing of the existing site access driveway over the Seton Burn shall have been carried out in accordance with drawing nos. 939/a1B and 939/a2A, all to the approval of the Planning Authority, and that the levels of the existing culvert and the culverted bridge crossing deck shall remain unchanged unless otherwise approved by the Planning Authority. The purpose behind the control embodied in Condition 4 of planning permission 07/00972/FUL is to safeguard road safety and to prevent flooding.

On 6th April 2018 planning permission 18/00104/P was granted retrospectively for the variation of condition 15 of planning permission 07/00972/FUL to allow the retention of a ground floor window that had been formed on the south elevation of the house. Although the house at that time was not yet completed, the application was made retrospectively as the window had already been formed. Planning permission 18/00104/P was granted subject to conditional controls securing the obscure glazing of the ground floor window and in addition the removal of permitted development rights for the formation of any further windows on the south elevation of the house. As an application under Section 42 for the variation of a condition and as the development was not at that time completed, the grant of planning

permission 18/00104/P was also granted subject to the re-imposition of other relevant planning conditions. These included the condition requiring the upgrading works to the culvert bridge crossing (now condition 2 of planning permission 18/00104/P), which are required to be carried out in accordance with drawing nos. 939/a1B and 939/a2A of the grant of planning permission 07/00972/FUL. Again, the purpose behind the control embodied in Condition 2 of planning permission 18/00104/P is to safeguard road safety and to prevent flooding.

The house approved by the grant of planning permission 18/00104/P is now built and occupied. It has been built without the culverted bridge crossing of the access driveway being upgraded in the manner shown on drawing nos. 939/a1B and 939/a2A docketed to planning permission 07/00972/FUL.

PROPOSALS

Through this current application submitted under Section 42 of the Town and Country Planning (Scotland) Act 1997, planning permission is now retrospectively sought for the removal of Condition 2 of planning permission 18/00104/P. Specifically, the applicant seeks to remove Condition 2 of planning permission 18/00104/P in order to allow for the upgrading work to the culverted bridge crossing of the access driveway in the manner carried out, rather than in accordance with drawing nos. 939/a1B and 939/a2A docketed to planning permission 07/00972/FUL. Specifically, the applicant is proposing that the following elements of the works to upgrade the culverted bridge crossing of the access driveway are omitted:

- (i) omit the provision of a galvanised screen, and its associated walls at the 600mm diameter pipe;
- (ii) omit a handrail to the steps and allow for the steps in the different form and arrangement that they have been laid out;
- (iii) omit bank stabilisation works around the three relief pipes; and
- (iv) omit permeable block surfacing to the culverted bridge crossing.

There are no other proposed changes to the scheme of development the subject of planning permission 18/00104/P.

A supporting statement has been submitted with this application and sets out the applicant's reasons for the removal of Condition 2, explaining that:

- a)he does not own all of the land where works would be required to be carried out and has been unable to get permission from the owners of relevant neighbouring properties to undertake the works;
- b)that since his association and ownership of the property in 1996 (28 years ago) he has never had to remove debris or seen the culvert pipe blocked;
- c)since 2012 water flow in the burn has reduced;
- d)the handrail at the steps was never installed but the wall at the side of the steps is higher than required;
- e)the upstream terram was installed above the relief pipes in 2011 but was not fitted further upstream due to the banks being in different ownership;
- f)to help stabilise the banks, laurels were planted on the top of the west banking on land the applicant owned over the past 12 - 13 years; and

g) the permeable block paving was not laid to the surface of the bridge crossing due to the instruction not to surpass the existing road level AOD 26.99 and services laid across the culvert bridge being laid at shallow depth.

In an email, the applicant, makes his own case as to why nearby properties and the road of the culvert bridge crossing are not at risk from flooding and highlights that other culvert crossings in Seton Mains do not have trash screens, relief pipes or bank stabilisation measures. He goes on to state that he was not informed by the Council that the work he had undertaken on the culvert bridge crossing was not sufficient.

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.

Since the grant of planning permission 18/00104/P the approved Edinburgh and the Lothians Structure Plan 2015 and the policies of that Structure Plan have been superseded by the approval of National Planning Framework 4 (NFP4). In addition, the East Lothian Local Plan 2008 and its policies have been superseded by the approval of the East Lothian Local Development Plan 2018 (ELLDP).

The development plan is now National Planning Framework 4 (NFP4) 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), 4 (Natural places), 7 (Historic assets and places) and 22 (Flood risk and water management) of National Planning Framework 4 (NFP4), and policies NH11 (Flood Risk), CH4 (Scheduled Monuments and Archaeological Sites), CH5 (Battlefields), DC9 (Special Landscape Areas) and T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 are relevant to the determination of the application.

REPRESENTATIONS

One public representation to the application has been received. That representation raises objection to the application and the main grounds of objection as summarised are:

- i) the installation of the concrete base, headwall and wingwalls and the galvanised culvert intake screen, the upstream bank stabilisation works and the permeable paving of the culvert bridge have not been implemented and thus condition 2 of planning permission 18/00104/P has not been complied with;
- ii) flooding considerations are even more important now due to the impacts of climate change;
- iii) the incomplete works significantly increase flood risk in the area and as a result put people and property at risk;
- iv) the lack of the intake screen has resulted in the culvert pipe being blocked by debris and requiring to be cleared;

v) the lack of the concrete base, headwall and wingwalls and bank stabilisation measures allows water to scour the banking, which can jeopardise amenity and safety of the only access road to the houses on the west side of the Seton Burn; and

vi) agree with the applicant's statement that the permeable block paving should not be installed on the surface of the culvert bridge crossing.

COMMUNITY COUNCIL

Longniddry Community Council has been consulted on the application however no response has been received from them.

PLANNING ASSESSMENT

The grant of planning permission 18/00104/P approves a variation to condition 15 of planning permission 07/00972/FUL for the erection of one house. The grant of planning permission 07/00972/FUL approves the erection on the site of a two storey house in the position shown for it on the application drawings. Each of these grants of planning permission imposes a planning control for the upgrading of the existing culverted crossing of the access driveway serving the application site.

This current application (Ref. 24/00768/P) is only for the removal of Condition 2 of planning permission 18/00104/P as it relates to the upgrading of the existing culverted crossing of the access driveway serving the application site. This application does not therefore re-assess the merits or otherwise of the erection of a house on the site or the provision of an additional ground floor window in the south elevation of that house.

The main determining factor in this case, with regard to national, strategic and local planning policy and guidance and other material considerations, is whether the removal of Condition 2 of planning permission 18/00104/P to allow for the alterations to the culverted crossing of the access driveway serving the application site to be as has been formed is acceptable with due regard to the potential impact on flood risk and safe access to the house and other properties, which take vehicular access over the culverted bridge crossing of the access driveway.

The application proposes that the work to the culverted bridge crossing of the access driveway is acceptable as it has been carried out. Such works do not comply with drawing nos. 939/a1B and 939/a2A docketed to planning permission 07/00972/FUL. Rather they seek for the work to upgrade the culverted bridge crossing of the access driveway to:

- (i) omit the provision of a galvanised screen and its associated walls at the 600mm diameter pipe;
- (ii) omit a handrail to the steps and allow for the steps in the different form and arrangement that they have been laid out;
- (iii) omit bank stabilisation works around the three relief pipes; and
- (iv) permeable block surfacing to the culverted bridge crossing.

The Council's Road Services have been consulted on the application and have no comment to make regarding the removal of Condition 2 of planning permission 18/00104/P.

The Scottish Environmental Protection Agency (SEPA) have been consulted on the application and have no comment to make regarding the removal of Condition 2 of planning permission 18/00104/P.

The Council's Team Manager - Structures and Flooding advises that the site is in an area identified by SEPA flood risk maps as being at risk from flooding and that reduction of flood risk to the only access point to the properties on the west side of the culvert bridge is extremely important.

The Council's Team Manager - Structures and Flooding advises that at the time of his visit to the site, and at previous visits, the three relief pipes were not visible due to the burn being blocked at the location of the pipes, and that backing up of water was occurring at the time of the site visit.

The Team Manager - Structures and Flooding advises that the laying of permeable paving to the surface of the culvert bridge crossing would not be of significant benefit with regard to flood risk and its installation would be likely to be difficult. He therefore advises that he supports the omission of this element of Condition 2 only.

The Team Manager - Structures and Flooding goes on to advise that the installation of the trash screen upstream of the pipes and the culvert bridge crossing, the installation of the concrete base wall, head wall and wing walls to house the trash screen, the metal handrail for the steps and the bank stabilisation work are all still required to be provided and are necessary flood protection measures to ensure that the pipes of the culvert bridge crossing can be cleared of debris and do not get blocked.

Accordingly, the Council's Team Manager - Structures and Flooding does not support the total removal of Condition 2 of planning permission 18/00104/P.

The purpose of Condition 2 of planning permission 18/00104/P is to prevent flooding and to ensure safe access to the house and the neighbouring houses.

Since the application was registered the Planning Officer has requested information from the applicant to:

- (a) provide evidence that any other current or historic relevant landowners have either recently or historically declined his request for access to undertake the work required by Condition 2 of planning permission 18/00104/P;
- (b) provide evidence of correspondence with East Lothian Council Engineer agreeing to the omission of the work to the culvert crossing; and
- (c) confirm the applicant's or others ownership of the land.

At the time of reporting of this application, no evidence had been provided to demonstrate that the applicant has, either recently or historically, sought permission from any relevant other landowners to undertake the work to upgrade the culvert bridge crossing or that such permission had been declined, and nor has the applicant provide copies of the correspondence he refers to from the Council's Engineer, which he states advised him that the work undertaken to the culvert crossing was sufficient.

On the Planning Officer's review of the documents associated with this matter on planning permissions 18/00104/P and 07/00972/FUL there is no evidence of correspondence from the

Council's Engineer to the applicant or his agent at that time advising that the works to the culvert bridge crossing did not require to be completed in full.

Furthermore, whether or not any other culvert crossings in Seton Mains have trash screens, relief pipes or bank stabilisation measures is not relevant to the determination of this Section 42 application. Condition 2 of planning permission 18/00104/P was imposed on that grant of planning permission as being necessary and relevant to the development the subject of planning permission 18/0104/P and 07/00972/FUL.

The removal of Condition 2 of planning permission 18/00104/P would result in necessary flood protection measures not being implemented as required and the Council's Team Manager - Structures and Flooding raises objection to the application on the grounds of the impact on flood risk and the protection of the only access point to the properties on the west side of the culvert bridge. Accordingly, for the reasons set out above, the proposal to remove Condition 2 of planning permission 18/00104/P to allow for the omission of the works to upgrade the culvert bridge crossing in the manner shown on drawing nos. 939/a1B and 939/a2A docketed to planning permission 07/00972/FUL is not supported and is contrary to Policy 22 of NPF4 and Policies NH11 and T2 of the ELLDP.

Policies 1 and 2 of NPF4 encourage, promote and facilitate development that addresses the global climate emergency and nature crises and that minimise emissions and adapts to the current and future impacts of climate change.

Policy 3 of NPF4 requires that local development includes appropriate measures to conserve, restore and enhance biodiversity and that such measures should be proportionate to the nature and scale of the development.

In the case of this Section 42 application to remove Condition 2 of planning permission 18/0104/P it would not be appropriate or proportionate to require any climate emergency mitigation or biodiversity enhancement. Accordingly the application does not conflict with NPF4 Policies 1, 2 and 3.

Although the land at the culvert bridge crossing is identified as being Class 1 prime agricultural land, it is nonetheless part of the Seton Burn and its banks and thus is not productive agricultural land and would not result in the loss of an area of prime agricultural land.

The application site is located within a wider area that is identified by The Coal Authority as being potentially at high risk from past mining related activity. The nature of the works required by condition 2 of planning permission 18/00104/P would not involve any significant groundbreaking work and as such would fall within Coal Authority exemptions.

Due to the location of the application site within the settlement boundary of Seton Mains and the nature of the works required by Condition 2 of planning permission 18/00104/P, there would not be a detrimental impact on the key features or character of the designated area of Prestonpans Battlefield. Nor would they have a detrimental impact on the setting of the Seton Mains Enclosure scheduled monument, which is located a short distance away to the west. Thus, on the considerations of the impact on historic assets, the application does not conflict with NPF4 Policy 7 or ELLDP Policies CH4 and CH5.

Due to their positioning outwith the North Berwick to Seton Sands Coast Special Landscape Area (SLA), the works the subject of Condition 2 of planning permission 18/00104/P and those works already undertaken at the culverted bridge crossing would not have a detrimental impact on the setting of the North Berwick to Seton Sands Coast Special Landscape Area (SLA). Thus, on this consideration, the application does not conflict with NPF4 Policy 4 or ELLDP Policy DC9.

None of these considerations relating to prime agricultural land, the Coal Authority guidance, impact on historic assets or the Special Landscape Area are sufficient to outweigh the findings of this report that the removal of Condition 2 of planning permission 18/00104/P would be contrary to the advice of the Council's Team Manager - Structures and Flooding on flood risk at the site and would be contrary to Policy 22 of NPF4 and Policies NH11 and T2 of the ELLDP.

The ongoing enforcement investigation into the alleged breach of Condition 2 of planning permission 18/00104/P and the incomplete works to upgrade the culvert bridge crossing is not a material planning consideration that would outweigh the fact that the removal of Condition 2 would be contrary to the grant of planning permission 18/00104/P and the advice of the Council's Team Manager - Structures and Flooding.

In conclusion, the proposal is not in accordance with the provisions of the stated relevant Development Plan policy. There are no material considerations which outweigh this policy conflict.

REASON FOR REFUSAL:

- 1 Not completing the flood protection measures required by Condition 2 and the removal of Condition 2 of planning permission 18/00104/P would result in necessary flood protection measures not being implemented as required and thus the development including the only access point to the properties on the west side of the culvert bridge would be at risk from flooding. Accordingly, the removal of Condition 2 of planning permission 18/00104/P is contrary to Policy 22 of NPF4 and Policies NH11 and T2 of the ELLDP.

LETTERS FROM

[REDACTED]
[REDACTED]

25th July 2025

From: [REDACTED]
To: [Environment Reception](#)
Subject: 24/00768/P Consultation
Date: 05 January 2025 20:57:39
Attachments: [REDACTED]

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

You don't often get email from me@stephenknox.com. [Learn why this is important](#)

Hello

I reside with [REDACTED] associated with application 24/00768/P, at 'Stepping Stones', and have just noticed that this application was submitted in December.

Despite being within the boundary for neighbour consultation, and our property shown with a [REDACTED] on the neighbour notification map, we were not consulted on this application, and our address is not listed on the neighbour notification list. The neighbour notification process for this application has therefore not been correctly followed and so I'd request my comments are considered prior to decision, despite the consultation period having ended.

I have been in contact with Amelia Smith throughout the period this breach of planning was brought to ELC's attention, and previously provided feedback on the importance of the elements within. The following is my consultation feedback on 24/00768/P, for consideration, on why this application 24/00768/P should be **rejected**, and Condition 2 in 18/00104/P enforced as it was originally intended to be in 2018.

...

I consider 24/00768/P should be rejected on the following grounds.

The development under 18/00104/P has been completed, however Condition 2 has not been complied with. The drawings referred contain the following key elements which remain incomplete:

- Installation of galvanised culvert intake screen - **NOT INSTALLED**
- Installation of concrete base, headwall and wingwalls for intake screen - **NOT INSTALLED**
- Galvanised metal handrail for steps - **NOT INSTALLED**
- Upstream banking stabilisation with Terram and seeded topsoil cell - **NOT INSTALLED**
- Permeable block paving over the bridge - **NOT INSTALLED**

Most of the key elements within the drawings have not been installed as the condition of planning required. These measures were required "*In the interests of road safety and to prevent flooding*", and their importance resulted in the condition being repeated across multiple planning applications in the area. Their requirement has not changed - and in fact due to Climate Change the flooding aspect is even more important than it was at the time of application.

Of most concern is the missing intake screen, concrete base/wing/headwalls for screen, and banking stabilisation. During heavy rainfall, the Seton Burn conveys a significant amount of water through this culvert, to the extent that I have witnessed it running at full capacity on multiple occasions in the short period I have resided at the property since March 2024. The attached video is from 7th October 2023 (prior to me moving in) and not even at the peak of that particular rainfall event.

My reasons for requesting rejection of the application, and requesting enforcement of the condition, are as follows:

General

The incomplete works significantly increase flood risk in the area - both to the access road into four properties, and to the lower properties themselves. The access road is the only road access and required for access/egress and emergency vehicle access at all times. It provides public amenity as the bridge is a popular thoroughfare for local walkers who use the nearby stile to walk between Seton Mains and the golf course / caravan park.

I have been informed by neighbours that the pipe has blocked in the past prior to us moving in, and I understand from informal discussions with ELC's Flood team, the pipe was blocked during a site visit in January 2024.

I have personally cleared debris from the culvert inlet on four occasions since moving into our property in March 2024. The applicant cites in their Statement not having to attend the culvert but I would note the applicant did not reside in the area for much of the time in question, and that the attendance was actually carried out by other local residents.

Intake screen

The missing intake screen is of concern and the access / land ownership issues cited in the applicant's Statement are irrelevant to the application - these should have been clarified by the applicant prior to construction. The burn embankments are heavily vegetated and vegetation debris is often picked up by the flowing burn. Due to the relatively small diameter of the culvert compared to the watercourse, it is prone to blockage by branches, which in turn will gather other debris, quickly leading to blockage which cannot be safely cleared during heavy rain. A gap slightly larger than 50mm below the intake screen may be beneficial to allow smaller debris to pass.

Concrete base, headwall and wingwalls for intake screen

As well as housing the screen, the concrete base/wing/headwalls for the screen play an important role. As per my attached video, when the existing pipe is running at or close to capacity, it cannot convey as much water as required. This causes some backing up which in turn leads to turbulent water around the entrance to the pipe, and there is evidence of scouring. Over time, this turbulence will erode the embankment, and jeopardise the amenity and safety of the only access road. Some scouring is already evident on site. The concrete headwall structure should have alleviated this concern.

Banking stabilisation

The missing banking stabilisation is also of concern, and as above, access / land ownership issues as cited in the applicant's Statement should have been sorted at the time, and are not a valid reason for not complying with a planning condition. Similarly to the concrete base/wing/headwalls for the screen, the upstream banking stabilisation will offer protection

against turbulent water eroding the embankment. With a current lack of seeding which should have been provided by the cellular seeded topsoil, the erosion risk is increased even without turbulent water.

EXCEPTION - Permeable block paving

My personal opinion is that the installation of permeable block paving over the bridge would actually be detrimental to road safety and flood risk - this would be difficult to lay and maintain effectively, would quickly clog, and wouldn't offer any advantage over the current unbound surface over the bridge. Therefore I agree with the applicant's position in their Statement and that this permeable block paving shouldn't be installed, and would support a relaxation by ELC for this item to not be undertaken.

...

Regards,

A large black rectangular redaction box covering the signature area.

Scott, Megan (Committees)

From: Transport Planning
Sent: 04 December 2024 12:45
To: Environment Reception; McQueen, Stephanie
Subject: RE: 24/00768/P- Planning Consultation

Hi Steph,

I don't believe roads was consulted on 18/00104/P as I think condition 2 on the original application was requested by what would now be the Structures team.

As such, I don't consider this is one we would need to comment on but Structures should. Happy to discuss if you think I've misread?

Kind regards,
Liz

Liz Hunter
Senior Roads Officer

East Lothian Council, Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: Thursday, November 28, 2024 3:52 PM
To: Transport Planning <transportplanning@eastlothian.gov.uk>;
Subject: 24/00768/P- Planning Consultation

Please see attached document in relation to the following application: Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains Longniddry East Lothian
EH32 0PG

[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%7Ce74c25570a3c41cad84208dd146179c3%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638689131062654922%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMCIsIlAiOjXaW4zMlsIkFOljoiTWFpbClslldUljoyfQ%3D%3D%7C0%7C%7C&sdata=Opb8xxWvC8ktPZqncUrwLUziuZMCy0Jp99KvY2Ab1do%3D&reserved=0]

From: Chalmers, Ian
To: McQueen, Stephanie
Cc: [REDACTED]
Subject: FW: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains
Date: 28 February 2025 16:20:50
Attachments: image001.gif

Hi Steph,

Further to our chat, to confirm;

As below, I do not hold logs of site visits, specifically not for either Dave Northcott or Murray Hutchison, who both retired before I started in post.

I note that the applicant states that there has been no flooding in the area in the recent past. I would note that on our most recent site visit the pipes were blocked and backing up, and they could not be seen until cleared. I also note that the Conditions of the planning application were, it is assumed, initially put in to reduce the flood risk on the site; this is still relevant and although the site may not have flooded in the recent past, this does not change the reasoning for the condition.

It was my belief that the condition referred to drawings, which did include a trash screen. As the condition relates to the drawings, we would expect that the drawings are adhered to (other than that which I have noted are not required).

Condition 2 of 18/00104/P “Prior to the commencement of the development hereby approved the works to upgrade the culverted bridge crossing of the existing site access driveway over the Seton Burn shall have been carried out in accordance with drawing nos 939/a1B and 939/a2A docketed to the planning permission 07/00972/FUL to the approval of the Planning Authority. The levels of the existing culvert and culverted bridge crossing deck shall remain unchanged unless otherwise approved by the Planning Authority”.

I am happy to wait until the applicant responds again on these issues to assess the application further.

Thanks, Ian

From: Chalmers, Ian
Sent: 24 February 2025 16:21
To: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>
Subject: RE: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

Hi Steph,

Thanks, on their requests;

Log of Site Visits to Seton Mains;

I do not hold a log of this but we will have background emails. I am along your lines; these would have to be redacted etc. I do not think it is appropriate to provide at this stage but under FOI, we would have to.

I think this one would probably be worth a phonecall? There's a lot of technical response in there (e.g. the flood risk over the last 10yrs) but what we're really discussing is what was conditioned and what is enforceable. It was put in for flood risk, it doesn't necessarily matter if there has been flood risk over the last 10yrs.

Happy to have a chat at some point this week if you are free? My diary is up to date so feel free to pick a day/time around what I have in (if you can get access to my calendar).

Thanks, Ian

From: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>

Sent: 14 February 2025 12:06

To: Chalmers, Ian [REDACTED] Roads - Flood Risk Management <flooding@eastlothian.gov.uk>

Subject: FW: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

Ian,

Please find below an email received from Mr Calvesbert regarding this application. I have highlighted in yellow the content which I believe is a response to your comments.

I would be grateful if you could please let me have any comments on this matter at your earliest opportunity.

I do not expect you to provide me with a log of your visits etc or the names of any person who made request for the culvert crossing to be investigated. If these pertain to a planning enforcement enquiry they would be confidential.

If you would like to discuss this please give me a call prior to responding.

Regards,
Steph

Stephanie McQueen | Planner | Planning Delivery |
Ext: 7210 Email: smcqueen@eastlothian.gov.uk



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

From: [REDACTED]

Sent: 06 February 2025 17:18

To: [REDACTED] McQueen, Stephanie <smcqueen@eastlothian.gov.uk>

Subject: Re: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

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

Hi Stephanie,

In response to your e mail of the 17th January 2025,

I would request an additional 28 days to submit my response to your email of 17/1/25, this request is made so I may consult a Planning legal expert whom are familiar with Scottish Planning Regulations, as I am going to withdraw this current application and likely seek a Certificate of Lawfulness.

I now believe I have enough evidence of yourself Signing off to allow the building of the three properties and extension, that would confirm the Pre Conditions "that the culvert and crossing were to be completed" prior to applying for a building warrant and were all met and that the subsequent issuing of a building warrant and then the Completion Certificates for the properties and Habitation Certificates were all issued with all the Conditions being met and signed off as having been met by various Planning Officers of the council.

Not one of the 5no Planning Officer's or the Councils Planning Engineer David Northcott, whom were assigned at various times prior to the during the application for Building Warrants and Construction Sign off elements (Foundations Superstructure ect) of the build and the Completion Certification process , ever brought to my attention or my Architect or any of the trades used, any issues with the Bridge Crossing Access, in particular Condition 4 ,the crossing in any event is a "Private Crossing"

My initial response to your e mail of 17/1/25 and comments made by the Street Light Manager and yourself are laid out as follows,

I would request a copy of the log that the Structures, Flooding & St Light Manager or Team members, must have kept when ever he or his team had been requested to attend the culvert.,dates and times, copy of any notes made /logged , who initially made the request from whom for them to attend, resident, passer by ect ect.this will enable me to more fully respond to the need for a Handrail or Trash Screen.

The Street Light Manager comments, on potential flooding if the main pipe gets blocked , is he not aware that that's why the three relief pipes, which have 50% more capacity at 900mm dia than the 600mm dia main pipe which is 3meters below these relief pipes, which are themselves 1000mm from the FFL Road Crossing., which itself is 2000mm below the nearest Houses FFL "The Larches ",Stepping Stones FFL(the original house is some 2500mm higher than the road crossing , Burnside Houses FFL is 3000mm above the road crossing , you can add an additional 1000mm to all the houses above there FFL (noted above) thus giving clearance of 3000mm,3500mm,4000mm above relief pipes , plus 3000mm below the relief pipes is the main 600mm pipe , that's over 6000mm (6meters) of water height that would be required to reach The Larches , if no relief was available and we know that there is 50% more relief capacity at the 3 relief pipe height , 1000mm below the FFL of the bridge crossing.

SEPA Set all the AOD levels for each property and the bridge crossing , so as to ensure there was no risk of flooding to the properties, if the 600mm pipe ever blocked and backed up the burn the relief over the crossing would ensure any flood water would very quickly fall to the North side of the culvert crossing into a 9000mm deep and 17000mm wide culvert with a fall of 50m along its length of 100m (2 in 1) to the next culvert located within Seton Sands Caravan Park, they "NEVER" requested the 3 relief pipes , these were requested by the Councils Planning Engineer David Northcott,

These 3 Relief Pipes have never been brought into use in the 14/15years since they were installed to my knowledge

There was never any requirement to put a "Trash Screen " upstream of the relief pipes, so I do not know where this comment has arisen from ??

The burn to the North over the crossing falls at an even faster rate toward the Forth estuary, so is very unlikely to back up " if the burn got totally blocked " which it has not occurred in living memory or indeed the 30years" I have been an owner of property in Seton Mains ??

Again the Banks upstream on the West and East side of the burn , are very stable, unless the St Light Manager can demonstrate they are not, I have certainly in the 30 years of owning the property on the West Side of the burn have never seen any land slipper erosion nor indeed have I seen any on the East side of the burn.

Blindwells Open Cast mine has now not been using the burn since 1998, as it has closed , when this mine was in operation "pumping water down the burn" it never flooded nor did any debris block the 600mm pipe.

I have never ever mentioned a "Council Flood engineer , "I have however previously supplied the name of the Councils Planning Engineer "David Northcott" whom attended for a meeting at the site with my Architect in November 2011 and two other occasions once with myself and once on his own, whereupon amongst other items discussed, was the inability to fit any structures ect ect, due to issues with Land ownership ect.

There was no access from the East or the West until 2011,to the 600mm pipe under my road crossing , there are no Trash screens or relief pipes or bank stabilisation to the other 3no culvert/crossings within Seton Mains, what if any "mitigation measures" exist on these three ?

I am responsible for this Crossing until these issues are resolved , the bankings to the West and the East as previously advised are owned by Home Owners and a local Farmer to the East of the burn and the same local farmer (whom did reside in North Berwick last I knew) owns the West Side the Burn

Regards

[REDACTED]

On Wednesday 22 January 2025 at 17:11:56 GMT, Iorna brown <l.brown007@btinternet.com> wrote:

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

From: smcqueen@eastlothian.gov.uk

To: [REDACTED]

Sent: Friday, January 17th 2025, 13:52

Subject: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

Good Afternoon [REDACTED]

I refer to the above named planning application.

I have received consultation comments from the Council's Structures, Flooding and Street Lighting Team regarding the removal of condition 2 of planning permission 18/00104/P and I have set these out below for your information.

The Structures, Flooding and Street Lighting Team Manager notes that the application seeks removal of condition 2 and that this would amount to the following details in drawing nos. 939/a1B and 939/a2A (docketed to planning permission 07/0097/FUL) not being provided:

- Installation of 3x relief pipes
- Trash Screen
- Concrete Base, Headwall and Wingwalls for Trash Screen
- Metal Handrail for the Steps to the Screen
- Upstream Banking Stabilisation
- Permeable Block Paving over the bridge

The Structures, Flooding and Street Lighting Team Manager comments that condition 2 was imposed on the grounds of flood risk, and that reduction of flood risk to the only access point to the properties on the west side of the Seton Burn is extremely important. He further comments that, although the three relief pipes have been installed at the culverted bridge crossing, he is aware that on occasions when he or other staff from his Team have attended the site, the burn has been backing up and blocked due to debris collecting at the main culvert pipe. Such constriction on the flow of water in the burn could cause the burn to back up and cause flooding. He therefore advises that he does not support the full removal of condition 2.

The Structures, Flooding and Street Lighting Team Manager goes on to advise that he remains of the opinion that the following elements of the upgrading of the culvert crossing should be implemented in accordance with drawing nos. 939/a1B and 939/a2A (docketed to planning permission 07/0097/FUL):

- 1) Installation of trash screen upstream of the three relief pipes.
- 2) Installation of concrete base, headwall and wingwalls to house the trash

screen.

- 3) Metal handrail for steps.
- 4) Bank stabilisation.

On these matters (1 to 4) above, the Structures, Flooding and Street Lighting Team Manager comments are follows:

1. A) He notes that you state that you could not gain access to install these in 2011 and that you advise that your architect at that time relayed this information to the Council's Flood Engineer. There is no record of this and no record of the Council's Flood Engineer (at that time) agreeing to this.

B) The Structures, Flooding and Street Lighting Team Manager is of the opinion that the trash screen design, as shown on drawing nos. 939/a1B and 939/a2A (docketed to planning permission 07/0097/FUL) is appropriate. However, if you were to seek to change the design of the trash screen (i.e. change spacings, angles, etc), he would be open to reviewing an alternative design.

1. A) He advises that the base, headwall and wingwalls are required to ensure the trash screen is stable and to reduce scour near the pipes. Similar to 1A) above, there is no record of the Council's Flood Engineer at that time agreeing to the omission of these features.

B) Similar to the case in 1B) above, if you were to seek to change the design of the headwall, base and wingwalls, the Structures, Flooding and Street Lighting Team Manager would be open to reviewing an alternative design.

1. A) There is a need for suitable access to enable access to the pipe/trash screen and there does not appear to be a suitable reason why the handrail could not be retrospectively installed. Similar to 1B) above, if you were to seek to change the design of the handrail, the Structures, Flooding and Street Lighting Team Manager would be open to reviewing an alternative design.

The Structures, Flooding and Street Lighting Team Manager goes on to advise that the only element of condition 2 that he would support to be removed is the permeable paving of the surface of the culvert bridge crossing. He is not of the opinion that such paving would be of significant benefit in regards to flood risk.

I therefore advise that the removal of condition 2 could not be supported. Rather an amended version of condition 2 would be imposed, which would allow for the omission of only the permeable paving of the surface of the culvert bridge crossing and all other elements of the upgrading works shown on drawing nos. 939/a1B and 939/a2A (docketed to planning permission 07/0097/FUL) would be required to be implemented. A reasonable timescale for the implementation of the outstanding work would be set within the amended condition.

In respect of the Structures, Flooding and Street Lighting Team Manager comments on items 1 to 4 above I seek your responses to the following queries:

1. In respect of 1A) and 2A) above, are you able to provide evidence of the Council's Flood Engineer at that time (2011) agreeing to the omission of the installation of the trash

screen and its associated base and walls?

2. Also in respect of 1A), 2A), 3A) and 4) above, are you able to provide evidence of correspondence between yourself and the other landowner(s) of their refusal to allow you access to the land to undertake the installation of the trash screen and its associated base and walls, and the handrail(s) for the steps and the bank stabilisation measures? If ownership of the areas of land has changed since 2011, I would also ask that you provide evidence of such correspondence with the current landowners.
3. Please can you confirm and show on a drawing, which (if any) areas of land associated with the upgrading work to the culvert bridge crossing are in your ownership at this time and which are in the ownership of other parties at this time?

Could you please let me have your response to these matters within 14 days from the date of this email. Please upload any new or amended information or drawings to the application via the e-Planning portal.

In the meantime, in order to allow for your responses to the above matters and for the continued consideration of the application on behalf of East Lothian Council as Planning Authority, and as a form of processing agreement, I write to agree that the period within which the Council may give notice to yourself of their decision on the above named planning application be extended to the 21st February 2025.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me on the email or telephone number below.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the application for planning permission.

Regards,

Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827210 | E. smcqueen@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk twitter: [@ELCouncil](https://twitter.com/ELCouncil)

Any formal email response should be sent to environment@eastlothian.gov.uk quoting the relevant reference number.



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From: [Planning South](#)
To: [Environment Reception](#)
Cc: [McQueen, Stephanie](#)
Subject: PCS-20003861 SEPA Response to 24/00768/P
Date: 09 December 2024 16:16:42
Attachments: [image.png](#)

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

To Whom It May Concern,

Town and Country Planning (Scotland) Acts

24/00768/P

Section 42 application to remove condition 2 of planning permission

18/00104/P

Seton Mains Longniddry East Lothian EH32 0PG

Thank you for your consultation in relation to the above.

We note that Condition 2 of planning permission 18/00104/P requires works to be undertaken to upgrade the culvert bridge crossing of the access road to the application site and two other houses in accordance with drawings docketed to planning permission 07/00972/FUL. Condition 2 seems to be a road safety issue so we would defer to the Council on that matter..

The upgrading works to the culvert bridge crossing are also the subject of condition 4 of planning permission 07/00972/FUL. We note that the requirement for these upgrade works came from ELC Flooding Protection and Structures Team and the applicant is now seeking to remove these conditions.. Based on the information available, it's not clear whether any ground raising works have taken place contrary to this condition. It has been 14 years since the culvert was put in place and we hold no records of flooding which suggests that it's not causing any frequent problematic flooding and the anecdotal evidence suggests that blockage isn't an issue thus far. Unless the Council would like our specific advice on a particular matter, we have no comments to make on the removal of this condition.

I trust these comments are of assistance - please do not hesitate to contact me if you require any further information.

Kind regards,
Jessica Taylor
Senior Planning Officer



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Dh'fhaodadh gum bi am fiosrachadh sa phost-d seo agus ceanglachan sam bith a tha na chois dìomhair, agus cha bu chòir am fiosrachadh a bhith air a chleachdadhl le neach sam bith ach an luchd-faighinn a bha còir am fiosrachadh fhaighinn. Chan fhaod neach sam bith eile cothrom fhaighinn air an fhiosrachadh a tha sa phost-d no a tha an cois a' phuist-d, chan fhaod iad lethbhreac a dhèanamh dheth no a chleachdadhl arithist. Mura h-ann dhuibhse a tha am post-d seo, feuch gun inns sibh dhuinn sa bhad le bhith cur post-d gu postmaster@sepa.org.uk. Togalach Aonghais Mhic a' Ghobhainn, 6 Craobhraid Parklands, Eurocentral, Baile a' Chuilinn, Siòrrachd Lannraig a Tuath, ML1 4WQ. Faodar conaltradh còmhla ri SEPA a sgrùdadhl no a chlàradhl no a sgaoileadh gus obrachadh èifeachdach an t-siostaim a ghlèidheadh agus airson adhbharan laghail eile.

From: [REDACTED]
To: [McQueen, Stephanie; Environment Reception](#)
Cc: [REDACTED]
Subject: RE: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains
Date: 09 January 2025 11:04:16
Attachments: [image001.gif](#)

Hi Steph,

I note that we have had previous correspondence in 2023 / 2024 on the applications referenced 18/00104/P and 07/00972 and the discharging of conditions with regards to the alleged breach of Condition 2 of 18/00104/P. This condition referred to upgrades to the culverted bridge crossing, with regards to drawing nos 939/a1B and 939/a2A.

Application 24/00768/P seeks to remove Condition 2 from the 18/00104/P application, this would include removing any requirement for the following details in the drawings referred to above;

- Installation of 3x relief pipes
- Trash Screen
- Concrete Base, Headwall and Wingwalls for Trash Screen
- Metal Handrail for the Steps to the Screen
- Upstream Banking Stabilisation
- Permeable Block Paving over the bridge

Within our previous site visits (most recently Jan 2024), we had not been able to find the three pipes in the drawings. This was due to the burn being blocked at the location of the pipes and backing up, making them non-visible. I do note that backing up of water was occurring at the time of our visit and in normal circumstances, our advice would be to install a trash screen or similar to allow the area upstream of the pipes to be cleared of debris, which could cause constrictions and ultimately back up the burn and cause flooding. I note that the applicant has submitted photos of the three pipes and I understand the location of these from our site visit. This installation is appropriate.

With regards to Condition 2, this was put in on the grounds of reducing flood risk. With regards to SEPA's Flood Hazard Mapping, there is flood risk shown at the 1 in 200 year + climate change flood event at the bridge and upstream of Seton Mains (albeit there is a large height difference from the pipe inlets to the bridge deck). Reduction of flood risk to the only access point to the properties is extremely important and I would not support a full removal of Condition 2 and the potential for increased flood risk and no suitable access/egress to and from the properties at Seton Mains. I do note that in the time since the Condition was put in originally (2007), there have been advances in our understanding of flood risk and the known risk is higher than it was in 2007. I would support a partial removal of elements of Condition 2.

The elements that could be removed are;

- I do not believe that permeable paving would be of significant benefit with regards to flood risk and its installation would be difficult and ultimately, not worth it.

The elements I believe should still be implemented as per Drawings 939/a1B and 939/a2A are;

- Installation of Trash Screen upstream of the three pipes.
 - I note that the applicant says that he could not gain access to install these in 2011 and that the architect relayed this information to the Flood Engineer at the time. Unfortunately there are no records of this, so if there was an agreement between the architect and the Flood Engineer at that point, the applicant would have to provide this evidence. If an agreement was in place, I would honour this agreement and would not require this installation (albeit I do feel that it is required). I would suggest we put a time limit on provision of this information.
 - I believe the trash screen design is appropriate in the drawings but if the applicant

did plan to update their design e.g. change spacings, angles – we would need to approve. Likewise with the headwall etc. below.

- Installation of a Concrete Base, Headwall and Wingwalls to house the Trash Screen
 - This will be required to ensure the Trash Screen is stable and to reduce scour near the pipes. Like above, if an agreement was in place, I would honour this agreement and would not require this installation.
- Metal Handrail for Steps
 - This is of lesser importance but there needs to be suitable access for the applicant / owners to clear the screen. I would expect this would be an easy installation and there is no suitable reason why this can't be installed.
- Bank Stabilisation – Steph, a question for you – is land ownership an appropriate reason not to install measures? I would suggest that, given it was part of the Condition, that stabilising the bank and reducing the exposure to erosion is appropriate and should form part of the works, as originally designed. I do note that the applicant seeded and planted laurels on the West Bank but I do not think this supersedes the obligation to provide suitable protection as per the planning requirements.

Many Thanks,

Ian Chalmers

Team Manager – Structures and Flooding

From: McQueen, Stephanie

Sent: Monday, January 6, 2025 11:37 AM

To: [REDACTED] Flood Risk Management ; [REDACTED]

Subject: FW: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

Hi Ian

Further to my email of Friday 3rd January, we have received a public representation (objection) to this application. The representation can be viewed in Idox but I've attached it to this email for information. As a representation it should be treated confidentially.

I'd be grateful to receive your comments on the application this week please or please give me an indication of when I can expect to receive them.

If you would like to discuss the application please give me a call.

Regards,

Steph

[Stephanie McQueen | Planner | Planning Delivery |](#)

[Ext: 7210 Email: smcqueen@eastlothian.gov.uk](mailto:smcqueen@eastlothian.gov.uk)



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From: McQueen, Stephanie

Sent: Friday, January 3, 2025 8:24 AM

To: [REDACTED] ; Roads - Flood Risk Management

Subject: Planning application 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains

Hi Ian

Sorry to chase you on this one but a consultation was sent to Flood Protection on 28/11/24 for this application and the timescale for response has now lapsed. I'd be grateful if you could please let me have your comments within the next 7 days at the latest.

If you would like to discuss the application please give me a call.

Regards,

Steph

Stephanie McQueen | Planner | Planning Delivery |
Ext: 7210 Email: smcqueen@eastlothian.gov.uk



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Scott, Megan (Committees)

From: Transport Planning
Sent: 04 December 2024 12:45
To: Environment Reception; McQueen, Stephanie
Subject: RE: 24/00768/P- Planning Consultation

Categories: 

Hi Steph,

I don't believe roads was consulted on 18/00104/P as I think condition 2 on the original application was requested by what would now be the Structures team.

As such, I don't consider this is one we would need to comment on but Structures should. Happy to discuss if you think I've misread?

Kind regards,
Liz

Liz Hunter
Senior Roads Officer

East Lothian Council, Penston House, Macmerry Industrial Estate, Macmerry, East Lothian EH33 1EX
01620 827740
lhunter1@eastlothian.gov.uk

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: Thursday, November 28, 2024 3:52 PM
To: Transport Planning <transportplanning@eastlothian.gov.uk>; Greenshields, Marshall
<mgreenhields@eastlothian.gov.uk>; Barson, Thelma <tbarson@eastlothian.gov.uk>
Subject: 24/00768/P- Planning Consultation

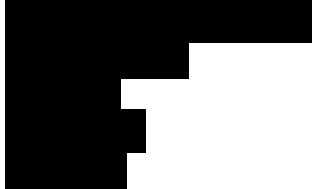
Please see attached document in relation to the following application: Section 42 application to remove condition 2 of planning permission 18/00104/P at Seton Mains Longniddry East Lothian
EH32 0PG

[<a href="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%7Ce74c25570a3c41cad84208dd146179c3%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638689131062654922%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIYiOilwLjAuMDAwMCIsIlAiOjXaW4zMlsIkFOljoiTWFpbCIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=Opb8xxWvC8ktPZqncUrwLUziuZMCy0Jp99KvY2Ab1do%3D&reserved=0] 1</p>

**EAST LOTHIAN COUNCIL
DECISION NOTICE**

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

Mr Paul Calvesbert



APPLICANT: Mr Paul Calvesbert

With reference to your application registered on 27th November 2024 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Section 42 application to remove condition 2 of planning permission 18/00104/P

at
Seton Mains
Longniddry
East Lothian
EH32 0PG

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 Not completing the flood protection measures required by Condition 2 and the removal of Condition 2 of planning permission 18/00104/P would result in necessary flood protection measures not being implemented as required and thus the development including the only access point to the properties on the west side of the culvert bridge would be at risk from flooding. Accordingly, the removal of Condition 2 of planning permission 18/00104/P is contrary to Policy 22 of NPF4 and Policies NH11 and T2 of the ELLDP.

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

Details of the following are given in the application report:

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

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
PHOTO 01	-	19.07.2024
PHOTO 02	-	19.07.2024
A011/0150/002	A	27.11.2024

8th August 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.



2018 local development plan



4.6 For development proposals that are expected to generate a significant number of trips a Transportation Assessment will be required. Where new development creates travel demands, the Council will seek provision of, or a contribution towards, necessary improvements to the transport network required as a direct result of it, including provision for public transport and the enhancement of active travel networks consistent with promoting an appropriate order of travel priority. Where specific improvements to the transport network are necessary, developers will provide these improvements, including contributions pro rata towards strategic mitigation in line with Policy T32. The Council will secure this mitigation by planning condition and / or legal agreement, as appropriate.

Policy T1: Development Location and Accessibility

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

Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

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

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

Active Travel Networks

4.7 The LTS promotes an enhanced active travel network that is integrated as part of the Green Network and with public transport options. The Council seeks to encourage walking and cycling as modes of transport to promote sustainable travel, improve health and well being, and to maximise accessibility and social inclusion, particularly for those who do not own a car. Some parts of East Lothian are relatively well connected via roads and foot and cycle paths, including via repurposed railway routes and paths along river banks. Many of

these routes are included in the Council's Core Paths Plan and its Green Network Strategy. These provide active travel options which should be enhanced in association with new development in the area to provide extensions of and connections to the active travel network. The Council will ensure that new development does not obstruct or damage existing foot or cycle paths, or other routes for public access, and that new development mitigates its impact and does not prejudice the future implementation of enhancements to the network within East Lothian. Wherever appropriate, extensions to the network of active travel routes shall be provided or contributed to as part of new developments, particularly routes set out in the Core Path Plan as part of the Green Network Strategy.

4.8 As part of this approach the Council proposes a Segregated Active Travel Corridor for East Lothian which aims to promote a priority route for pedestrians and cyclists. This is so active travel can provide a realistic alternative to the private car, including for longer journeys. In time this may form part of the national walking and cycling network. The route will generally follow the A199 corridor (former A1) and link the western boundary of East Lothian with Edinburgh through to Dunbar. The section of the route from Wallyford to Edinburgh will deviate from the road and continue westwards to the East Lothian Council boundary by closely following the main East Coast rail line route. This route will provide a safe, better connected active travel route and facilities through East Lothian, and will link to other active travel corridors that lead to key destinations, including town centres, transport interchanges and routes.

4.9 Provision for the creation of the active travel network Segregated Active Travel Corridor must be made by developments that generate a need for them as set out in the Developer Contributions Framework Supplementary Guidance in accordance with Policy T32 and Policy DEL1.

PROP T3: Segregated Active Travel Corridor

The Council will develop a new segregated active travel corridor within East Lothian and will work in partnership with local communities, public, developers and the private sector to secure funding mechanisms. Relevant development proposals will be required to provide or contribute to the provision of the Segregated Active Travel Corridor for East Lothian as set out in the Developer Contributions Framework Supplementary Guidance in accordance with Policy T32. An indicative route is illustrated on the Proposals Map. A finalised route will be confirmed subject to HRA.

Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy

The Council will protect its existing core path and active travel networks and ensure that new development does not undermine them, including the convenience, safety and enjoyment of their use.

Proposals should be of a size, scale and nature that do not harm green belt objectives or the character or appearance of the local area.

Changes of use will be acceptable in principle subject to other relevant Plan policies.

Countryside Around Towns

5.20 There are a number of areas beyond the Edinburgh Green Belt that are also subject to development pressure but should be retained as open or undeveloped. Countryside Around Towns designations will apply and their objectives are to:

- to conserve the landscape setting, character or identity of the particular settlement; and /or
- to prevent the coalescence of settlements; and/or
- where it can provide opportunity for green network and recreation purposes.

5.21 The remaining open or undeveloped areas of land between certain settlements in the west of East Lothian will have a key role in maintaining their separate identities. The introduction of the new settlement at Blindwells means land between it and Tranent and certain coastal settlements also merits protection from significant built development. There are community uses operating in the countryside here, and cultural heritage assets of national and more local importance, and the Plan should support development of these uses that allows the cultural heritage assets to be maintained or enhanced.

5.22 Land between Belhaven and West Barns also has a role in maintaining their separate identities. In other parts of East Lothian settlement coalescence is generally less of an issue but the character and identity of certain settlements could be compromised by development affecting their landscape setting. There is also scope to provide new, or extend or improve existing, active travel routes in Countryside Around Towns areas as part of the wider green network. Details of the particular importance of each designated area will be set out in supplementary planning guidance on Countryside Around Towns when the plan is operative.

Policy DC8: Countryside Around Towns

Development that would harm the objectives of the specific Countryside Around Town area, as defined in supplementary planning guidance, will not be permitted. New development within areas designated as Countryside Around Towns will be supported in principle only where:

- i) it is required to implement part of the green network strategy as defined by that strategy;

- ii) it is required for community uses;
- iii) it is required for rural business, tourism or leisure related use;
- iv) it is essential infrastructure that has a clear operational requirement for that particular location and there is no other suitable site available; or

Any new development must not harm the landscape setting of the countryside location and must be of a scale, size and form that would not harm the objectives for the countryside around towns designation.

Special Landscape Areas

5.23 The Council has assessed the East Lothian landscape in accordance with Guidance on Local Landscape Designations produced by Scottish Natural Heritage and Historic Scotland. The Plan designates Special Landscape Areas and the boundaries of these areas are shown on the Proposals Map. Supplementary planning guidance on Special Landscape Areas will identify the boundaries of these areas, describe each Special Landscape Area and include a Statement of Importance for each. Development should accord with this supplementary planning guidance.

Policy DC9: Special Landscape Areas

Areas are designated as Special Landscape Areas as identified within supplementary planning guidance on Special Landscape Areas. Development within or affecting Special Landscape Areas will only be permitted where:

1. it accords with the Statement of Importance and does not harm the special character of the area; or
2. the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.

The Council will refer to the Statement of Importance of the relevant site in assessing planning applications.

Green Network

5.24 The Green Network seeks to integrate biodiversity, landscaping, active travel, flood mitigation, open space and climate change adaptation and other relevant interests. It will be made up of green spaces (parks, public spaces, woodland spaces etc) and blue spaces (rivers, streams wetlands and SUDS etc). Although the Green Network will not compensate for the loss of flood plains, it can provide some mitigation for flooding and some adaptation for

Flood Risk

6.31 The Flood Risk Management (Scotland) Act 2009 places responsibilities on local authorities to reduce overall flood risk and promote sustainable flood risk management. The Council promotes a precautionary approach to flood risk from all sources through avoidance as a first principle, working towards sustainable flood management. Flooding can occur from pluvial (rainfall), fluvial (watercourses), coastal, drainage and ground water sources and from infrastructure failure, or from a combination of these sources.

Advice Box 8: Flood Risk

Scottish Environment Protection Agency (SEPA) publishes flood mapping, and Scottish Planning Policy sets out a detailed flood risk framework to guide development. Areas where the annual probability of coastal or watercourse flooding is less than 0.1% are classed as 'little or no risk' areas and are considered to be unconstrained. Areas where the annual probability is between 0.1% and 0.5% are classed as 'low to medium risk' areas and are likely to be suitable for most development apart from civil infrastructure. Where civil infrastructure must be located in these areas or is being substantially extended, it should be designed to be capable of remaining operational and accessible during extreme flood events. Flood risk assessments may be required for essential infrastructure and the most vulnerable uses, such as residential institutions, hospitals and educational establishments.

Development should generally be avoided in areas of greater than 0.5% annual probability of coastal or watercourse flooding ('medium to high risk' areas) but the following uses may be appropriate:

- residential, institutional, commercial and industrial development within built-up areas provided flood protection measures to the appropriate standard already exist and are maintained, are under construction, or are a planned measure in a current flood risk management plan;
- essential infrastructure within built-up areas, designed and constructed to remain operational during floods and not impede water flow;
- some recreational, sport, amenity and nature conservation uses, provided appropriate evacuation procedures are in place; and
- job-related accommodation, e.g. for caretakers or operational staff.

Medium to high risk areas are generally unsuitable for:

- civil infrastructure and the most vulnerable uses;

- additional development in undeveloped and sparsely developed areas, unless a location is essential for operational reasons, e.g. for navigation and water-based recreation, agriculture, transport or utilities infrastructure (which should be designed and constructed to be operational during floods and not impede water flow), and an alternative, lower risk location is not available; and
- new caravan and camping sites.

6.32 A precautionary approach should be taken to proposed development behind any flood prevention scheme, as they are temporary in nature, have a finite design life and there is a residual risk from failure, and potential climate change impacts. Redevelopment of brownfield sites within built up areas can provide an opportunity to reduce overall flood risk through a reduction in the vulnerability of the use, numbers of properties and improved design. Where built development is permitted in areas of flood risk, measures to protect against or manage flood risk and any loss of flood storage capacity will be required to achieve a neutral or better outcome. However, the avoidance principle should be applied whenever possible in compliance with Scottish Planning Policy. Brownfield redevelopment within the floodplain will only be permitted where this does not materially increase the probability of onsite or offsite flooding. Water-resistant materials and construction should be used as appropriate.

Policy NH11: Flood Risk

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

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

- a) the characteristics of the site and any existing or previous development on it;
- b) the design and use of the proposed development, including use of water resistant materials and construction;
- c) the size of the area likely to flood;
- d) depth of flood water, likely flow rate and path, and rate of rise and duration;
- e) the vulnerability and risk of wave action for coastal sites;
- f) committed and existing flood protection methods: extent, standard and maintenance regime;
- g) the effects of climate change, including an appropriate allowance for freeboard;
- h) surface water run-off from adjoining land;

- i) culverted watercourses, drains and field drainage;
- jj) cumulative effects, especially the loss of storage capacity;
- k) cross-boundary effects and the need for consultation with adjacent authorities;
- l) effects of flood on access including by emergency services; and
- m) effects of flood on proposed open spaces including gardens.

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

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

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

Air Quality

6.33 Air quality is an important element in sustainable placemaking, contributing to health and well-being, as well as environmental protection. The main source of air pollution in East Lothian is emissions from road traffic. An Air Quality Management Area (AQMA) was declared in Musselburgh High Street in November 2013 due to annual mean levels of Nitrogen Dioxide resulting from road traffic emissions; an Action Plan is currently being prepared. Air quality continues to be monitored at other locations, including Tranent High Street, though currently meets National Air Quality Standards in these other locations.

6.34 The Council is preparing an Air Quality Management Plan for the area, to set measures for improving air quality, likely including improvements to the bus fleet and the relocation of bus stops. This takes into account the effects of proposed LDP sites, such as increased traffic flow and emissions, and identifies strategic air quality mitigation measures. It is based on transport modelling work and assessment of the likely impact vehicle movements on air quality, including from new development. Developers of major development sites in these areas will be expected to make appropriate and proportionate financial contributions towards air quality mitigation measures. This excludes measures described in Proposal T20. Policy T8 and its supporting text describe the circumstances in which developer contributions may be sought towards improvements to the bus network as a consequence of new development. This requirement will apply to allocated sites and also to any relevant windfall or other unplanned developments.

6.35 It is important that new development and associated road traffic does not exacerbate air quality issues at the existing AQMA or lead to deterioration in air quality at other locations that would breach National Air Quality Standards. Air Quality Assessments will be required for certain types of development. The need for assessment will be confirmed on a case-by-case basis. Applicants are encouraged to contact the Council's Environmental Health Service at an early stage to confirm whether an Air Quality Assessment will be needed. Where such an assessment indicates that air quality is likely to be an issue, there will be a need for mitigation. Additional air quality mitigation measures can be incorporated within developments, for example using green infrastructure (e.g. trees) to absorb pollutants, or providing infrastructure to support modes of transport with low impact on air quality (e.g. electric vehicle charging points).

Policy NH12: Air Quality

Impacts on air quality will be taken into account in assessing development proposals, particularly within and close to any Air Quality Management Area (AQMA). An Air Quality Assessment may be required for developments that are within an AQMA or where the proposed development may cause or exacerbate a breach of National Air Quality Standards.

Development proposals that would result in either a breach of National Air Quality Standards or a significant increase in concentrations of air pollution within an existing AQMA will not be supported unless appropriate mitigation measures can be put in place. Financial contributions to strategic air quality mitigation measures will be necessary in these circumstances.

Noise

6.36 Noise can adversely affect amenity, public health and environmental quality. Such noise impacts are to be mitigated in new development. The Scottish Government's Strategic Noise Maps show that East Lothian has a number of noise sources, including the A1(T) and operational railway lines. Some types of development can also generate significant noise levels, including on a temporary basis such as during construction. Applicants are encouraged to contact the Council's Environmental Protection Service at an early stage to confirm whether a Noise Impact Assessment, consistent with PAN 1/2011: Planning and Noise (or any revision) is required as part of their proposal. Where such an assessment indicates that noise is likely to be an issue there will be a need for appropriate mitigation.

Policy NH13: Noise

The impact of noise will be taken into account when assessing relevant development proposals, particularly those that are close to or could become a source of noise. A noise impact assessment will be required where the proposed development may cause or exacerbate existing noise levels or be sensitive to levels of noise in the area. The assessment must specify suitable and appropriate mitigation measures that would make the proposal acceptable. Development proposals that would either result in or be subject to unacceptable levels of noise will not be supported.

Policy CH2: Development Affecting Conservation Areas

All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.

Demolition of Unlisted Buildings

6.46 Demolition of an unlisted building within a Conservation Area requires Conservation Area Consent. Where a building makes a positive contribution to the area it should be retained. As with a listed building, every effort should be made to retain it and find a new use for it before demolition can be considered. Proposals for demolition of an unlisted building that makes a positive contribution to a Conservation Area must therefore make a similar case to that for the demolition of a listed building. Demolition can also be considered in the case of emergency where serious structural damage caused by unexpected event leaves no alternative. Any replacement building should preserve or enhance the character or appearance of the area, making reference to the relevant character statement/appraisal. Historic Environment Scotland will be consulted on proposals to demolish unlisted buildings in a Conservation Area.

Policy CH3: Demolition of an Unlisted Building in a Conservation Area

Proposals for Conservation Area Consent will be supported provided that there are appropriate proposals for redevelopment or intermediate treatment and:

- (i) the building to be demolished is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair;
- (ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character; or
- (iii) the building does not positively contribute to the character or appearance of the conservation area and its removal or replacement would not adversely affect the character of the conservation area or it would facilitate positive townscape benefits.

Proposals for redevelopment or intermediate treatment must preserve or enhance the character or appearance of the conservation area. Demolition will not be allowed to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement development or for an alternative means of treating the cleared site has been agreed.

In the case of an emergency, proposal for redevelopment or intermediate treatment may not be required.

Development Affecting Scheduled Monuments and Archaeological Sites

6.47 Scheduled Monuments are sites or structures of national importance scheduled by Historic Environment Scotland for legal protection. Scheduled Monument Consent is required from HES for any work affecting them, including repairs. Their setting is often very important to both the understanding of and the appearance of the monument. There are around 295 Scheduled Monuments in East Lothian, including well-known landmarks such as Traprain and North Berwick Laws.

6.48 The vast majority of archaeological sites within East Lothian are not scheduled and have no statutory protection at national level but are nevertheless of regional or local importance. The East Lothian Historic Environment Record lists these as 'archaeological sites' and contains approximately 8,000 entries. All sites and monuments, whether scheduled or not, are fragile and irreplaceable and they are a material consideration in the planning process.

6.49 The preservation in situ of important archaeological remains will always be preferred. Where development is proposed within areas of archaeological potential the developer must commission and make available to the Planning Authority, an archaeological assessment as part of any planning proposals. If significant archaeological remains are uncovered, the developer is encouraged to make provision for public accessibility and community involvement, e.g. through local media involvement, school visits, talks, open days, or exhibitions.

Policy CH4: Scheduled Monuments and Archaeological Sites

Where a proposed development might affect any Scheduled Monument or archaeological site (of known or suspected archaeological interest), the developer must undertake and make available to the planning authority a professional archaeological assessment and, if necessary, a field evaluation.

Development that adversely impacts on a scheduled monument, or its setting, will not be permitted.

Development that would harm a site of regional or local archaeological interest, or its setting, will only be permitted in exceptional circumstances, where the Council accepts that archaeological advice that the significance of the remains is not sufficient to justify their physical preservation in situ when weighed against other material considerations (including the benefits of the proposed development). In such situations, the developer must make proper provision for the excavation, recording and analysis of the archaeological remains in advance of the commencement of development, the results of which must be reported and any subsequent post-excavation work undertaken should also be reported and, if warranted, published. Appropriate conditions may be applied to any planning permission to achieve this.

Where it is feasible within a proposed development to accommodate, preserve or enhance a Scheduled Monument or archaeological remains, interpretation and integration of these features and where appropriate, public access, will be expected.

Development Affecting a Nationally Important Historic Battlefield

6.50 The Inventory of Historic Battlefields is a list of nationally important battlefields designated by Historic Environment Scotland for their association with key historical events or figures, for the physical remains and/or archaeological potential they contain, or for their landscape context. Designated areas associated with battlefields can be extensive. There are currently four battlefields in East Lothian included in the Inventory of Historic Battlefields: Battle of Pinkie Cleugh (1547), Battle of Prestonpans (1745), Battle of Dunbar I (1296), and Battle of Dunbar II (1650). An Overview and Statement of Significance for each site is published by Historic Environment Scotland.

6.51 The effect of proposed development on the historical and archaeological significance of designated battlefield areas is a material planning consideration. Development should not adversely impact on the archaeological resource or the landscape context, including key views to from or within the battlefield. The cumulative effect of new development in addition to past or current developments should not adversely impact on the battlefield. Historic Environment Scotland will be consulted on development proposals within an Inventory Battlefield site, other than proposals for householder development.

6.52 East Lothian also has other battlefields that are of regional or local significance that are not included on the national Inventory. These will be treated as archaeological sites and assessed under Policy CH4. In due course the Council will prepare supplementary planning guidance on Battlefields.

Policy CH5: Battlefields

Development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have a significant adverse affect on the key features of the battlefield, including its key landscape characteristics and special qualities, unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised. Any new development supported in such areas must provide appropriate mitigation that conserves or enhances the key features of the battlefield, including through siting, scale, design and landscape treatment and, where relevant, contributes to the understanding of the battle and historic assets, particularly with respect to any archaeological deposits found in situ (See Policy CH4).

Development Affecting Gardens and Designed Landscapes

6.53 Gardens and Designed Landscapes make a significant contribution to East Lothian's historic environment and landscape. There are currently 27 gardens and designed landscapes in East Lothian that are of national importance and are included in Historic Environment Scotland's National Inventory of Gardens and Designed Landscapes. There are also many more gardens and designed landscapes of local or regional importance that are identified on East Lothian's Historic Environment Record; the assessment of these is an ongoing process.

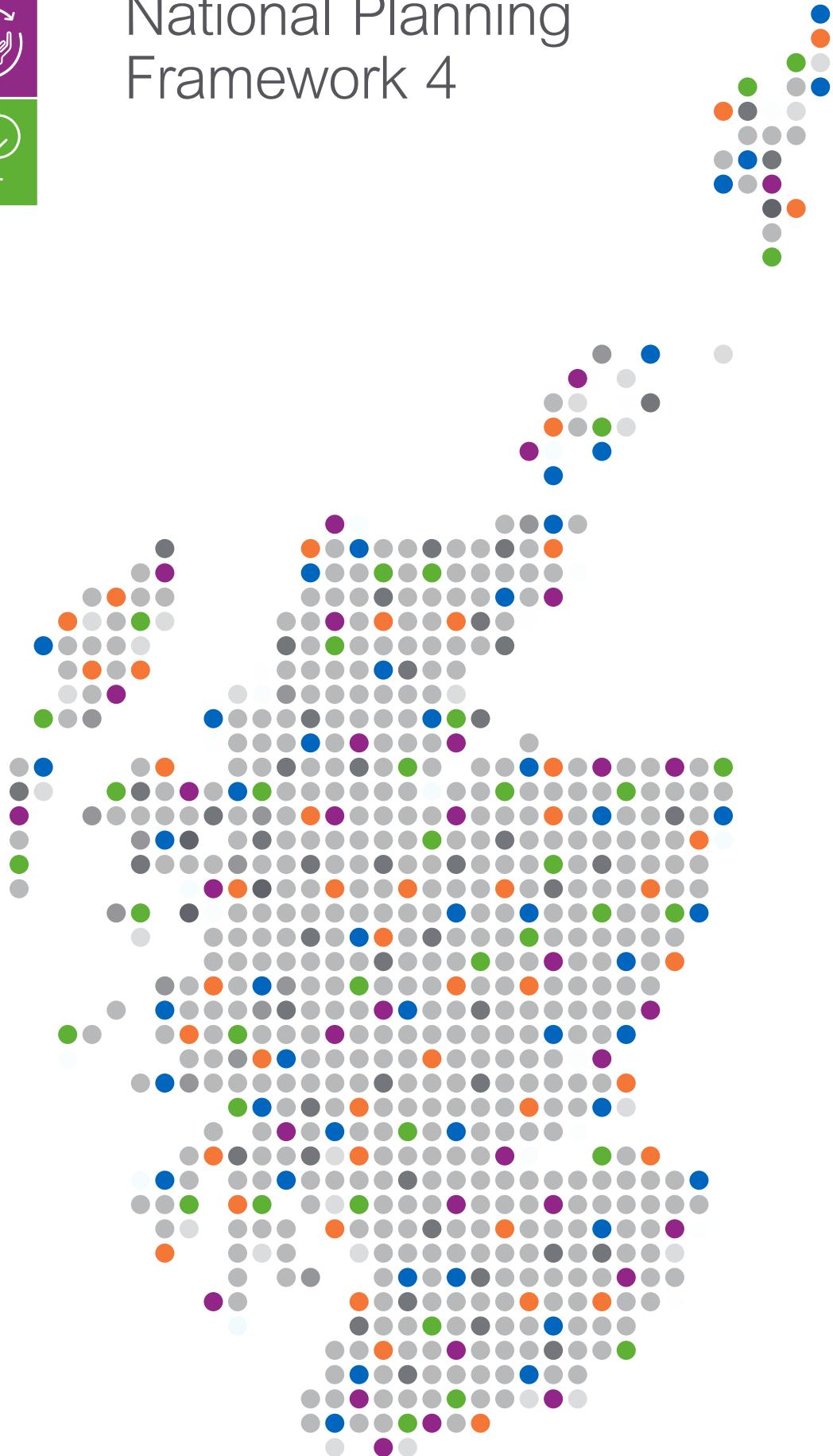
6.54 Scottish Planning Policy requires that gardens and designed landscapes of national, regional or local importance are protected and, where appropriate, enhanced. They can have different qualities and are assessed under the following value-based criteria, although do not have to be of value under all of them:

- Value as an individual work of art
- Historic value
- Horticultural, arboricultural, silvicultural value
- Architectural value
- Scenic value
- Nature conservation value
- Archaeological value

6.55 Impacts of development proposals on gardens and designed landscapes will be a material planning consideration. Planning applications that may affect a garden or designed landscape on the National Inventory will be referred to Historic Environment Scotland for its comments.



National Planning Framework 4



Part 2 – National Planning Policy



Sustainable Places

Tackling the climate and nature crises

Policy Principles

Policy Intent:

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

Policy Outcomes:

- Zero carbon, nature positive places.

Local Development Plans:

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

Policy 1

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

Policy impact:

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

Key policy connections:

All other policies.

Climate mitigation and adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Local Development Plans:

The LDP spatial strategy should be designed to reduce, minimise or avoid greenhouse gas emissions. The six spatial principles should form the basis of the spatial strategy, helping to guide development to, and create, sustainable locations. The strategy should be informed by an understanding of the impacts of the proposals on greenhouse gas emissions.

LDPs should support adaptation to the current and future impacts of climate change by taking into account climate risks, guiding development away from vulnerable areas, and enabling places to adapt to those risks.

Policy 2

- Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- Development proposals will be sited and designed to adapt to current and future risks from climate change.
- Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy impact:

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

Key policy connections:

All other policies.

Biodiversity

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

Policy 3

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

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

Natural places

Policy Principles

Policy Intent:

To protect, restore and enhance natural assets making best use of nature-based solutions.

Policy Outcomes:

- Natural places are protected and restored.
- Natural assets are managed in a sustainable way that maintains and grows their essential benefits and services.

Local Development Plans:

LDPs will identify and protect locally, regionally, nationally and internationally important natural assets, on land and along coasts. The spatial strategy should safeguard them and take into account the objectives and level of their protected status in allocating land for development. Spatial strategies should also better connect nature rich areas by establishing and growing nature networks to help protect and restore the biodiversity, ecosystems and natural processes in their area.

Policy 4

- a) Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
- b) Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.

c) Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:

- i. The objectives of designation and the overall integrity of the areas will not be compromised; or
- ii. Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.

d) Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:

- i. Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
- ii. Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.

e) The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.

f) Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i. will support meeting renewable energy targets; or,
- ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy impact:

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

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Biodiversity](#)
- [Soils](#)
- [Forestry, woodland and trees](#)
- [Historic assets and places](#)
- [Green belts](#)
- [Coastal development](#)
- [Energy](#)
- [Design, quality and place](#)
- [Blue and green infrastructure](#)
- [Play, recreation and sport](#)
- [Flood risk and water management](#)
- [Rural development](#)
- [Tourism](#)

Historic assets and places

Policy Principles

Policy Intent:

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
- Redundant or neglected historic buildings are brought back into sustainable and productive uses.
- Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Local Development Plans:

LDPs, including through their spatial strategies, should support the sustainable management of the historic environment. They should identify, protect and enhance valued historic assets and places.

Policy 7

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
 - i. building is no longer of special interest;
 - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
 - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
 - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
 - i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

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

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

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

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

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Digital infrastructure](#)

[Community wealth building](#)

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

[Rural development](#)

[Tourism](#)

[Culture and creativity](#)

Flood risk and water management

Policy Principles

Policy Intent:

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy Outcomes:

- Places are resilient to current and future flood risk.
- Water resources are used efficiently and sustainably.
- Wider use of natural flood risk management benefits people and nature.

Local Development Plans:

LDPs should strengthen community resilience to the current and future impacts of climate change, by avoiding development in areas at flood risk as a first principle. Resilience should also be supported by managing the need to bring previously used sites in built up areas into positive use; planning for adaptation measures; and identifying opportunities to implement improvements to the water environment through natural flood risk management and blue green infrastructure.

Plans should take into account the probability of flooding from all sources and make use of relevant flood risk and river basin management plans for the area. A precautionary approach should be taken, regarding the calculated probability of flooding as a best estimate, not a precise forecast. For areas where climate change is likely to result in increased flood exposure that becomes unmanageable, consideration should be given to alternative sustainable land use.

Policy 22

a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:

- essential infrastructure where the location is required for operational reasons;
- water compatible uses;
- redevelopment of an existing building or site for an equal or less vulnerable use; or
- redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/egress can be achieved.

- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
 - i. not increase the risk of surface water flooding to others, or itself be at risk.
 - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy impact:

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

Key policy connections:

- [Tackling the climate and nature crises](#)
- [Climate mitigation and adaptation](#)
- [Biodiversity](#)
- [Green belts](#)
- [Coastal development](#)
- [Design, quality and place](#)
- [Infrastructure first](#)
- [Quality homes](#)
- [Blue and green infrastructure](#)
- [Health and safety](#)
- [Business and industry](#)

REVIEW AGAINST REFUSAL OF PLANNING APPLICATION 24/00768/P – PLANNING OFFICER'S SUBMISSION

PLANNING OFFICER'S ADDITIONAL STATEMENT

This statement is made in response to some of the content of the statement submitted with the request for review by the Appellant.

- Planning permission 18/00104/P approves the “Variation of condition 15 of planning application 07/00972/FUL to allow the retention of a ground floor window in the south elevation of the building (Retrospective)”. Planning permission 07/00972/FUL approves the erection of 1 house with integral garage and fencing. That house is now known as Burnside House, 9 Seton Mains Cottages.
- Condition 2 of planning permission 18/00104/P reads: *“Prior to the commencement of the development hereby approved the works to upgrade the culverted bridge crossing of the existing site access driveway over the Seton Burn shall have been carried out in accordance with drawing nos. 939/a1B and 939/a2A docketed to the planning permission 07/00972/FUL to the approval of the Planning Authority. The levels of the existing culvert and the culverted bridge crossing deck shall remain unchanged unless otherwise approved by the Planning Authority. Reason: In the interests of road safety and to prevent flooding.”*

This condition requires the delivery of the upgrading of the culverted bridge crossing of the shared driveway over the Seton Burn in accordance with drawing nos. 939/a1B and 939/a2A docketed to the planning permission 07/00972/FUL. For context and information for the Local Review Body, I have included these two drawings in the Planning Officer's submission to this request for review.

- Condition 2 of planning permission 18/00104/P was imposed on the grounds of flood risk. The reduction of flood risk to the only access point to the properties on the west side of the Seton Burn is extremely important. The Council's Structures, Flooding and Street Lighting Team Manager advises that, although the three relief pipes have been installed at the culverted bridge crossing, he is aware that on occasions when he or other staff from his Team have attended the site, the burn has been backing up and blocked due to debris collecting at the main culvert pipe. Such constriction on the flow of water in the burn could cause the burn to back up and cause flooding, potentially of the roadway and the properties. He therefore advises that he does not support the full removal of condition 2. The full response from the Council's Structures, Flooding and Street Lighting Team Manager is set out in the Report of Handling for planning application 24/00768/P.
- The Appellant states in his supporting statement that at the time of planning application 07/00972/FUL (circa 2007), the Council's Engineer at that time

(Dave Northcott), signed off the culvert works, as carried out, as being sufficient in 2007. Contrary to what the Appellant states this is not the case. This can be seen in the Appellant's "Document D" submitted with the Local Review request. The Appellant has chosen to focus on only part of the paragraph. The paragraph goes on to conclude that the remaining works to upgrade the culvert crossing are required to be undertaken as soon as possible once the water levels of the burn subside, and furthermore, the subsequent response from the Appellant at that time ("Document D, "email of 5/12/2012, also included in the Appellant's submissions) indicates that the Appellant intended to complete the works when conditions allowed. The relevant Condition 4 of planning permission 07/00972/FUL referred to in "Document D" has not been discharged by the Planning Service.

- The matter of Completion and Habitation Certificates referred to on page 2 of the Appellants statement submitted with this request for review is not part of the planning permission process but rather is within Building Standards Legislation and thus is not relevant to planning legislation.
- A lack of response from the Community Council cannot be taken as an indication of support from them.

7th January 2026

**Stephanie McQueen
Planner (Planning Delivery)**





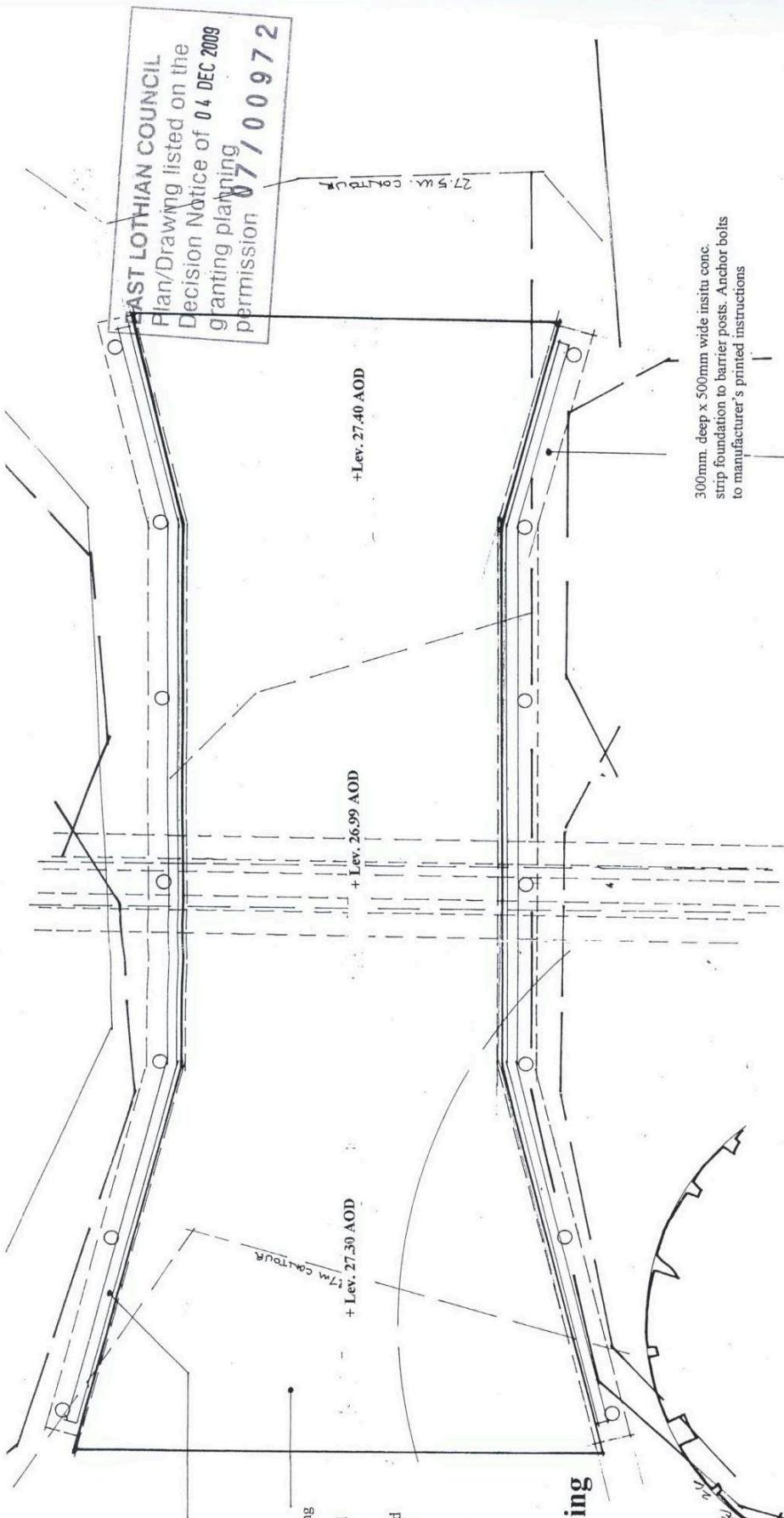




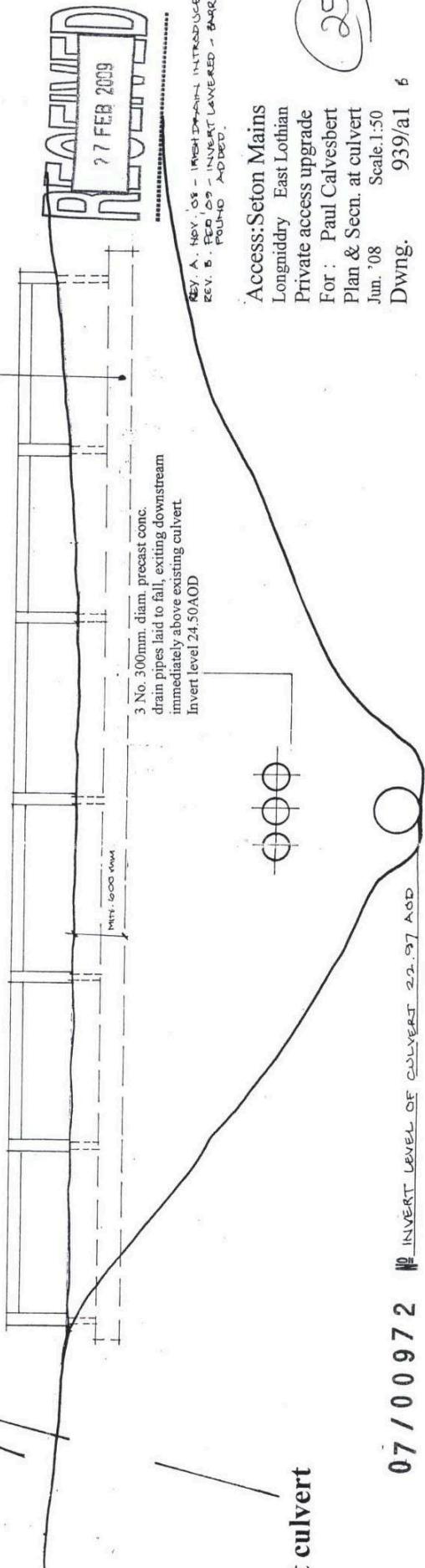








Section at culvert



Access: Seton Mains
Longniddry East Lothian
Private access upgrade
For: Paul Calvesbert
Plan & Scen. at culvert
Jun. '08
Scale 1:50
Dwng. 939/a1

07/00972 22.97 AOD

Access: Seton Mains
 Longmiddry East Lothian
 Private access upgrade
 For : Paul Calvesbert
 Proposed culvert mods.
 Nov. '08
 Dwng.

EAST LOTHIAN COUNCIL
Plan/Drawing listed on the
Decision Notice of **04 DEC 2008**
granting planning
permission **07100972**

COLEMAN BALLANTINE ARCHITECTS
3 Chamberlain Terr. KA3 3ED T. 01560 480611

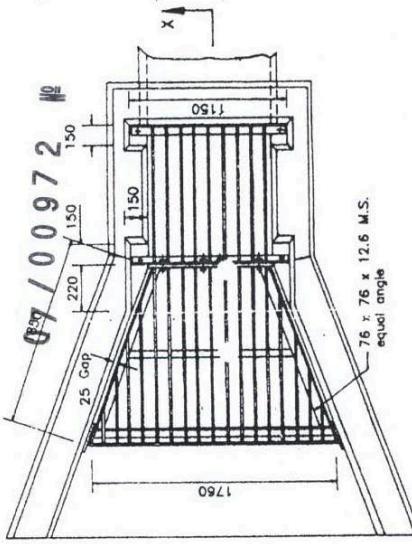
REV. A. FEB. '09 EXTENT TERRAIN REPOSED
SOME HOPES

-510-

1. All dimensions are in millimetres.
2. (+) (-) Bolt position. All bolts to be 20mm M.5, shanked. Rivet pins throughout or equivalent to be fitted as per manufacturers instructions min embeddeed length 150mm.
3. All mild steel to be hot dipped galvanised after fabrication and painted with one coat of Gahvrald after installation.
4. Sizes of screws to be checked on site prior to fabrication.
5. Galvanised to CL 1911 (SW).
6. Welding to B.S.5135:1984.

See dwng. No.939/a1 'Plan& Section at Culvert.

Precast conc. steps and landings (max. 16 rises per flight), complete with galv. metal handrail, providing access to culvert level for maintenance purposes.



PLAN AT CULVERT INTAKE SCREEN (NTS).

FURTHER REPRESENTATIONS

Planning Application No. 24/00768/P

Seton Mains, Longniddry, EH32 0PG

No response was received from the Applicant

From: [REDACTED]
To: [Scott, Megan \(Committees\)](#)
Subject: Re: NOTICE OF REVIEW - Planning Application No: 24/00768/P - Section 42 application to remove condition 2 of planning permission 18/00104/P, Seton Mains, Longniddry, EH32 0PG
Date: 16 November 2025 20:28:26

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

Hello Megan,

There was an issue with neighbour notification of this planning application whereby I wasn't notified, but due to the circumstances, my objection to the proposal was accepted late. Just in case this hasn't made it through as part of this appeal, I am copying below for consideration at the review. If my written representation is already due for consideration then nothing further is required.

Many thanks.

[REDACTED]

I consider 24/00768/P should be rejected on the following grounds.

The development under 18/00104/P has been completed, however Condition 2 has not been complied with. The drawings referred contain the following key elements which remain incomplete:

Installation of galvanised culvert intake screen - NOT INSTALLED
Installation of concrete base, headwall and wingwalls for intake screen - NOT INSTALLED
Galvanised metal handrail for steps - NOT INSTALLED
Upstream banking stabilisation with Terram and seeded topsoil cell - NOT INSTALLED
Permeable block paving over the bridge - NOT INSTALLED BUT MAY BE
DETRIMENTAL

Most of the key elements within the drawings have not been installed as the condition of planning required. These measures were required "In the interests of road safety and to prevent flooding", and their importance resulted in the condition being repeated across multiple planning applications in the area. Their requirement has not changed - and in fact due to Climate Change the flooding aspect is even more important than it was at the time of application.

Of most concern is the missing intake screen, concrete base/wing/headwalls for screen, and banking stabilisation. During heavy rainfall, the Seton Burn conveys a significant amount of water through this culvert, to the extent that I have witnessed it running at full capacity on multiple occasions in the short period I have resided in Seton Mains. I previously submitted video evidence which I can resubmit if this isn't available.

My reasons for requesting rejection of the application, and requesting enforcement of the condition, are as follows:

General

The incomplete works significantly increase flood risk in the area - both to the access road

into four properties, and to the lower properties themselves. The access road is the only road access and required for access/egress and emergency vehicle access at all times. It provides public amenity as the bridge is a popular thoroughfare for local walkers who use the nearby stile to walk between Seton Mains and the golf course / caravan park.

I have been informed by neighbours that the pipe has blocked in the past prior to us moving in, and I understand from informal discussions with ELC's Flood team, the pipe was blocked during a site visit in January 2024.

I have personally cleared debris from the culvert inlet on four occasions since 2024. The applicant cites in their Statement not having to attend the culvert but I would note the applicant did not reside in the area for much of the time in question, and that the attendance was actually carried out by other local residents.

Intake screen

The missing intake screen is of concern and the access / land ownership issues cited in the applicant's Statement are irrelevant to the application - these should have been clarified by the applicant prior to construction. The burn embankments are heavily vegetated and vegetation debris is often picked up by the flowing burn. Due to the relatively small diameter of the culvert compared to the watercourse, it is prone to blockage by branches, which in turn will gather other debris, quickly leading to blockage which cannot be safely cleared during heavy rain. A gap slightly larger than 50mm below the intake screen may be beneficial to allow smaller debris to pass.

Concrete base, headwall and wingwalls for intake screen

As well as housing the screen, the concrete base/wing/headwalls for the screen play an important role. As per my attached video, when the existing pipe is running at or close to capacity, it cannot convey as much water as required. This causes some backing up which in turn leads to turbulent water around the entrance to the pipe, and there is evidence of scouring. Over time, this turbulence will erode the embankment, and jeopardise the amenity and safety of the only access road. Some scouring is already evident on site. The concrete headwall structure should have alleviated this concern.

Banking stabilisation

The missing banking stabilisation is also of concern, and as above, access / land ownership issues as cited in the applicant's Statement should have been sorted at the time, and are not a valid reason for not complying with a planning condition. Similarly to the concrete base/wing/headwalls for the screen, the upstream banking stabilisation will offer protection against turbulent water eroding the embankment. With a current lack of seeding which should have been provided by the cellular seeded topsoil, the erosion risk is increased even without turbulent water.

EXCEPTION - Permeable block paving

My personal opinion is that the installation of permeable block paving over the bridge would actually be detrimental to road safety and flood risk - this would be difficult to lay and maintain effectively, would quickly clog, and wouldn't offer any advantage over the current unbound surface over the bridge which performs adequately. Therefore I agree with the applicant's position in their Statement and that this permeable block paving shouldn't be installed, and would strongly encourage a relaxation by ELC for this item to not be undertaken in the enforcement of the condition.

On 14 Nov 2025 at 10:53, Scott, Megan (Committees) <mscott1@eastlothian.gov.uk> wrote:

To: Consultees & Interested Parties

Dear Sir/Madam

NOTICE OF REVIEW

Planning Application No: 24/00768/P – Section 42 application to remove condition 2 of planning permission 18/00104/P, Seton Mains, Longniddry, EH32 0PG

As a Consultee or Interested Party to the above planning application, you are entitled to be informed of this Notice of Review, which is available to view on East Lothian Council's website, together with the applicant's Review Documents. This information can be accessed at:

https://www.eastlothian.gov.uk/meetings/meeting/17460/local_review_body_planning

Any written representation previously made will be considered by the Local Review Body when determining the review. However, if you wish to make any further representation, please note that this should be sent to me, using the address details below, within 14 days of the date of this correspondence. Copies of further representations will be forwarded to the applicant for comment. [All documents will have personal information redacted.]

The meeting will take place on Thursday 22 January 2026 at 2pm via our Hybrid meeting system. You may observe proceedings but there will be no opportunity for you to address the Local Review Body or to make any further representations at that meeting. To view proceedings, please click on the webcast library link below. Or you may attend in person at the Council Chamber, Town House, Court Street, Haddington. Please note that this is a public meeting, and the press may view and report on proceedings.

<https://eastlothian.public-i.tv/core/portal/webcasts>

The Decision Notice will be posted on the Council's website following the meeting.

Yours faithfully,

Megan Scott
Committees Officer

Direct Line: 01620 827514
E-mail: mscott1@eastlothian.gov.uk

mscott1@eastlothian.gov.uk

Work pattern: Monday – Friday mornings

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