

LOCAL REVIEW BODY

19 February 2026

Application No: 25/00743/P

**Paddock South West of Edgar Cottage, Congalton
Gardens, North Berwick, EH39 5JP**

Appointed Officer's Submission

1. Index of Contents
2. Officer's Report
3. Letters from Interested Parties
4. Consultation Responses
5. Decision Notice
6. Development Plan Policies
7. Schedule of Conditions (to refer to if appeal upheld).

OFFICER REPORT

27th October 2025

App No. **25/00743/P**

Application registered on **21st July 2025**
Target Date **20th September 2025**

Proposal	Erection of 1 house and associated works	SDELL	N
		CDEL	N
Location	Paddock South West Of Elder Cottage		
	Congalton Gardens	Bad Neighbour	N
	North Berwick	Development	
	East Lothian		
	EH39 5JP		

APPLICANT: Ms Carrie Mcdonald

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

c/o APT Planning & Development
Per Tony Thomas
1 West Road
Whitekirk
EH42 1XA

DECISION TYPE: **Application Refused**

PLANNING ASSESSMENT

This application relates to an existing paddock located to the southwest of Elder Cottage in Congalton, North Berwick. The application site is located within a countryside location as defined by Policy DC1 of the East Lothian Local Development Plan 2018 ('ELLDP 2018'). The site forms part of the Congalton Local Gardens and Designed Landscapes designation. The Whitekirk and Balgone Outcrops Special Landscape Area ('SLA') is located some 300m to the northeast of the application site.

The 'B Listed Building' of the Congalton Dovecot is located some 34m to the south of the application site.

The application site is a grass paddock used for the keeping of horses. It is enclosed by an approx. 1.2m post and wire fence.

The site is bounded to the north and west by further paddocks used for the keeping of horses, its bounded to the south and east by an existing access road and parking / courtyard area. Access is obtained from the public road (B1347) to the east.

In March 2017, planning permission was granted ref: 16/00898/P for the change of use of a former farm market garden for the keeping of horses, erection of stable building, formation of floodlit outdoor riding arena and associated works. This consent has since been implemented.

Planning permission is now sought for the erection of 1 house and associated works on the application site.

The proposed house would be situated within a roughly square parcel of land which is some 44.8m by some 43.4m at its widest points. It would be located within the eastern most part of the site and would be oriented to face eastward. It would be positioned so that its east (front) elevation would be set back some 3 metres from the existing gravel access track to the east. It would be some 45m from the public road (B1347) to the east.

The proposed house would be a single storey pitched roof house featuring a mezzanine level within part of its roof space. It would be some 19.8m in length by some 13.1m at its widest point and would have a total floor area of some 231.01sqm inclusive of the mezzanine level. It would have a predominantly pitched roof with a total height of some 6.6m. The eaves would be some 2.4m from ground level.

The proposed house would feature 4x bedrooms, one of which would have a dressing room and an en-suite. It would have a separate family bathroom, a utility room with a plant and larder and a dining room on the ground floor level. A mezzanine space would be located above the lounge area at first floor level.

The proposed house would feature some 5x glazed window openings and a partially glazed door with fixed glazing panels on each side of the door on its front (east) elevation; 2x glazed window openings and a partially glazed door opening on the side (south) elevation; 1x glazed opening on the side (north) elevation and some 11x glazed window openings and 2x sets of French style door openings on the rear (west) elevation.

Walls would be clad in render boards and composite horizontal cladding. The roof would be clad in concrete tiles. Windows and doors would be of UPVC framed construction in an anthracite grey colour. The roofline / fascia boards would be of UPVC construction and anthracite grey in colour. Rainwater goods would be of black UPVC construction.

A flue would be attached to the rear (west) roof slope. It would be some 2.1m in height from the roof slope in which it would be attached.

An Air Source Heat Pump is proposed to be positioned on the side (south) elevation of the house. It would be some 1.1m in length, some 0.6m in width and some 0.8m in height.

The proposed house and its proposed curtilage would be enclosed with a timber post and rail fence. The applicant would re-use the posts from the existing post and wire fence which encloses the site currently. A timber gate would provide access into the curtilage from the western boundary.

Three parking spaces would be positioned to the southwest of the proposed house, outwith the enclosed curtilage. Each of the spaces would be some 5.3m in length by some 2.2m in width and they would be constructed with compacted hardcore.

A concrete footpath would provide access from the car parking spaces, east through into the curtilage and around to the front (east) elevation of the proposed house.

Vehicular access to the proposed house would be via an existing access into the wider site.

Application drawings show that amenity space for the proposed house would be provided in the form of front, side and rear areas of garden ground featuring grassed areas.

A Supporting Statement has been submitted in support of the application. It is summarised below:

- i. The site is located within the cluster of buildings at Congalton and the existing area of land comprises as a paddock. The land is used as part of the applicant's Retirement Livery business which caters for ageing and/or injured horses.
- ii. The applicants jointly own and operate Congalton Gardens Retirement Livery and need to be on-site to manage the existing business, whilst one of the applicant's works for the Scottish Ambulance Service.
- iii. Living on-site is an importance aspect of the business as care is required 24/7, alongside everyday security and welfare purposes.
- iv. There is expensive machinery on-site which makes the site vulnerable to theft/anti-social behaviour if there is no-one on-site throughout the day and night.
- v. Vet visits can be required at any time of day or night and living remotely makes such visits difficult to manage.
- vi. The applicants currently live in North Berwick (some 4.5 miles away), and they are at a point in their lives where they wish to start and raise a family in East Lothian. Being on-site at Congalton would enable the proposed house to be a family home associated with an existing countryside business in compliance with Policy DC4 of the ELLDP 2018 as well as other key national and local planning policies.
- vii. The walled garden setting ensures that the house will be invisible from all, but immediate neighbours.
- viii. The applicants hope to grow the business in the coming years. They purchased the land in June 2016 and opened the livery in March 2018.
- ix. The business has 5-7 horses on-site with a waiting list in operation. No further horses can be accommodated without the applicants living on-site. Living on-site would enable the business to offer a better and expanded level of service.
- x. Expenditures also include yard help twice a week and ad hoc property maintenance.
- xi. The livery has CCTV, but this is almost useless and by the time they can react to any such issue, it's too late. Living on-site deters thieves.
- xii. The horses live outside, and their welfare is of primary importance. Horses living on-site have complex needs and health conditions and require constant monitoring. Conditions include, heart murmur, dental issues, liver failure and old age, with one horse being 34 years old.
- xiii. Visits from farriers, horse physios and hay/feed deliveries require someone to be on-site.
- xiv. One of the applicant's visits the site before and afterwork. The other applicant, along with the part time yard hand are available when the other applicant is on shift.
- xv. All other livery yards in East Lothian have owners living on-site, including, Rockrose Livery, East Lothian Livery, Hendry's Equestrian, Whitesands Livery, Hodges Livery, Belton Livery and Cousland and Seacliff Stables.
- xvi. The applicants have attempted to move closer to the site, however, houses available were either over budget, or they were outbid when attempting to buy.
- xvii. The three neighbouring properties at Congalton are all supportive of proposals.

xviii. The business generates income through livery fees for the housing and caring for the horses as well as ad hoc services all of which include:

- o 24/7 turnout in suitable paddock.
- o Daily concentrated feed preparation and issuing of feed/supplements/medication (as supplied by owner).
- o Daily general health/wellbeing check.
- o Daily basic rug changes as appropriate.
- o Supply of hay/haylage when required.
- o Provision of fresh water.
- o Field maintenance.
- o Monthly weight check.
- o Monthly tidy up (mane pull/tail trim).
- o Holding for routine Vet/Farrier appointments.
- o Worming Programme.
- o Attendance at ad hoc vet visits as required

An addendum to the above Supporting Statement was submitted on 9th October 2025, following a consultation response from the Council's external Agricultural Advisor. Due to the sensitive nature of its content, it is not publicly viewable.

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) requires that the application be determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan is National Planning Framework 4 ('NPF4') and the adopted ELLDP 2018.

Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 5 (Soils), 7 (Historic Assets and Places), 13 (Sustainable Transport), 14 (Design, Quality and Place), 15 (20-Minute Neighbourhoods), 16 (Quality Homes) and 17 (Rural Homes) of NPF4 are relevant to the determination of this application.

Also relevant are Policies DC4 (New Build Housing in the Countryside), DP1 (Landscape Character), DP2 (Design), CH6 (Gardens and Designed Landscape), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH7 (Protecting Soils), W3 (Waste Separation and Collection), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the ELLDP 2018.

Also, material to the determination of the application is the Scottish Government's policy on housing and rural development given in Planning Advice Note 72: Housing in the Countryside.

PAN 72 states that: "Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration, but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity."

One letter of support has been received in respect of this application for planning permission which states that having someone live on-site would be a valuable addition to the Congalton Gardens Community.

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

Policy 14 of NPF4 supports development that is consistent with the 6 qualities of successful places. Policy DP2 of the ELLDP 2018 requires that the design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be appropriate to their location in terms of positioning, size, form, massing, proportion and scale and use of a limited palate of materials and colours that complement its surroundings. It further states that design of new development must evolve from and respond to an analysis of the proposed development site and its wider context. Furthermore, it states that the design, materials and finishes proposed must complement those of existing buildings in the local area.

The existing group of buildings at Congalton Gardens consists of agricultural sheds, stables and dwellinghouses, all of which vary in size, shape and massing. In terms of material, the existing houses within the cluster at Congalton vary from random rubble constructed walls to render clad homes. Roof coverings also vary from slate and clay tiles. The dwelling of Cour Cottage is also located some 100 or so metres to the south. This dwelling is also clad in white painted render, though its roof is clad in red pantiles. The dwellings within this cluster do vary in design, though they are generally of a traditional construction and relatively low lying in nature which is a long-established built form within a countryside location such as this and this type of building forms part of the landscape character and appearance of this part of Congalton.

The proposed house would have a similar footprint to those within the surrounding area. The single storey height of the proposed house would be seen in the context of Cara's Cottage and other dwellings generally within a rural context. In all of this, the height, scale and massing of the proposed house would not be out of keeping with the height, scale and massing of the nearby buildings and the house would not appear harmfully dominant or intrusive alongside those existing buildings. In terms of materials proposed, the proposed house would be of a modern contemporary design, finished predominantly with rendered clad boards and composite horizontal cladding boards to the rear (west) elevation.

The roof would be clad with concrete tiles. Although of a generally modern construction, the proposed house would have a predominantly rendered form, and it would have dark coloured roof tiles like the dwellings to the east. Therefore, there would be a sufficient architectural linkage in terms of the overall design of the proposed house to reflect the architectural character and design of the existing neighbouring houses and buildings within the surrounding area.

Given the location and orientation of the proposed house, it would be visible in some close-range views from the nearest residential dwellings within the group of houses at Congalton Gardens. It would also be visible in short duration views from the public road to the east, however the existing dwellings at Congalton, the high hedging to the east of the application site and the stone wall that borders the B1347 would provide varying degrees of containment in views from the public road. The proposed house as set back from the roadside would

therefore be relatively well contained from public views from the public road. By virtue of its architectural form, size, material and positioning the proposed house would generally be in keeping with the rural location and it would not therefore be harmful to the character and appearance of the cluster of buildings to the east or to the surrounding countryside location. As such the proposed house would be appropriate to its setting. Consequently, on the matter of design, the proposed house would broadly be in line with Policy 17 of NPF4 and Policy DP2 of the ELLDP.

Policy DP2 of the adopted ELLDP 2018 and Policy 14 (c) of NPF4 amongst other matters require that new development should ensure privacy and amenity for the occupants of any neighbouring residential properties as well as the occupants of any new development. Particular regard must be given to factors such as levels of sunlight, daylight and overlooking.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties, it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

Given the proposed location and orientation of the proposed house there are no neighbouring houses with directly facing windows within 18 metres. Therefore, the proposed house would not result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties.

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

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

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

The Council's Environmental Health Service were consulted as part of this application and raised no objection.

On the matter of amenity therefore, proposals comply with Policy DP2 of the adopted ELLDP 2018 and Policy 14 (c) of NPF4.

The Council's Landscape Officer was consulted as part of this application. They advised that proposals would not introduce new features or characteristics into the wider landscape area and as such, impacts on the nearby SLA and the nearby landscape character are likely to be limited. However, they advised that a scheme of landscaping would assist in integrating the development into the surrounding rural landscape. Should planning permission be granted, it can reasonably be made a condition that a scheme of landscaping is submitted prior to the

commencement of development to better assist proposals integrating into the surrounding rural area. Subject to this condition, proposals would comply with Policy DC1 of the ELLDP.

Proposals would not significantly harm elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes. Further, Historic Environment Scotland (HES) were consulted as part of this application and advised that they have considered the proposals and have no comments to make.

The Council's Archaeology and Heritage Team were consulted as part of this application and raised no comment.

On the matter of the historic environment, proposals comply with Policy 7 of NPF4 and Policy CH6 of the ELLDP 2018.

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

The Council's Biodiversity Officer was consulted as part of this application and advised that there are records of bats, a protected species within 500m of the application site. The Officer advises that whilst there are no habitat features for bats within the red line boundary, there are potential roosting and commuting habitats features within the surrounding area, including within the adjacent farm buildings, woodlands and trees. In addition to this, the Biodiversity Officer notes that there are records of badgers within the wider environs.

She concludes that whilst there are no existing habitats on-site, it would be prudent in this case for the applicant to provide a licensed Precautionary Construction Working Method Statement for badgers and bats. Whilst habitats, roosts and setts may not be present, if badgers or bats are in the area there could be disturbance during construction. The Working Method Statement should cover but not be exclusive to the consideration of lighting, noise, timing of works and pre-construction checks by a suitably qualified ecologist. Therefore, subject to the attachment of this condition, should planning permission be granted, proposals would comply with Policy NH5 of the ELLDP 2018.

Policy 3 of NPF4 states that proposals for local development types will include appropriate measures to conserve, restore and enhance biodiversity. The proposal does not include any biodiversity enhancements; therefore, should planning permission be granted, proposals should be subject to a condition that details of biodiversity enhancement are submitted prior to the commencement of development within a landscape plan and should take the form of trees, hedging, planting, meadow and grassland creation, pollinator friendly planting, raingardens, hedgehog and wildlife highways through fencing to allow for movement of wildlife. Subject to this condition therefore, proposals would comply with Policy 3 of NPF4.

The Council's Senior Environmental Compliance Officer has been consulted on the application and advises that that there is no direct evidence to suggest any previous contaminative uses associated with the site, however given the agricultural nature of the wider area there is the possibility that localised contamination may exist. He further advised that, given the above and due to the nature of the development (residential), further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-Environmental Assessment

being carried out). In light of this the Council's Senior Environmental Compliance Officer recommends that a condition be attached to any grant of consent with regards to land contamination (Investigation, Risk Assessment, Remediation and Validation).

Subject to the above controls the Council's Senior Environmental Compliance Officer raises no objection to the proposals.

The Council's Waste Services Team were consulted as part of this application and raised no comment. Proposals would therefore be compliant with Policy W3 of NPF4.

The Council's Anti-Social Behaviour Team were consulted as part of this application. They advised that they have had no records of any incidents within the last three years.

The Council's Flooding and Structures Team were consulted as part of this application, noting that the site is not at risk from flooding. They therefore raised no objection.

The Council's Roads Services were consulted as part of this application. They advised that the proposed access via the existing junction on the B1347 and the level of parking proposed would be acceptable. Subject to the provision of one type 2 EV charger, proposals would be acceptable in accordance with Policy T2 of the ELLDP 2018.

Police Scotland were consulted as part of this application and raised no comment at the time of being consulted. The applicant has however since informed that two men were caught hare coursing in one of the adjacent farmers' fields.

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

Notwithstanding all of the above, the application site is located in a countryside location within East Lothian. While there are both residential, agricultural and livery buildings within the vicinity of the application site, the application site is not identified in the ELLDP 2018 as being within a settlement, nor does the ELLDP 2018 allocate the application site for housing development. Consequently, the principle of the erection of one house on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside.

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

- i. is on a site allocated for housing within the LDP;
- ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
- iii. reuses a redundant or unused building;

- iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
- vi. is for a single home for the retirement succession of a viable farm holding.
- vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
- viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.

Policy DC4 of the ELLDP 2018 sets out specific criteria for the erection of new build housing in the countryside and allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use. Policy DC4 also allows for other small scale housing proposals that form a logical addition to an existing small scale rural settlement where they are promoted for affordable housing and evidence of need is provided and the registered affordable housing provider will ensure that the dwelling(s) will remain affordable for the longer term. Where a viable business has not been established, Policy DC4 of the ELLDP 2018 states that the Council will normally grant temporary planning permission for temporary accommodation such as a caravan and that permanent accommodation will only be permitted once the business is established, and the Council is satisfied that it is viable, and that permanent accommodation is justified.

In support of the application, the applicant has submitted a supporting statement which puts forward the argument that the house proposed in the countryside is justified as it is necessary to support an existing livery business which has been in operation since 2018. The applicant has also submitted financial annual accounts for the livery business. Due to the sensitive nature of those documents, they are not publicly available.

The Council's Agricultural and Rural Development Consultant has carried out a rural business appraisal of the proposed development based on an assessment of the submitted information, including the financial annual accounts for the livery business.

The Council's Agricultural and Rural Development Consultant advises to be a viable business, the business should be able to generate a reasonable living for one person on minimum wage, as well as provide for any investment required, and provide a level of return on the capital investment associated with the site as well as costs associated with building any new house. Income from another job that is not related to the rural business cannot be taken into consideration in the assessment which should relate to that of the rural business only.

Based on the information submitted the Council's Agricultural and Rural Development Consultant concludes that there is a considerable gap between the current performance of the livery business and what is considered a viable business. It would not generate enough profit to provide a reasonable living for one person on minimum wage, as well as provide for any investment required, and provide a level of return on the capital investment associated with the site, as well as costs associated with building any new house. Therefore, the livery business cannot be considered a viable rural business. Furthermore, he advises that the fact that the applicant has held down a full-time job, whilst operating this business from a distance (North Berwick) further weakens the case for a operational need for a new house.

As the existing rural livery business is not a viable rural business, there is no essential need for a worker to live permanently on-site. In the absence of any such direct operational requirement or justified supporting case for the erection of a new house on the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Therefore, the principle of the new build house in this location is contrary to Policy 17 of NPF4 and Policy DC4 of the ELLDP.

The application site is classed as Class 1 agricultural land, which is the highest quality of agricultural land, suitable for the growing of a large variety of crops. The application site has consent for and is used for the keeping of horses. Notwithstanding this, the land could easily be reverted back into agricultural use with minimal interventions. Therefore, the erection of a house and associated works would result in the permanent loss of high-quality Class 1 agricultural land contrary to Policy 5 of NPF4 and Policy NH7 of the ELLDP 2018.

Policy 13 of NPF4 and Policy T1 of the ELLDP 2018 states that development proposals will be supported where they will amongst other things provide direct and safe links to local facilities via walking, wheeling and cycling and be accessible by public transport. Policy 15 of NPF4 supports development proposals that will contribute to local living including, where relevant, 20-minute neighbourhood, where people can meet the majority of their daily needs within a reasonable distance of their home preferably by sustainable and active travel methods. Policy 1 of NPF4 and NPF4 as a whole, seeks to give significant weight to the global climate crisis. In this regard housing should be directed towards existing settlements where facilities and services including public transport are available. This is a sustainable approach to spatial planning and is in line with the LDP. Housing in rural areas should only be supported in particular circumstances. As the proposed house would be on an unallocated site and in a countryside location which is not well served by public transport it would not be consistent with other relevant policies of the development plan including local living and 20-minute neighbourhoods. Therefore, the proposal is contrary to Policies 1, 13, 15 and 16 of NPF4 and Policy T2 of the ELLDP 2018.

On the above considerations the proposal is contrary to Policies 1, 2, 5,13,14,15,16 and 17 of NPF4 and Policies DC4, NH7 and T1 of the ELLDP 2018. In conclusion the proposed scheme of development is not in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

REASONS FOR REFUSAL:

- 1 As the existing rural livery business is not a viable rural business, there is no essential need for a worker to live permanently on-site. In the absence of any such direct operational requirement or justified supporting case for the erection of a new house on the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Therefore, the principle of the new build house in this location is contrary to Policy 17 of NPF4 and Policy DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed new house would not be located in a sustainable location or within a 20 minute neighbourhood and would not contribute to local living within an existing settlement. Notwithstanding that it would eliminate the applicant's commute back and forth to the site, the proposed new house would result in an increased number of non-public transport journeys associated with the domestic use of the house at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions contrary to Policies 1, 2, 13, 15 and 16 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.
- 3 The erection of a house would result in the loss of Class 1, prime agricultural land, albeit on a small scale contrary to Policy 5 of NPF4 and Policy NH7 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

27th October 2025

Scott, Megan (Committees)

From: [REDACTED]
Sent: 26 July 2025 11:18
To: Environment Reception
Subject: 25/00743/P

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.

Good Morning,
I would like to submit my support for this planning application.

I feel having someone on site for the horses will be a valuable addition to the Congalton Gardens Community.

Kind regards,

[REDACTED]

29 September 2025
Amelia Smith
Planner East Lothian Council
By Email: asmith7@eastlothian.gov.uk

Dear Amelia

Proposal Ref 25/00743/P - Paddock South West Of Elder Cottage

I refer to your instruction of 16 September 2025 asking me to review the above planning application for a new house in the paddock to the south west of Elder Cottage in relation to Local Development Plan Policies DC1, DC4 and NPF4 Policies 16,17 and 29.

I confirm I have reviewed the following documents:

- Planning Support Statement
- Response to case officer questions
- 5 years of accounts ending 31 March for 2020 through 2024

This application is for the provision of a new house in support of an equine retirement Livery. The unusual nature of the enterprise make makes the interpretation of the planning policies more difficult than normal. The relevant planning policy is set out below

East Lothian Local Development Plan Policy DC1: Rural Diversification

Policy DC1: Rural Diversification

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

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

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

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

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

Policy DC1 sets out that development in the countryside where there is an operational requirement for

LAURENCE GOULD PARTNERSHIP LIMITED

Telephone [REDACTED] Email: [REDACTED]

a countryside location and that satisfies the terms of policies NH1 and DC6 will be supported in principle. NH1 relates to protection of designated sites and DC6 to development in coastal areas neither of which are relevant in this case.

East Lothian Local Development Plan Policy DC4: New Build Housing In the Countryside

Policy DC4: New Build Housing in the Countryside

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

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

Policy DC4 sets out that a new house in the countryside needs to be supported by a direct operational need for the house related to (in this case) a countryside leisure recreation business as supported by DC1 and that the business has to be viable.

NPF4 Policy 16 sets out policy regarding new homes or in regard to Rural homes where the proposal is consistent with the policy for rural homes.

NPF4 Policy 17 – Rural Homes – The relevant parts of the policy are:-

Policy 17 a) v. –the development is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including this taking control of a farm business) to live permanently at or near their place of work.

There are several issues with this application. Firstly, the accounts submitted show losses in 3 of the five years submitted with only 2020 and 2021 being profitable. Turnover dropped from £25k in 2020 and 2021 to zero in 2022 before settling at between £10k and £11k for 2023 and 2024.

In any case, even at the levels of profit exhibited on 2020, I do not believe the business can be classed as viable where I have set out my interpretation of viability below.

I take viable to mean that the business can generate sufficient profit to generate a reasonable living for one person (the minimum wage is a reasonable starting point), provide for any investment required, and provide a level of return on the capital investment associated with the site and costs associated with building any new house. The reasoning being any other outcome is not business related and the planning permission is based on business activity.

It appears that the proprietor of the retirement livery business's main motivation is not purely financial but also the desire to see retired horses appropriately cared for in a loving way. The proprietor's facebook page clearly demonstrated the level of care, attention to these fragile animals. I say this because facilities of the standard seen could command a much higher level of income by delivering full livery to younger horses generating significantly more income.

This is a laudable objective but one which unfortunately does not result in a viable business. Which the planning policies require.

Given the absence of a viable business, the operational need requirement falls away.

The fact that the principal holds down a full time job and has successfully operated the business from a distance further weakens the case for operational need. That said I do not doubt that the care, and attention and possibly number of horses cared for would increase were the proprietor living on site.

The supporting statement does not enumerate how many more horses could be looked after were the proprietor living on site, nor what costs might be saved. However, my sense is that there is a considerable gap between the current financial performance and what I would consider be sufficient for the business to be seen as viable.

Unfortunately I conclude that I cannot support the proposal on the basis that the business does not in my opinion meet the viability test.

Yours sincerely

[Redacted]
Ian Thompson
Associate Director

Scott, Megan (Committees)

From: Business Support CPT
Sent: 15 August 2025 16:07
To: Environment Reception
Subject: RE: 25/00743/P-Amelia Smith - Planning Consultation

Hi Amelia

Just to confirm there have been no ASB complaints against the address stated in the previous 3 years.

Best Wishes,

Claire

Claire Aitchison

Business Support Administrator, Council Resources Resources & People Services – Council Support East Lothian Council | John Muir House | Haddington | EH41 3HA

Tel: 01620 827 294
Email: caitchison@eastlothian.gov.uk
Website:
<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7Cb671e98a4a5d43b03f6908dddc0d6476%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638908672258668990%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMCIsIlAiOjXaW4zMilsIkFOljoiTWFpbClIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=mcDoSAeWNN%2F02nCBdEWZ%2B%2FuXkN2vLQZ1r5xNY4CCO2c%3D&reserved=0>

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: 15 August 2025 13:49
To: Black, Kenneth <kblack@eastlothian.gov.uk>; Business Support CPT <businesssupportcpt@eastlothian.gov.uk>
Subject: 25/00743/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Paddock South West Of Elder Cottage Congalton Gardens North Berwick East Lothian EH39 5JP

[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%7Cb671e98a4a5d43b03f6908dddc0d6476%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638908672258695717%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMCIsIlAiOjXaW4zMilsIkFOljoiTWFpbClIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=kyIXJGNPlqxU7tfm5PTNLy%2B4vsC3k4zTqdNwIDJUWxY%3D&reserved=0]

Scott, Megan (Committees)

From: [REDACTED]
Sent: 01 September 2025 10:47
To: Smith, Amelia; Environment Reception
Subject: 25/00743/P BIO response

Hi Amelia,

**25/00743/P: Erection of 1 house and associated works at Paddock South West Of Elder Cottage
Congalton Gardens
North Berwick**

Please find my response to the above application below:

The above application includes the erection of 1 house on existing paddock grassland, hardstanding for parking and an access to the proposed building.

There are records of protected species of bat within 500m of the site, however there are no habitat features for bats within the red line boundary. There are potential roosting and commuting habitat features within the surrounding area within the adjacent farm buildings, woodland and trees. Additionally, there are records of badger within the wider environs. Though there are no existing habitat features on site, it would be prudent in this case for the applicant to provide a non-licensed Precautionary Construction Working Method Statement for badgers and bats- whilst habitats, roosts and setts may not be present, if badgers or bats are in the area there could be disturbance during construction. This would cover but not be exclusive to the consideration of lighting, noise, timing of works and pre-construction checks by a suitably qualified ecologist. I have included an acceptable condition below.

1. Prior to commencement of development a Precautionary Construction Working Method Statement incorporating the latest good practice guidelines and statutory advice to protect **badgers** and bats shall be submitted to and approved in writing in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies NH4 and NH5.

Further, National Planning Framework 4, Policy 3 requires development proposals to contribute to the enhancement of biodiversity. The proposal does not include any biodiversity enhancements; therefore, I would require the applicant to submit details of biodiversity enhancement within a landscape plan. Recommendations for biodiversity enhancement include, tree and hedge planting, meadow and grassland creation, pollinator friendly planting, raingardens, hedgehog and wildlife highways through fencing to allow movement of wildlife through new fenced of area. All of which should be designed and implemented to best practice guidance [[Developing with Nature guidance | NatureScot](#)]

In addition to the condition above, I recommend an additional below:

2. Prior to the commencement of development, the developer shall submit for approval in writing by the Planning Authority, details on the proposed Biodiversity Enhancement scheme for the site to be provided in a landscape plan. Thereafter, no development shall take place except in strict accordance with the approved scheme.

Reason: To enhance the ecological interest in accordance with NPF4 policy 3.

Regards,

Jen

Jen Newcombe (She/Her)

Biodiversity Officer

Countryside Services | Sport, Countryside & Leisure | East Lothian Council | Tel: [REDACTED] |

NEW! Check out our Summer edition! [Mud in Your Eye newsletter | East Lothian Council](#)



Scott, Megan (Committees)

From: [REDACTED]
Sent: 23 July 2025 16:12
To: Environment Reception
Cc: Smith, Amelia
Subject: FW: 25/00743/P-Amelia Smith - Planning Consultation 25/01106/PLANCO
Attachments: ufm5_E-Consultation_Letter_-_No_Reason.pdf

Good afternoon,

I refer to your e-mail consultation of 22nd July 2025 in connection with the above and would advise that I have no comment to make.

Kind regards,

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

Phone: 07773625831
Email: lanstock@eastlothian.gov.uk

Website:

<https://gbr01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.eastlothian.gov.uk%2F&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7Cdd6b556fb6547a733ba08ddc9fb49b9%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638888803567531522%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIiYiOilwLjAuMDAwMCIsIIAiOijXaW4zMilsIkFOljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=qY%2F%2BzxiJ%2BICK173u5JJG4NHrVGDw1XviPLqqB2bQyTk%3D&reserved=0>

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

From: Environmental Protection <envprot@eastlothian.gov.uk>
Sent: 22 July 2025 10:22
To: Anstock, Luke <lanstock@eastlothian.gov.uk>
Subject: FW: 25/00743/P-Amelia Smith - Planning Consultation 25/01106/PLANCO

25/01106/PLANCO

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: 22 July 2025 09:52
To: Environmental Protection <envprot@eastlothian.gov.uk>
Subject: 25/00743/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Paddock South West Of Elder Cottage Congalton Gardens North Berwick East Lothian EH39 5JP

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER_zero tolerance_1.png&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7Cdd6b556fb6547a733ba08ddc9fb49b9%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638888803567551128%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIiYiOilwLjAuMDAwMCIsIIAiOijXaW4zMilsIkFOljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=CTxs8ukFx6imWlrjvd3AmeZP8bPlvRvTA1C1%2FDfrho%3D&reserved=0]

Scott, Megan (Committees)

From: [REDACTED]
Sent: 21 August 2025 11:51
To: Smith, Amelia
Cc: Environment Reception
Subject: Planning Application : 25/00743/P - Paddock South West Of Elder Cottage, Congalton Gardens, NBerwick (25/01342/PLANCO)

Hi Amelia,

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

Given the above and due to the type of development (residential), further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-environmental Assessment being carried out). In light of this I would recommend that the following condition be attached to any grant of consent:

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

Part 1

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

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

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

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

Part 2

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

of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

Part 3

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

Part 4

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

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

It should also be noted that according to the latest Radon Mapping data the site falls within a Radon Affected Area (Class 4 : 5 to Radon GeoReport (Scotland) from the BGS website to determine the actual radon potential for the site.

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

Advisory Note (Radon Risk Area) -

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

Cheers,

Scott

Scott Callow
Senior Environmental Compliance Officer - Environmental Protection
Environmental Health
Protective Services
Communities
East Lothian Council / Comhairle Lodainn an Ear

Tel: [REDACTED]
Mob: [REDACTED]

Email. scallow@eastlothian.gov.uk
Visit our website at www.eastlothian.gov.uk

Please note I work Tuesday to Thursday only.





By email to:
environment@eastlothian.gov.uk

Longmore House
Salisbury Place
Edinburgh
EH9 1SH

East Lothian Council
Planning Delivery
John Muir House
Haddington
EH41 3HA

Enquiry Line: [REDACTED]

Our case ID: [REDACTED]
Your ref: [REDACTED]
04 August 2025

Dear East Lothian Council

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Paddock South West Of Elder Cottage, Congalton Gardens, North Berwick, East Lothian EH39 5JP - Erection of 1 house and associated works

Thank you for your consultation which we received on 22 July 2025. We have assessed it for historic environment matters on which we have an advice-giving role and consider that the proposals have the potential to affect the following heritage assets:

Ref	Name	Designation Type
SM5888	Congalton Gardens, enclosures, settlement and pit alignment E of	Scheduled Monument
SM5880	Congalton Mains, enclosure and ring ditch SE of	Scheduled Monument
SM4804	East Fortune, airfield	Scheduled Monument
SM5982	West Fortune, palisaded enclosure 500m N of	Scheduled Monument

Your archaeology and building conservation advisers will also be able to offer advice on impacts on the historic environment. This may include matters covered by our advice-giving role, and other matters such as unscheduled archaeology, category B and C listed buildings, and conservation areas.

Our Advice

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

Further Information

This response applies to the current proposal. An amended scheme may require another consultation with us, which should be sent to HMConsultations@hes.scot.

Historic Environment Scotland – Longmore House, Salisbury Place, Edinburgh, EH9 1SH

Scottish Charity No. **SC045925**

VAT No. **GB 221 8680 15**



Decisions that affect the historic environment should take the [Historic Environment Policy for Scotland](#) (HEPS) into account as a material consideration. Our series of [Managing Change in the Historic Environment Guidance Notes](#) supports national policy on the historic environment, including HEPS, and explains how it should be applied. Technical advice is available through our Technical Conservation website at www.engineshed.org.

Please contact us if you have any questions about this response. The officer managing this case is Tom Davis who can be contacted by phone on 0131 668 6858 or by email at Tom.Davis@hes.scot. However, if you wish to reconsult us on this proposal please email HMConsultations@hes.scot.

Yours faithfully

Historic Environment Scotland

Scott, Megan (Committees)

From: Smith, Amelia
Sent: 16 January 2026 14:12
To: Environment Reception
Subject: FW: 25/00743/P- Erection of 1 house at Paddock South West Of Elder Cottage Congalton Gardens

Hello,

Could this please be logged on idox as a consultation response?

Thank you

Amelia

From: [REDACTED]
Sent: 20 August 2025 13:55
To: Smith, Amelia
Subject: 25/00743/P- Erection of 1 house at Paddock South West Of Elder Cottage Congalton Gardens

Hi Amelia,

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

The site is within the Coastal Plain landscape character area (LCA). The site is not within a Special Landscape Area (SLA). The closest SLA is 16: Whitekirk and Balgone Outcrops, approximately 0.4km to the north-east.

The site is also within the Congalton Local Garden and Designed Landscape (LGDL), within one of several small, grassed enclosures to the west of a cluster of existing dwellings and agricultural buildings.

There will be some close-range views of the proposal from the nearest residential buildings. The existing dwellings and high stone wall that border the B1347 are likely to provide varying degrees of containment in views from further east. Woodland on the LGDL boundary to the north and Peffer Burn to the south would also potentially offer varying degrees of screening throughout the year. To the west of the application site the landscape is generally open; however, sensitive visual receptors are distant. Where visible, the proposal is likely to be perceived as part of the cluster of dwellings and built form at Congalton Gardens.

Our consideration of the LGDL relates only to the contribution that heritage designations make to the character and value of the contemporary landscape. We defer to ELC's Heritage Officers to assess compliance with national and local policy on development affecting the historic environment / assets, together with related policy guidance. Built form within the LGDL includes modern residential dwellings and agricultural buildings, which have an existing influence on its perceived character. The proposal would potentially intensify this influence, although it would introduce features that are already characteristic of the LGDL. For the reasons above, impacts on the wider landscape character and on the SLA are likely to be limited.

The Planning Support Statement states (p.8, pp.42) that new garden habitats would be created and that there would be opportunity for hedgerow and tree planting, although no details of proposed planting have been submitted. Guidelines. In landscape terms, we are broadly supportive of the suggested approach to planting, although we would require further details of the proposed landscape scheme. We would defer to the Biodiversity Officer for their comment on proposed habitat creation.

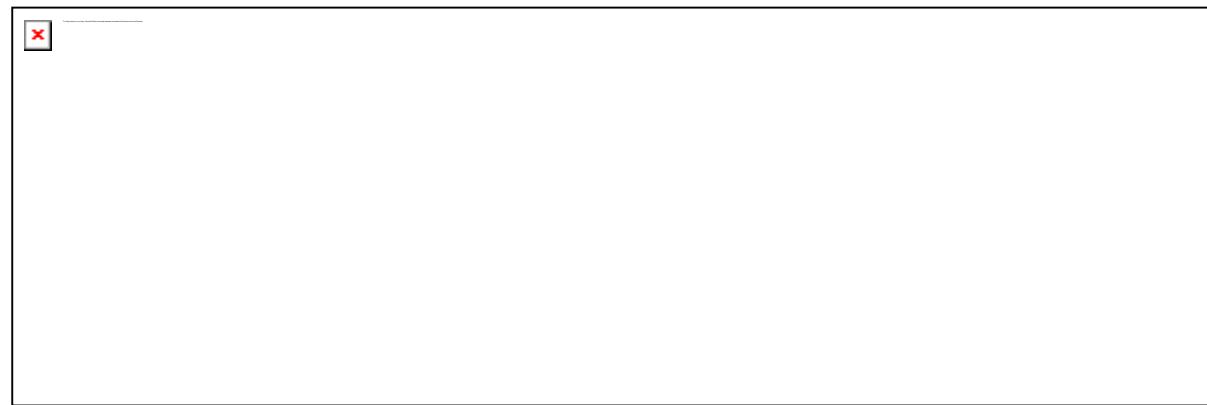
If you have any questions, please don't hesitate to get in touch.

Best regards,
Chris

Chris Wiseman | Project Officer - Landscape | Landscape Team | Planning Service | East Lothian Council | John Muir House | Haddington | EH41 3HA | E-mail: landscape@eastlothian.gov.uk



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



Scott, Megan (Committees)

From: [REDACTED]
Sent: 01 August 2025 15:13
To: Environment Reception; Smith, Amelia
Cc: [REDACTED]
Subject: 25/00743/P-Amelia Smith - Planning Consultation
Attachments: ufm3_E-Consultation_Letter_-_No_Reason.pdf

Afternoon Amelia,

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

The Flood Hazard Mapping has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given. If the applicant wishes to view these maps, they are publicly available at <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmap.sepa.org.uk%2Ffloodmaps&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7C7d631b2ef1844b00100708ddd1057ecb%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638896543859343930%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIYiOilwLjAuMDAwMCIsIlAiOjJXaW4zMilsIkFOljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C&sdata=5CTW6lHN15oGpuRu%2BuNd3kdx16C4mZWFAoOm3Wy8ooM%3D&reserved=0>

As the site is not at flood risk, I have no objection on the grounds of flood risk.

With regards to drainage, as this is a one-house site there are no requirements for SUDS and I have no objections on the grounds of drainage.

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

Thanks,
Greig

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: 22 July 2025 09:52
To: Roads - Flood Risk Management <flooding@eastlothian.gov.uk>
Subject: 25/00743/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Paddock South West Of Elder Cottage Congalton Gardens North Berwick East Lothian

EH39 5JP

[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%7C7d631b2ef1844b00100708ddd1057ecb%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638896543859364959%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIYiOilwLjAuMDAwMCIsIlAiOjJXaW4zMilsIkFOljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C&sdata=Ee%2F0zeWAzkiERt3QJ3BzgPDqm4SkiulS1%2FNney4ULws%3D&reserved=0]

Thursday, 31 July 2025



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

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

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

Follow Us

Dear Customer,

Paddock South West Of Elder Cottage, Congalton Gardens, North Berwick, EH39 5JP
Planning Ref: 25/00743/P
Our Ref: DSCAS-0137476-BCZ
Proposal: Erection of 1 house and associated works

Please quote our reference in all future correspondence

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

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

Water Capacity Assessment

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

Waste Water Capacity Assessment

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

Please Note

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works. When planning permission has been granted and a formal connection application has been submitted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

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

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

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

Next Steps:

Single house developments; unless utilising private water or drainage sources, are required to submit a Water Connection Application and Waste Water Application via our Customer Portal to allow us to fully appraise the proposals. Please note that Single House developments are not required to submit a Pre-Development Enquiry form (PDE) however local network capacity will be assessed on receipt of application forms.

Further information on our application and connection process for Single Household development can be found on our website <https://www.scottishwater.co.uk/Business-and-Developers/NEW-Connecting-to-Our-Network/Single-Household-Customers>

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

Yours sincerely,

Angela Allison
Development Services Analyst

Scottish Water Disclaimer:

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

Supplementary Guidance

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

Scott, Megan (Committees)

From: [REDACTED]
Sent: 15 August 2025 15:02
To: Smith, Amelia [REDACTED]
Cc: [REDACTED]
Subject: RE: 25/00743/P-Amelia Smith - Planning Consultation

Hi Amelia,

Greig is on leave so in his absence I can confirm that we would not require any submission of drawings for the private waste infrastructure (e.g. septic tank) but as you say, I believe that this is picked up in the Building Warrant stage for suitability / acceptability.

Thanks, Ian

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

From: Smith, Amelia <asmith7@eastlothian.gov.uk>
Sent: 15 August 2025 15:00
To: Gibson, Greig <ggibson1@eastlothian.gov.uk>; Environment Reception <environment@eastlothian.gov.uk>
Cc: Chalmers, Ian <ichalkers@eastlothian.gov.uk>; Riva, Andrew <ariva@eastlothian.gov.uk>
Subject: RE: 25/00743/P-Amelia Smith - Planning Consultation

Hi Greig,

I just wanted to double check - Scottish Water has come back to say that there is no waste infrastructure within the vicinity of the proposed development. So private waste water infrastructure would be required. Do you need any further details on this? I imagine this would largely be covered by the building warrant, should one be submitted, but thought I'd double check.

Kind regards,

Amelia

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

From: Gibson, Greig <ggibson1@eastlothian.gov.uk>
Sent: 01 August 2025 15:13
To: [REDACTED]
Subject: 25/00743/P-Amelia Smith - Planning Consultation

Afternoon Amelia,

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

The Flood Hazard Mapping has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given. If the applicant wishes to view these maps, they are publicly available at <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmap.sepa.org.uk%2Ffloodmaps&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7C242b125df521435af41d08dddc04536b%7C85e771afe90a4487b40713>

22ba02cc82%7C0%7C0%7C638908633326803712%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMClsIlAiOijXaW4zMilsIkFOljoiTWFpbCIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=sOrQQorIWdE57MRUZcFvqX0YIX%2FQ2up6xR%2F7GMAgkIc%3D&reserved=0

As the site is not at flood risk, I have no objection on the grounds of flood risk.

With regards to drainage, as this is a one-house site there are no requirements for SUDS and I have no objections on the grounds of drainage.

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

Thanks,
Greig

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

From: environment@eastlothian.gov.uk <environment@eastlothian.gov.uk>
Sent: 22 July 2025 09:52
To: Roads - Flood Risk Management <flooding@eastlothian.gov.uk>
Subject: 25/00743/P-Amelia Smith - Planning Consultation

Please see attached document in relation to the following application: Erection of 1 house and associated works at Paddock South West Of Elder Cottage Congalton Gardens North Berwick East Lothian
EH39 5JP

[[2
32](https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.eastlothian.gov.uk%2Fimages%2FELC_Be_Nice_EMAIL_FOOTER_zero tolerance_1.png&data=05%7C02%7Cenvironment%40eastlothian.gov.uk%7C242b125df521435af41d08ddd04536b%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638908633326832452%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOilwLjAuMDAwMClsIlAiOijXaW4zMilsIkFOljoiTWFpbCIsIlIdUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=mgiBem8%2B7poPfQm%2BOesbsDesQf5A6XI1jwqlrUW5jIE%3D&reserved=0] </p></div><div data-bbox=)

Scott, Megan (Committees)

From: [REDACTED]
Sent: 04 September 2025 11:48
To: Smith, Amelia [REDACTED]
Cc: [REDACTED]
Subject: TRANSPORT PLANNING RESPONSE: 25/00743/P- Planning Consultation

EAST LOTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager
To: Service Manager, Planning

Proposal: Erection of 1 house and associated works at Paddock South West Of Elder Cottage Congalton Gardens North Berwick East Lothian EH39 5JP

This planning application is for the erection of a house and associated works at Paddock, south-west of Elder Cottage, Congalton Gardens, North Berwick. The proposed house will be accessed via the existing junction onto the B1347 and is considered acceptable. The proposals include sufficient car parking provision which is in accordance with our current car parking standards.

We recommend that the following be secured through a relevant planning condition:

- In line with current Building Standards, one Type 2 charger must be installed, either socketed or tethered with 7kW preferred to 3kW.

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

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

If telephoning, please ask for:

Aiz

Aizaz Hussain | MCIHT
Transportation Planning Officer | Road Services | Infrastructure
East Lothian Council | [Penston House](#) | Macmerry Industrial Estate | EH33 1EX
[REDACTED]



**EAST LOTHIAN COUNCIL
DECISION NOTICE**

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

TOWN AND COUNTRY PLANNING

(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

Ms Carrie McDonald
c/o APT Planning & Development
Per Tony Thomas
1 West Road
Whitekirk
EH42 1XA

APPLICANT: Ms Carrie McDonald

With reference to your application registered on 21st July 2025 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

Erection of 1 house and associated works

at
Paddock South West Of Elder Cottage
Congalton Gardens
North Berwick
East Lothian

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

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

- 1 As the existing rural livery business is not a viable rural business, there is no essential need for a worker to live permanently on-site. In the absence of any such direct operational requirement or justified supporting case for the erection of a new house on the application site, the principle of such proposed development on the site is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Therefore, the principle of the new build house in this

location is contrary to Policy 17 of NPF4 and Policy DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The proposed new house would not be located in a sustainable location or within a 20 minute neighbourhood and would not contribute to local living within an existing settlement. Notwithstanding that it would eliminate the applicant's commute back and forth to the site, the proposed new house would result in an increased number of non-public transport journeys associated with the domestic use of the house at a time when the Scottish Government is requiring a reduction in private car use to help combat climate change and reduce carbon emissions contrary to Policies 1, 2, 13, 15 and 16 of NPF4 and T1 of the adopted East Lothian Local Development Plan 2018.
- 3 The erection of a house would result in the loss of Class 1, prime agricultural land, albeit on a small scale contrary to Policy 5 of NPF4 and Policy NH7 of the adopted East Lothian Local Development Plan 2018.

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

Details of the following are given in the application report:

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

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DWG 01	-	11.07.2025
DWG 02	-	11.07.2025
DWG 03	-	11.07.2025
GBCM/0625/D-01	-	11.07.2025
J01309.1.P1	-	11.07.2025
MANU LITERATURE 01	-	21.07.2025
GBCM/0625/SP-01	B	21.07.2025
J01309.1.P1	A	21.07.2025

29th October 2025



Graeme Marsden
Service Manager - Planning
(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.

Our Ref: 25/00743/P

Proposal: Erection of essential workers Dwellinghouse linked to Congalton Gardens Retirement Livery

Location: Paddock Southwest Of Elder Cottage, Congalton Gardens

Planning Obligations Officer's Consultation Response

If the appeal for this planning application is successful, I would suggest that a S75 is required, as the applicant has highlighted that there is a justifiable agricultural business reason for the proposed house. Therefore, the applicant will not mind entering a S75 agreement to ensure this dwellinghouse remains tied to the business and occupation is restricted. Under section 75(1A) (a) of the Town and Country Planning (Scotland) Act 1997 permits a planning obligation to restrict or regulate the development or use of land, and this is mirrored in Planning circular 4/2025: Planning obligations and Good Neighbour Agreements.

The applicant will require enter a fee undertaking with the Council's solicitor for all legal and registration fees associated with the S75 agreement prior to S75 being drafted.

Proposed planning obligations:

- 1) The proposed house will be tied to the rural business in perpetuity to prevent the dwelling being sold off from the business unit and vice versa.

Reason: Prevent the dwellinghouse being sold for residential use unrelated to the connected business as it was only approved due to the business operations requirement to accommodate business related employees on site. This will prevent unnecessary and unsustainable housing development in rural areas.

- 2.1) The occupation of the dwellinghouse will be restricted to use by an employee of the connected business and their dependents only.

Reason: The house was only given permission to provide accommodation for the business employee to assist in the operation and security of the business.

- 2.2.1) The occupancy restriction prescribed above shall cease to apply in the following circumstance (and only in the following circumstance):

- 2.2.2) There is a standard security registered in respect of the dwellinghouse permitted under the Planning Permission; and

- 2.2.3) The holder of the standard security referred to in clause 2.2.2 above is on the Financial Services Register (or any replacement register of similar kind), and

2.2.4) The holder of the standard security referred to in clause 2.2.2 above exercises their power of sale under section 25 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (or any substitute legislative provision of similar effect).

The S75 agreement will be registered against the rural business land title therefore will apply to successor in title to ensure that property remains for the purpose it was built to provide accommodation for essential rural workers associated with the business.

Please do not hesitate to contact me if you require any further advice.

[REDACTED]
6 February 2026

6. Development Plan

The development plan is National Planning Framework 4 ('NPF4') and the adopted ELLDP 2018.

Policies 1 (Tackling the Climate and Nature Crises), 2 (Climate Mitigation and Adaptation), 3 (Biodiversity), 5 (Soils), 7 (Historic Assets and Places), 13 (Sustainable Transport), 14 (Design, Quality and Place), 15 (20-Minute Neighbourhoods), 16 (Quality Homes) and 17 (Rural Homes) of NPF4 are relevant to the determination of this application.

Also relevant are Policies DC4 (New Build Housing in the Countryside), DP1 (Landscape Character), DP2 (Design), CH6 (Gardens and Designed Landscape), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH7 (Protecting Soils), W3 (Waste Separation and Collection), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the ELLDP 2018.

National Planning Framework 4



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.

- 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.

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

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) 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

- a) 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.
- b) 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:

- i. 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;
- ii. wherever feasible, nature-based solutions have been integrated and made best use of;
- iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
- iv. 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
- v. local community benefits of the biodiversity and/or nature networks have been considered.

c) 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.

d) 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.

Soils

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

Policy 5

- a) Development proposals will only be supported if they are designed and constructed:
 - i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
- b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;

iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;

iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and

In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.

c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:

- i. Essential infrastructure and there is a specific locational need and no other suitable site;
- ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
- iii. Small-scale development directly linked to a rural business, farm or croft;
- iv. Supporting a fragile community in a rural or island area; or
- v. Restoration of peatland habitats.

d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:

- i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
- ii. the likely effects of the development on peatland, including on soil disturbance; and
- iii. the likely net effects of the development on climate emissions and loss of carbon.

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.

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](#)

Sustainable transport

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

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

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

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

Policy 13

a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

- i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.
- ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.
- iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

- i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;
- ii. Will be accessible by public transport, ideally supporting the use of existing services;
- iii. Integrate transport modes;
- iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;
- v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;
- vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

- vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and
- viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

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

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Business and industry](#)

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

[Retail](#)

[Rural development](#)

[Tourism](#)

Design, quality and place

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

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

Policy 14

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

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

Pleasant: Supporting attractive natural and built spaces.

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

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

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

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

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

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

Local Living and 20 minute neighbourhoods

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

Policy 15

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

with the surrounding area, including local access to:

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

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Community wealth building](#)

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

[Retail](#)

Quality homes

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

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

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

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

Policy 16

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

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

- i. self-provided homes;
- ii. accessible, adaptable and wheelchair accessible homes;
- iii. build to rent;
- iv. affordable homes;
- v. a range of size of homes such as those for larger families;
- vi. homes for older people, including supported accommodation, care homes and sheltered housing;
- vii. homes for people undertaking further and higher education; and
- viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;
- iii. and either:
- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- the proposal is consistent with policy on rural homes; or
- the proposal is for smaller scale opportunities within an existing settlement boundary; or
- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

- i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and
- ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs will be supported.

Rural homes

Policy Principles

Policy Intent:

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

Policy Outcomes:

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

Local Development Plans:

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

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

Policy 17

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

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

Policy impact:

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

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Historic assets and places](#)

[Green belts](#)

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

[Coastal development](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

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

[Rural development](#)

[Tourism](#)

Policy DC4: New Build Housing in the Countryside

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

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

Policy DP1: Landscape Character

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

1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;
2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.

Policy DP2: Design

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

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

Policy CH6: Gardens and Designed Landscapes

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

Policy NHS: Biodiversity and Geodiversity Interests, including Nationally Protected Species

Developers must demonstrate, where relevant, how impacts on biodiversity and geodiversity have been addressed as part of their proposals. Sufficient supporting information should be submitted.

New development that would result in:

- a. an adverse impact to nationally protected species;
- b. an adverse impact to the biodiversity value of the development site or the surrounding area (for example through fragmentation or loss of habitat); or
- c. serious damage to or destruction of a significant geodiversity feature;

will only be permitted where the loss is clearly outweighed by the public benefit of the development and suitable mitigation has been proposed and will be secured.

Proposals should indicate how they have had regard to the mitigation hierarchy, the potential for incorporating biodiversity or geodiversity features within the site into the proposal in a positive way where appropriate, and for providing on-site or off-site enhancements. Where relevant, a species protection plan based on survey results must be submitted including details of the status of nationally protected species on site and how possible adverse effects will be mitigated.

Policy NH7: Protecting Soils

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

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

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

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

Policy W3: Waste Separation and Collection

All new development including residential, commercial and industrial properties should include appropriate provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations and address the waste hierarchy. This should include:

- a. For all scales of residential development, appropriate and well-designed provision for storage of domestic kerbside collection bins and boxes;
- b. For all major residential, industrial or commercial developments, recycling facilities of an appropriate scale and at a suitable location;
- c. Appropriate access roads and sufficient space for servicing by collection vehicles.

Supplementary planning guidance will provide more detailed guidance on integrating sustainable waste management measures into new development.

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.

7. Heads of Terms for Legal Agreement and Suggested Conditions

The Planning Authority maintains its position that planning permission should be refused for the reasons set out in the associated Report of Handling. However, should the Council's Local Review Body (LRB) be minded to grant planning permission, any such grant of planning permission should be subject to:

- i. The undernoted suggested conditions; and,
- ii. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act (as amended), or some other legal agreement designed to ensure this dwellinghouse remains tied to the business and occupation is restricted.

Suggested Conditions

1. Time Condition

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

Reason:

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

2. Site Setting Out

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

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

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

Reason:

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

3. Samples

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

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

Reason:

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

4. Scheme of Landscaping

No development shall take place until there has been submitted to and approved in writing by the Planning Authority a detailed scheme of landscaping. The scheme shall provide details of: tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting and maintenance. Non-thorn shrub species should be located adjacent to pedestrian areas. The scheme shall also provide details of the colour and type of hard landscape surface finishing.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details so approved, including the timetable for implementation. All planting shall be established and maintained in accordance with the details on the approved drawings. Any trees or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained to accord with the details of the approved details of landscaping unless the Planning Authority gives written consent to any variation.

Reason

To ensure establishment of a landscape scheme that improves the amenity of the area.

5. Biodiversity Enhancements

Prior to commencement of development, details of measures to protect and enhance biodiversity on the application site and a timetable for their implementation and thereafter their maintenance shall be submitted to and approved by the Planning Authority. The biodiversity enhancement measures as so approved shall be implemented prior to the occupation of the holiday lets hereby approved and shall thereafter be retained and maintained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area and to ensure compliance with Policy 3 of NPF4.

6. Prior to commencement of development a Precautionary Construction Working Method Statement incorporating the latest good practice guidelines and statutory advice to protect badgers and bats shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved method statement.

Reason: To protect the ecological interest in accordance with Local Development Plan policies NH4 and NH5.

Part 1

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

A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);

A Phase II Ground Investigation the following (and only if the Desk Study has determined that further assessment is required):

A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Regime as well as an updated conceptual model of the site and the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site.

An appraisal of the remediation methods available and proposal of the preferred option(s).

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

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

Part 2

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria as well as details of the procedures to be followed for the verification of the remedial works. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

Part 3

The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved

Remediation Statement, a Validation Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to occupation of the new development.

Part 4

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

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

Reason:

To ensure that the site is clear of contamination prior to the occupation of any of the building.

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

Reason:

To minimise the environmental impact of the development.

Heads of Terms for Legal Agreement

Section 75(1A) (a) of the Town and Country Planning (Scotland) Act 1997 (as amended) permits the attachment of a planning obligation on such a grant of planning permission to restrict or regulate the development or use of land, and this is mirrored in Planning circular 4/2025: Planning obligations and Good Neighbour Agreements.

The applicant will be required to enter into a fee undertaking with the Council's solicitor for all legal and registration fees associated with the S75 agreement prior to S75 being drafted.

Proposed planning obligations:

- 1) The proposed house will be tied to the rural business in perpetuity to prevent the dwelling being sold off from the business unit and vice versa.

Reason: Prevent the dwellinghouse from being sold for residential use unrelated to the connected business as it was only approved due to the business operations requirement to accommodate business related employees on site. This will prevent unnecessary and unsustainable housing development in rural areas.

2.1) The occupation of the dwellinghouse will be restricted to use by an employee of the connected business and their dependents only.

Reason: The house was only given permission to provide accommodation for the business employee to assist in the operation and security of the business.

2.2.1) The occupancy restriction prescribed above shall cease to apply in the following circumstance (and only in the following circumstance):

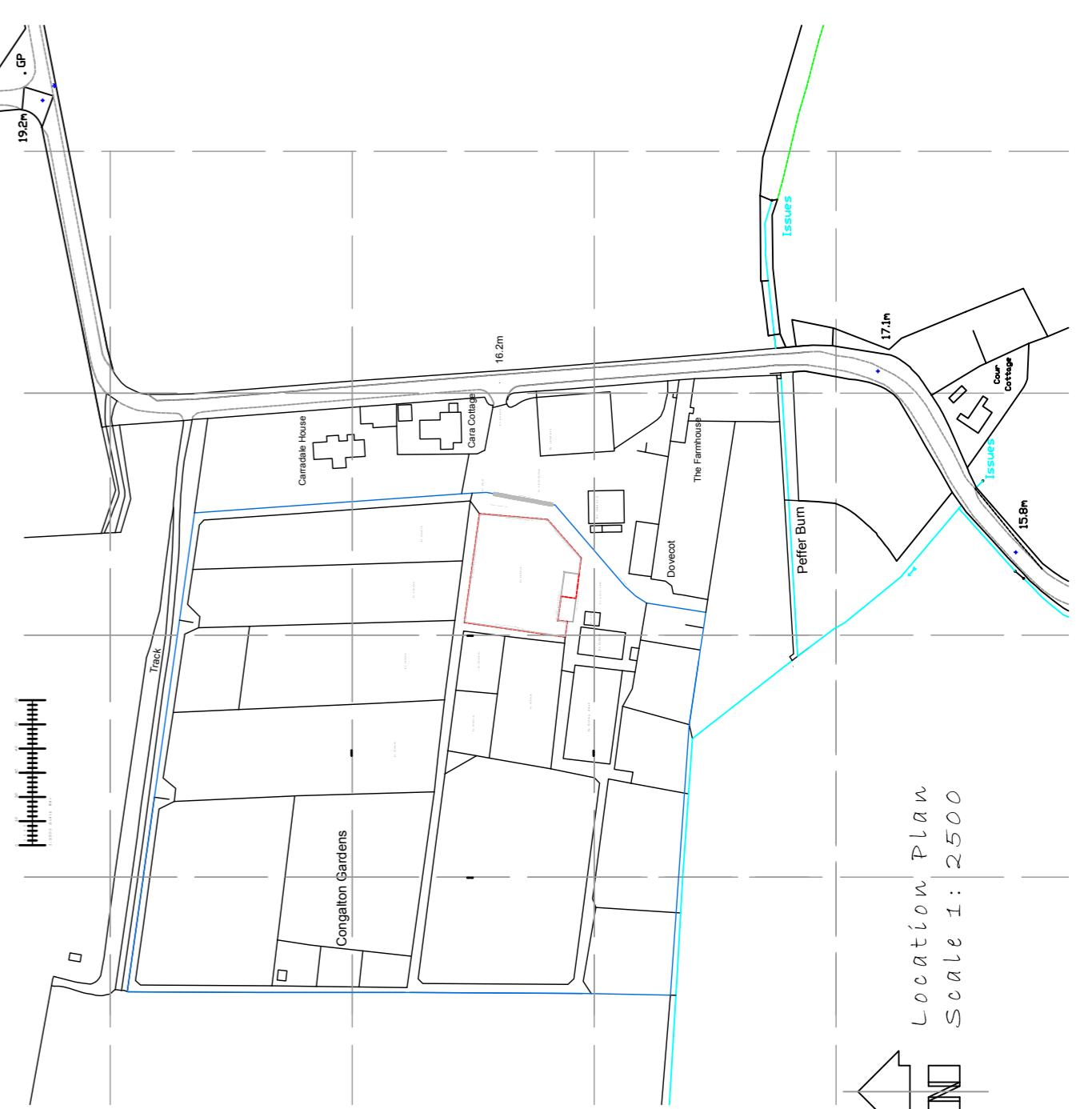
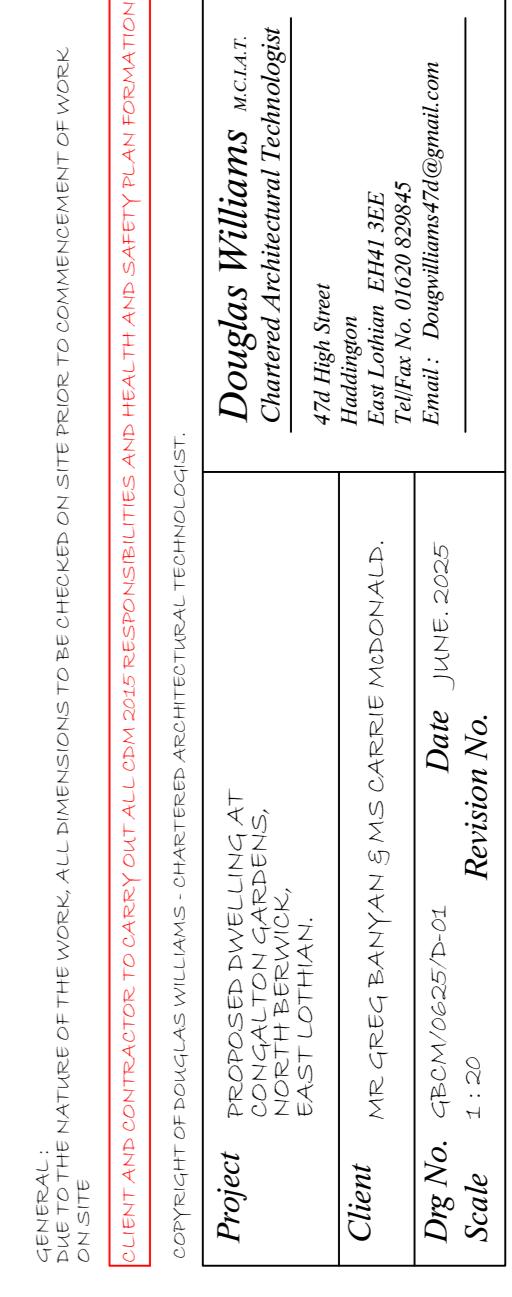
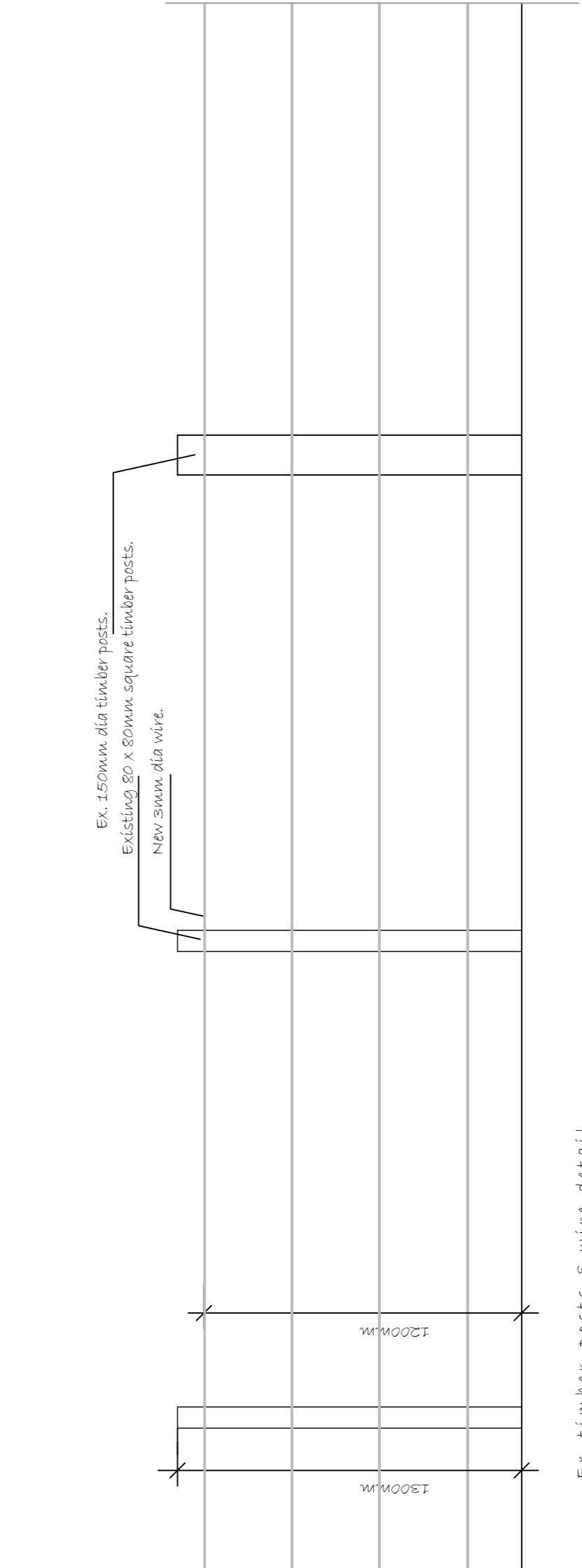
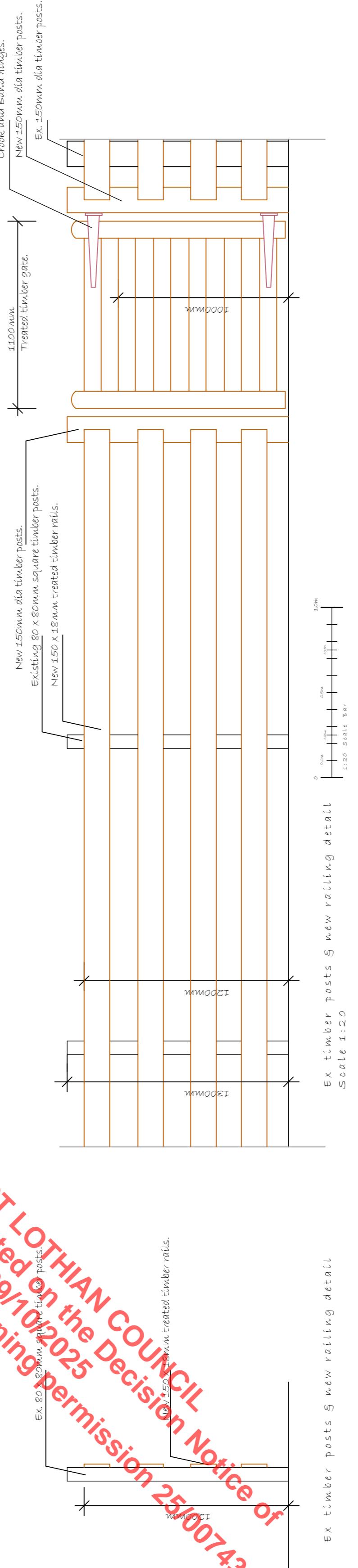
2.2.2) There is a standard security registered in respect of the dwellinghouse permitted under the Planning Permission; and

2.2.3) The holder of the standard security referred to in clause 2.2.2 above is on the Financial Services Register (or any replacement register of similar kind), and

2.2.4) The holder of the standard security referred to in clause 2.2.2 above exercises their power of sale under section 25 of the Conveyancing and Feudal Reform (Scotland) Act 1970 (or any substitute legislative provision of similar effect).

The S75 agreement will be registered against the rural business land title therefore will apply to successor in title to ensure that property remains for the purpose it was built to provide accommodation for essential rural workers associated with the business.

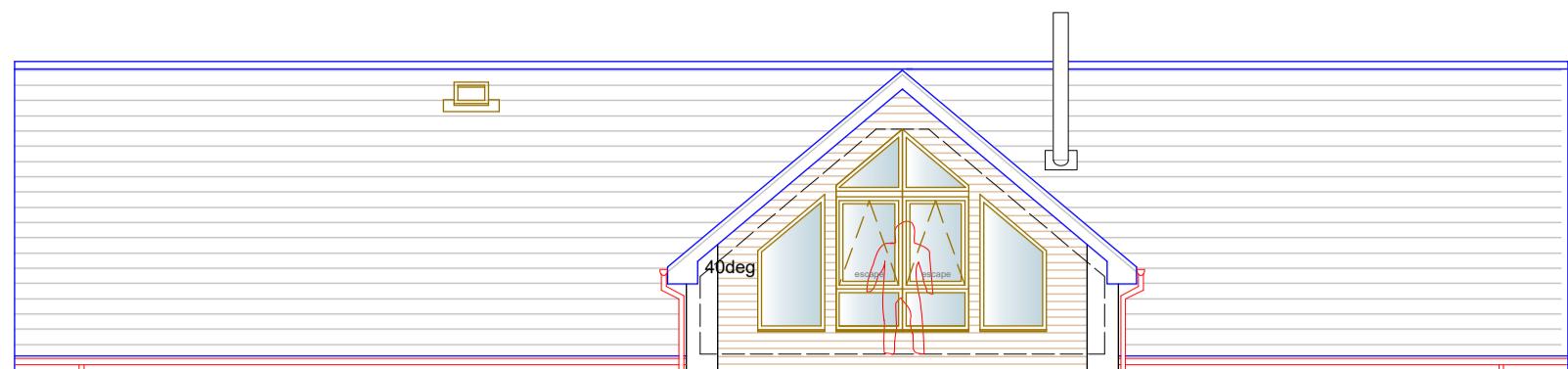
**EAST LOTHIAN COUNCIL
Decision Notice of
Planning permission 25/00743/P
refusing a grant of planning
permission 29/10/2025**



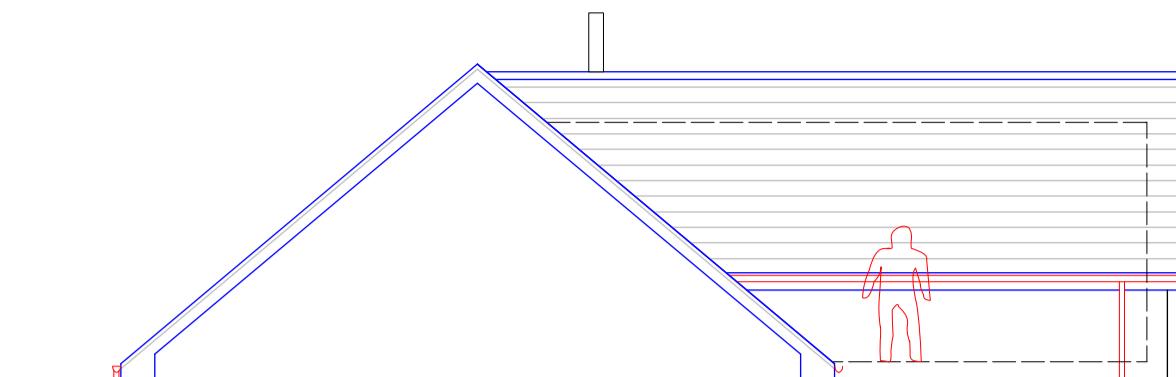


Plan/Drawing listed on the Decision Notice of
refusing a grant of planning permission 25/00743/P
EAST LOTHIAN COUNCIL
29/10/2025

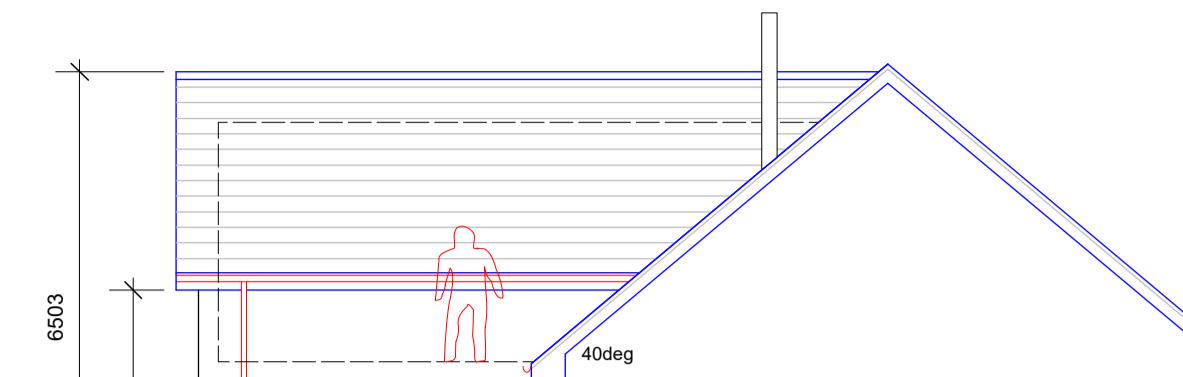




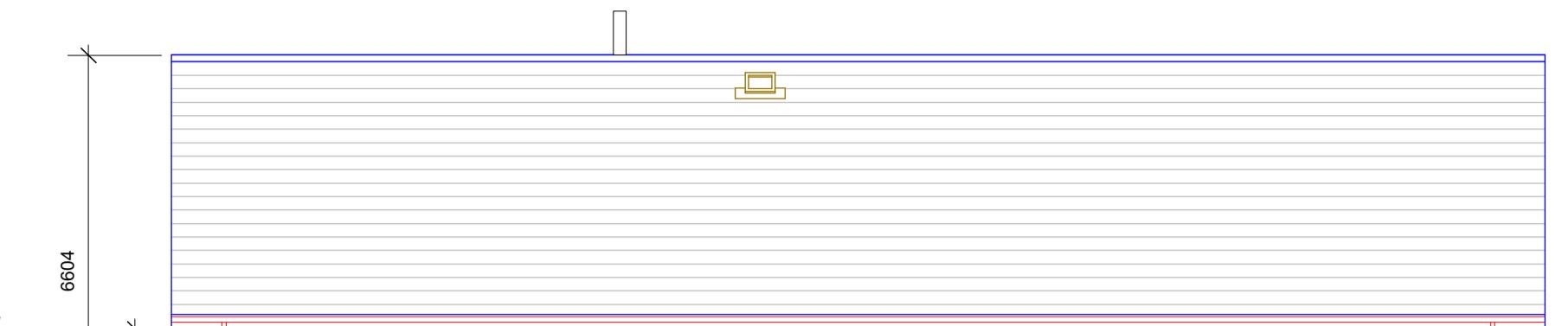
Rear Elevation 1:100 @ A1



Side Elevation 1:100 @ A1

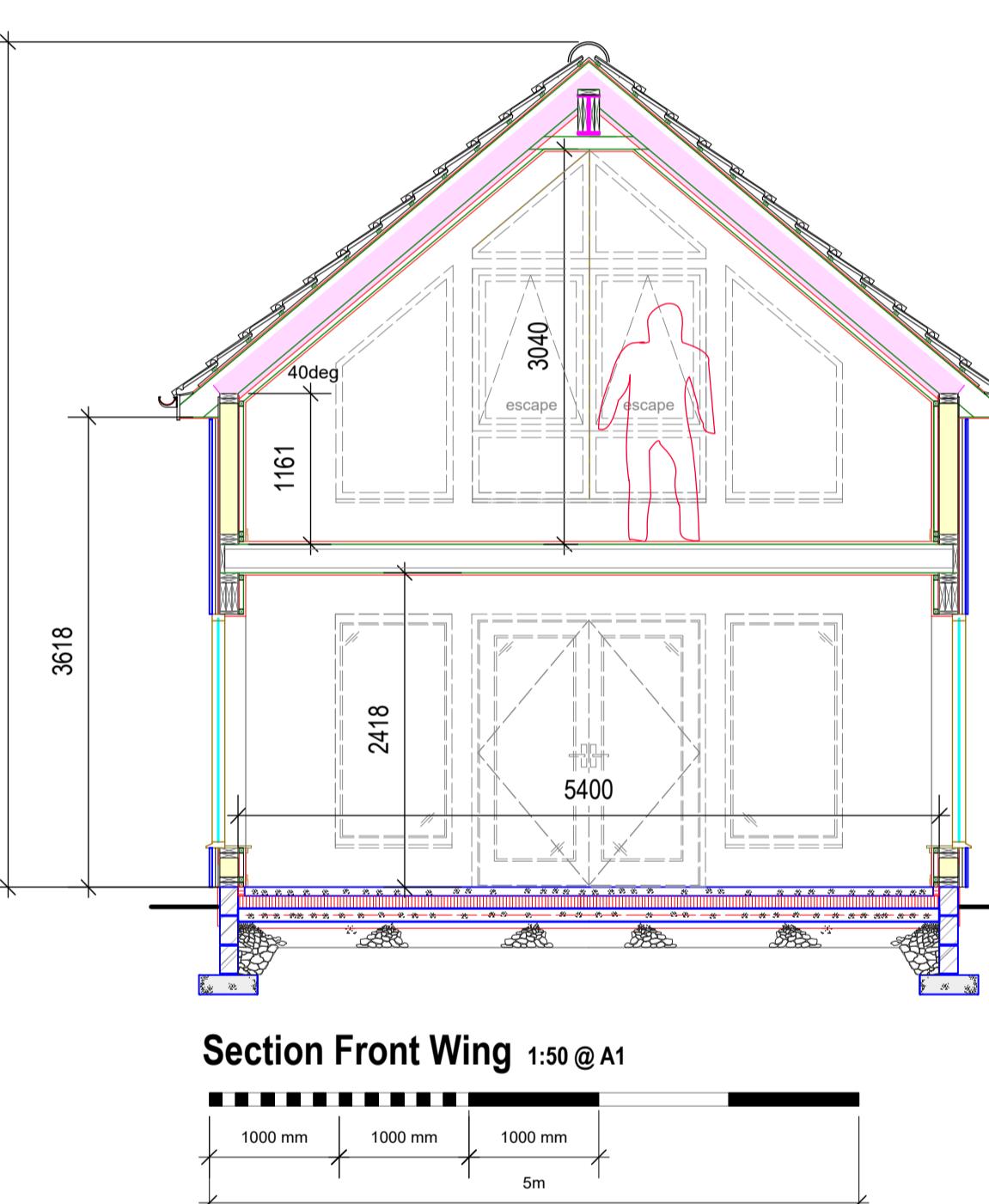
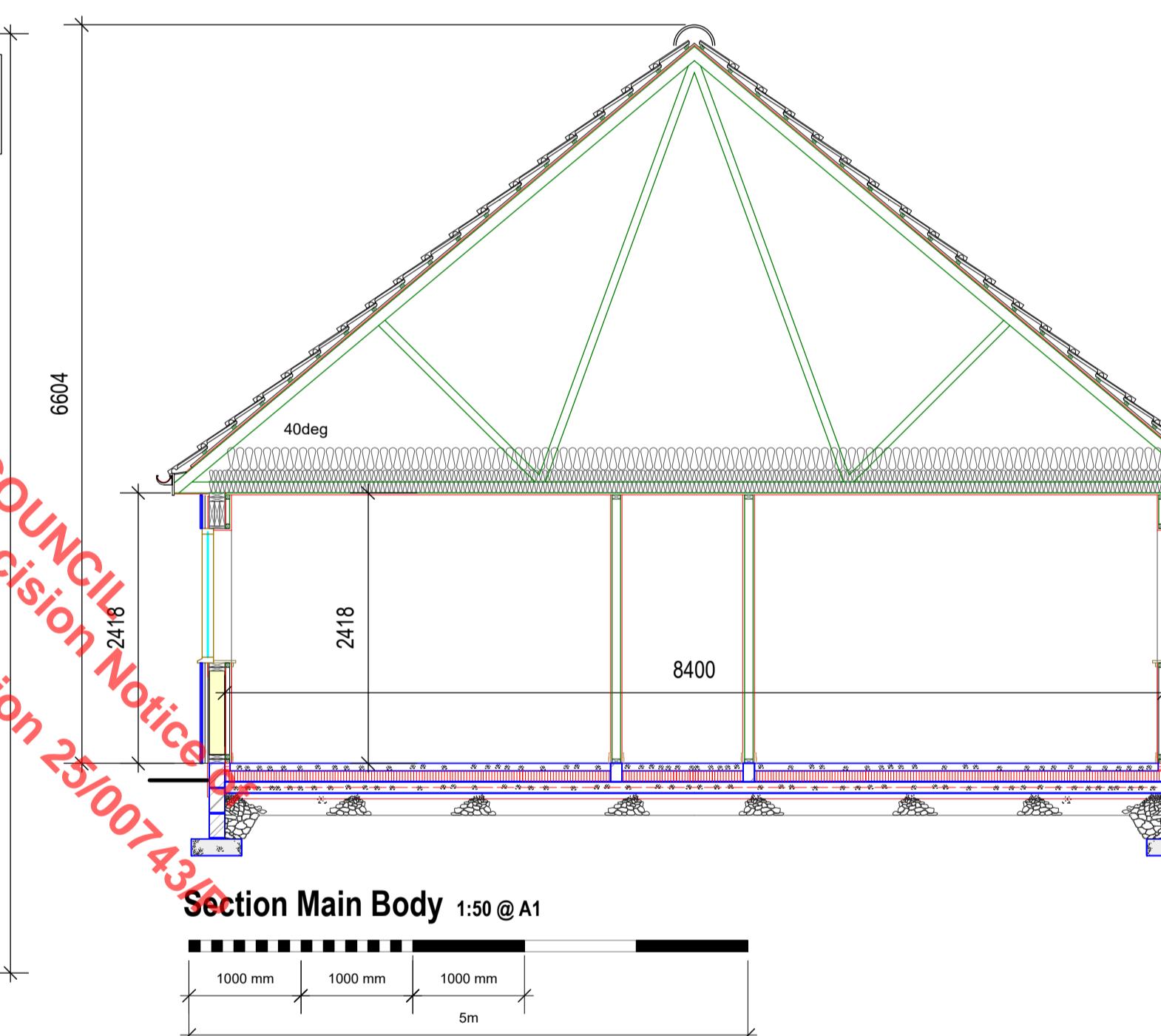
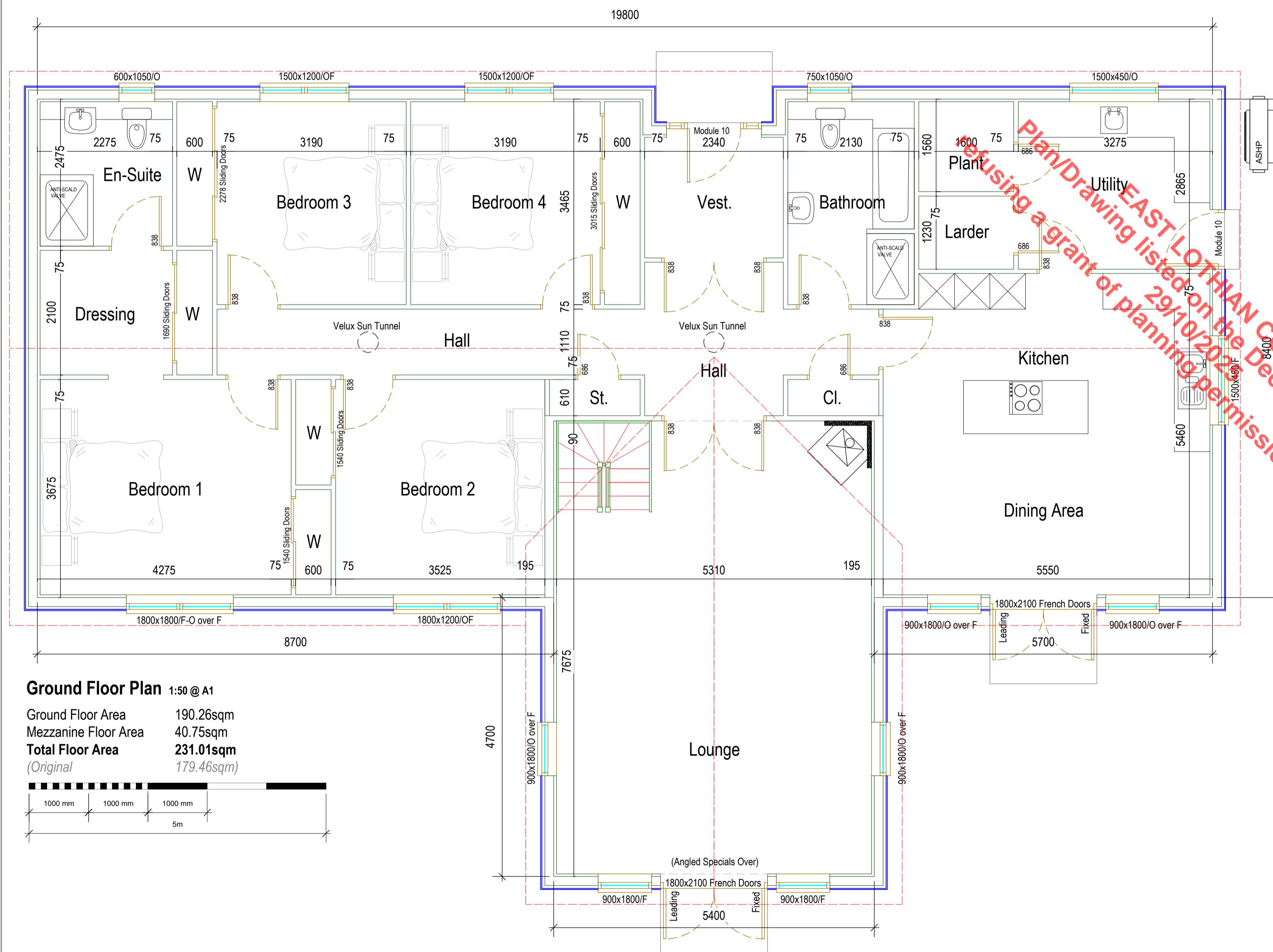


Side Elevation 1:100 @ A1



Front Elevation 1:100 @ A1

Walls - (Colour TBC) Render Board & (Colour TBC) Composite Horizontal Cladding
 Roof - Concrete Tiles (Colour TBC)
 Windows - uPVC Anthracite Grey Externally / White Internally
 Doors - Composite Anthracite Grey
 Roofline - uPVC Anthracite Grey
 Rainwater Goods - uPVC Black



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 Darach House, Stoneyfield Business Park,
 Inverness, IV2 7PA - Tel: 01463 717328

Client: Greig Baynham & Carrie McDonald
 Site: Proposed New House,
 "Teviot" (amended),
 Congalton Gardens, North Berwick,
 East Lothian, EH39 5JP

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Valutherm⁺
 Integrated Insulation Technology

drawn: A Smillie date: April 2025 Dwg No: J01309.P1 rev:





Plan/Drawing listed on the Decision Notice of
refusing a grant of planning permission 25/00743/P
EAST LOTHIAN COUNCIL
29/10/2025

EHS Mono HT Quiet

Scroll down

**Our high temperature,
low noise heat pump**

Plan/Drawing refused on the EAST LOTHIAN COUNCIL
refusing a grant of planning permission 25/00743/P
Drawing listed on the Decision Notice of
29/10/2025

The EHS Mono HT Quiet, a high temperature, low noise heat pump ideal for the residential renovation market. It combines advanced features and new technologies to achieve high water temperatures and low noise levels. Additionally, this stylishly designed heat pump is capable of reliably providing 100% heating performance¹ even in extremely cold weather (temperatures as low as -25°C²). It is also easy to install and maintain.

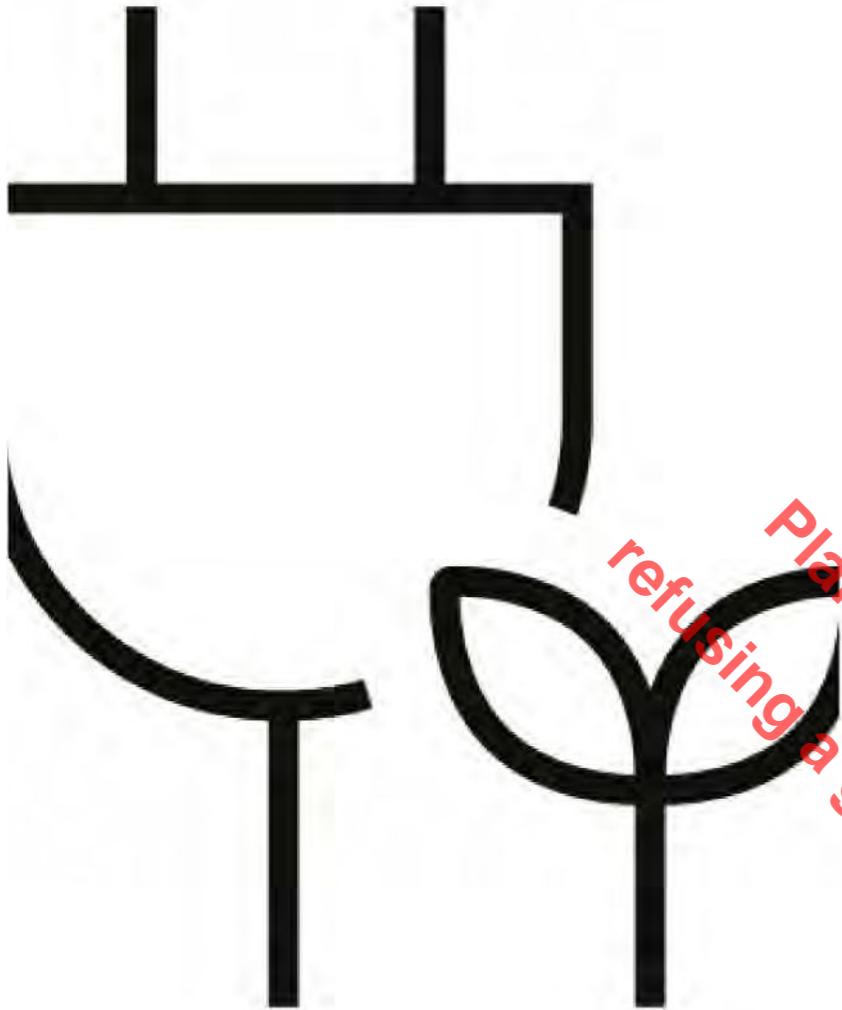


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We are delighted to announce

The full HT Quiet range (8kW, 12kW, 14kW) has achieved 65 degrees Celsius high temperature rating on MCS.

The 8kW (AE080BXYDEG/EU) tested at SCOP 2.82 at 65 degrees Celsius, the 12kW (AE120BXYDEG/EU) tested at SCOP 3.01 at 65 degrees Celsius, and the 14kW (AE140BXYDEG/EU) tested at SCOP 3.03 at 65 degrees Celsius.



Efficient heating

The EHS Mono HT Quiet is a heat pump system that provides energy efficient heating (SCOP* of A+++)³ and hot water for your home. To generate 5.0kW of energy, it consumes only about 1kW of electricity and collects the rest from the air⁴.

*SCOP = Seasonal Coefficient of Performance.

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Hot water temperatures of up to 70°C

Many houses in Europe are using older radiators that require a hot water temperature of 65°C or higher to heat rooms effectively. Most regular heat pumps operate at temperatures between 55°C - 60°C. The new EHS Mono HT Quiet on the other hand, is able to consistently provide hot water of up to 70°C for domestic heating purposes.³ This can make it a suitable replacement for gas boilers, as they provide a high leaving water temperature.



Plan Drawing listed on the Decision Notice of
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NOISE REDUCTION

35 dB(A) Quiet Operation

Powered by innovative noise reducing technologies, the EHS Mono HT Quiet (Quiet Mark Certified) operates at noise levels as low as 35 dB(A)⁶, using a 4-step Quiet mode. The heat pump's outdoor unit features a double-layered, sound insulation system fitted with a patented Groove Grid Felt design⁷, which effectively blocks and absorbs noise produced by compression parts and vibrations.



Premium design

The EHS Mono HT Quiet seamlessly blends into any building's exterior and comes in a dark grey color which complements the current design trend for modern building exteriors. The outdoor unit, approximately 1m in height, is fitted with a new horizontal black grille composition which screens its inner mechanics from sight⁸.





Hassle-free installation and servicing

The outdoor unit of the EHS Mono HT Quiet is designed to be simple to install and maintain. The heat pump's internal parts are easily accessible via the side panel which can be removed easily by undoing three screws. This significantly saves time and effort during the installation and servicing process.

Reliable heating performance at -25°C

This heat pump is capable of providing 100% heating performance¹ even in extremely cold weather (temperatures as low as -25°C²). Its enlarged heat exchanger transfers more heat at once, and a new Scroll Compressor compresses refrigerant at higher pressure, so it works reliably in cold temperatures.



Our EHS Mono HT Quiet lineup

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Mono HT Quiet Outdoor
MONO

Outdoor Unit

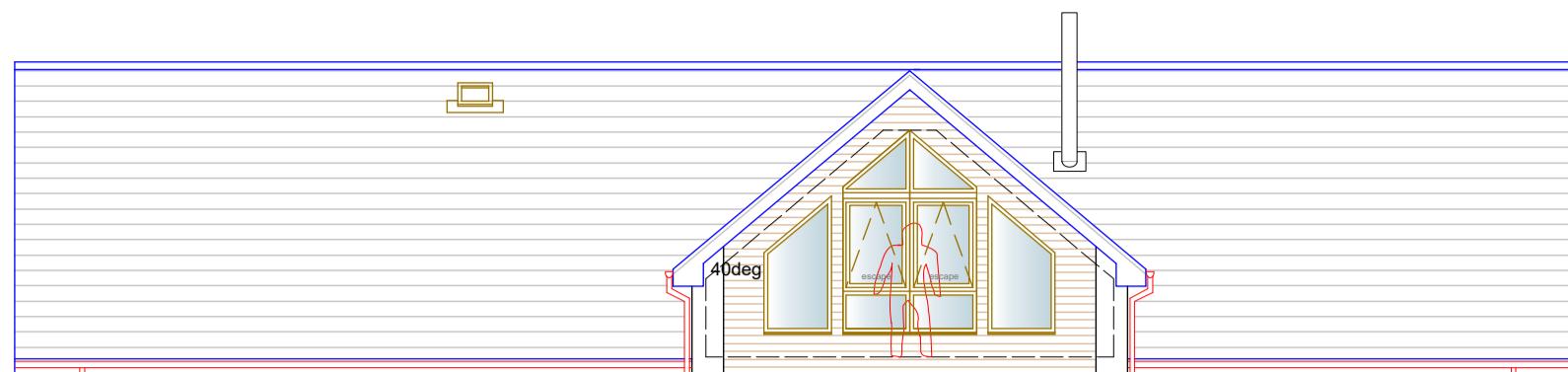


Mono ClimateHub (HT Quiet)
MONO

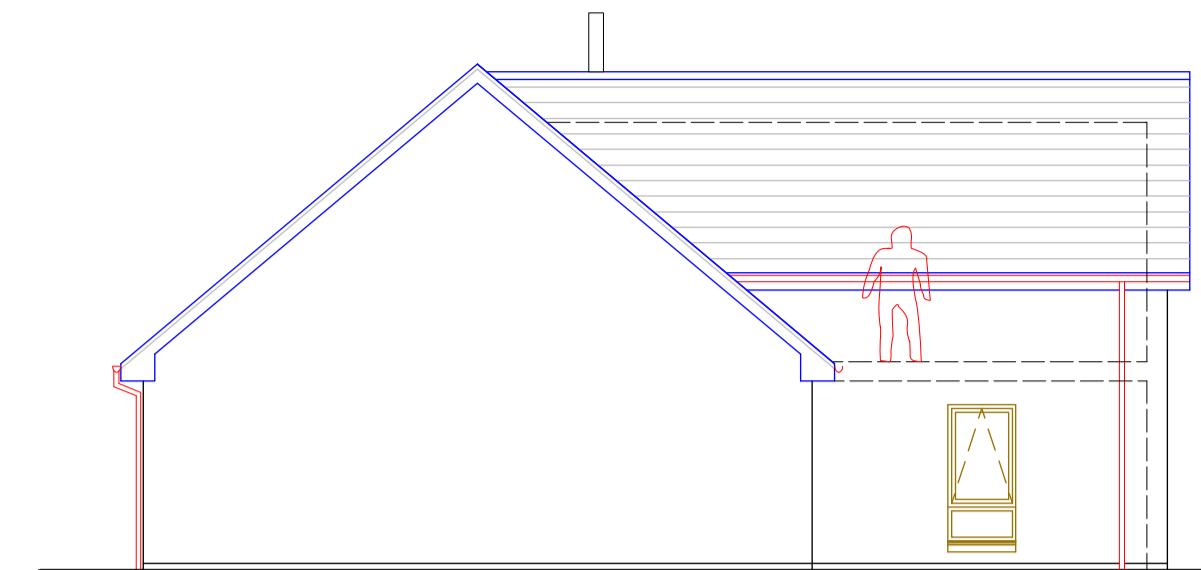
Indoor Unit

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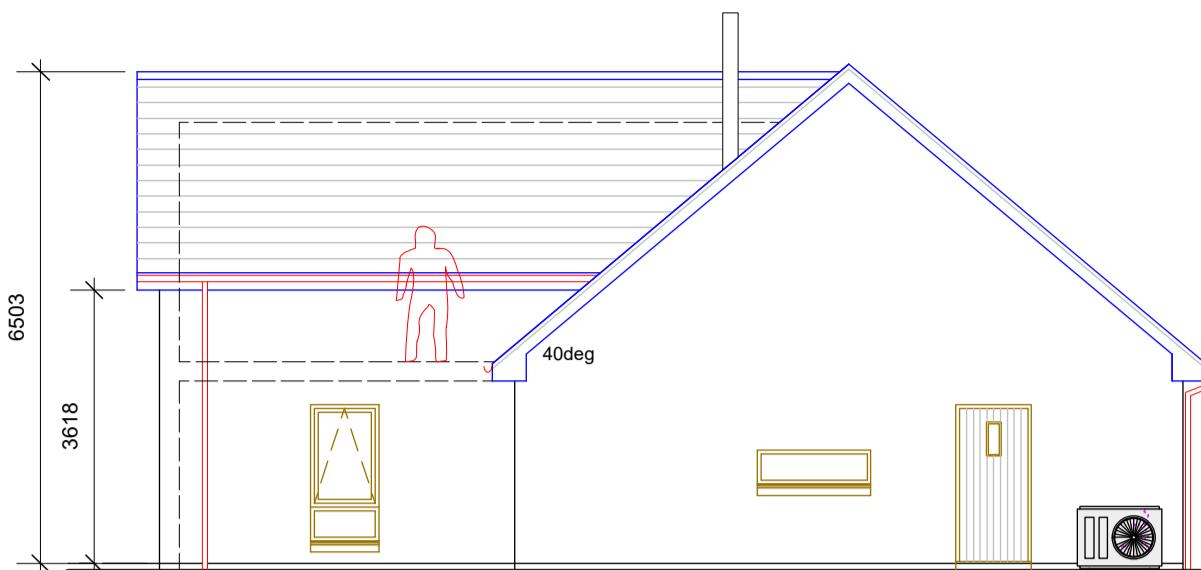
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Rear / West Elevation 1:100 @ A1



Side / North Elevation 1:100 @ A1

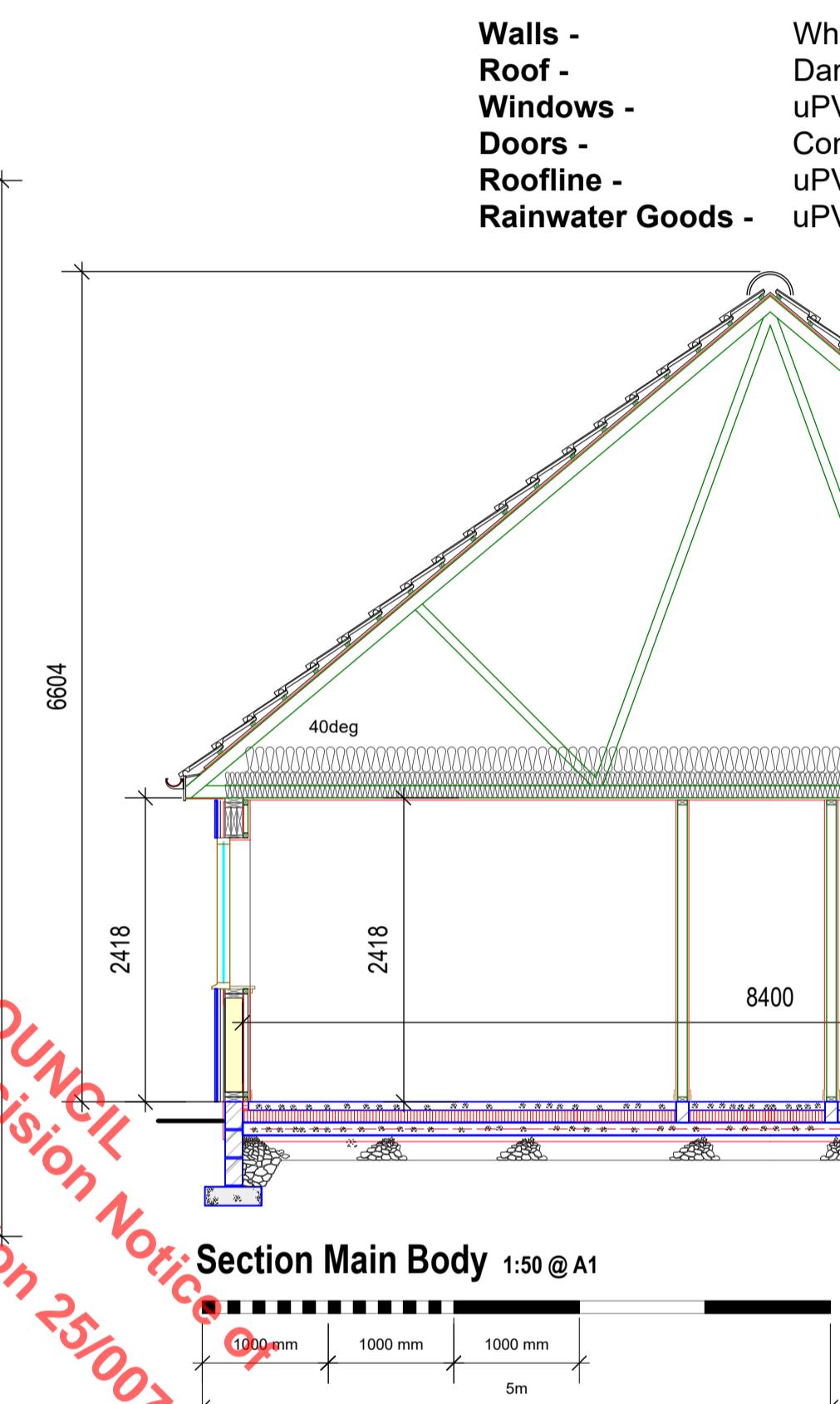
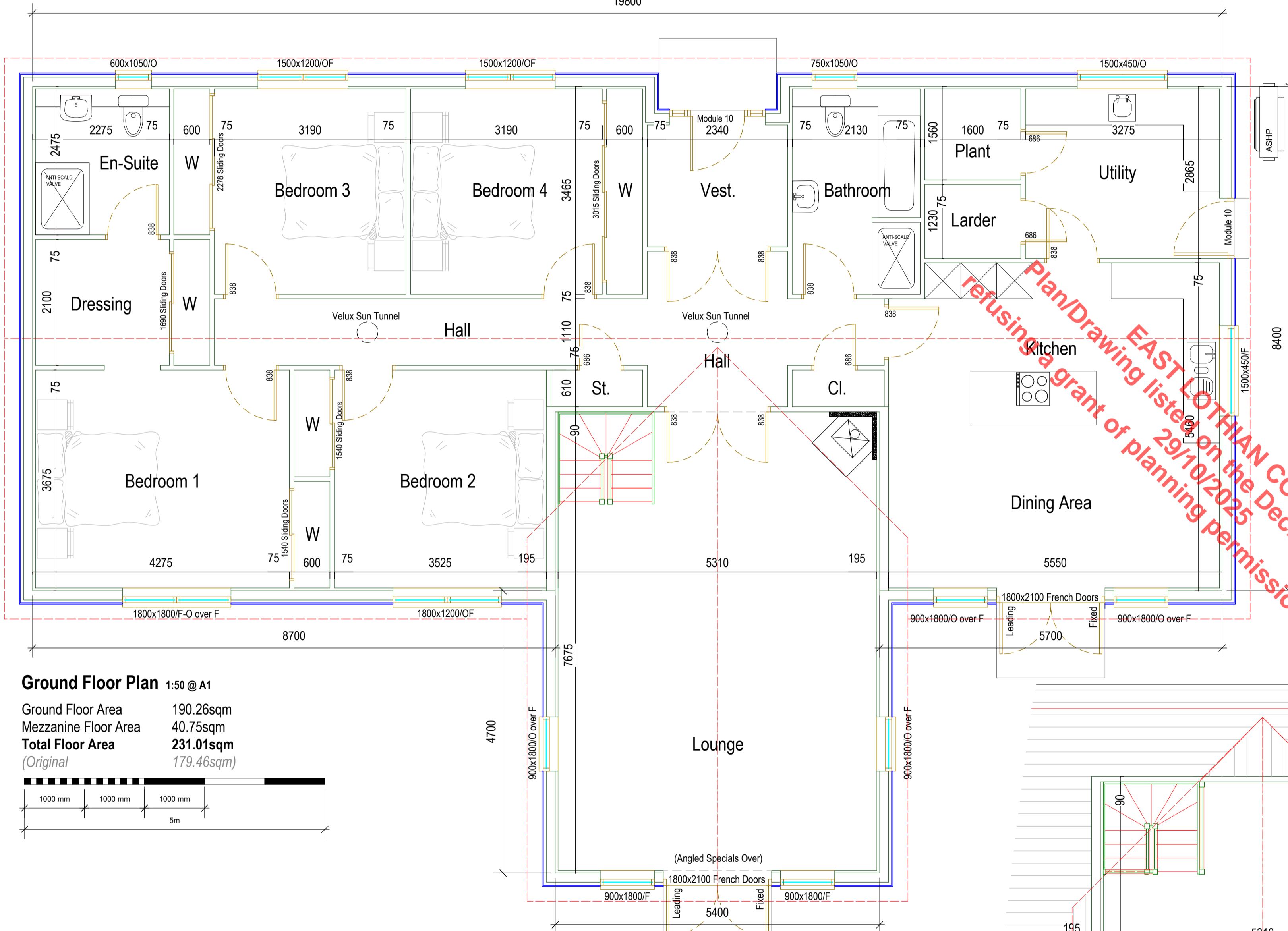


Side / South Elevation 1:100 @ A1

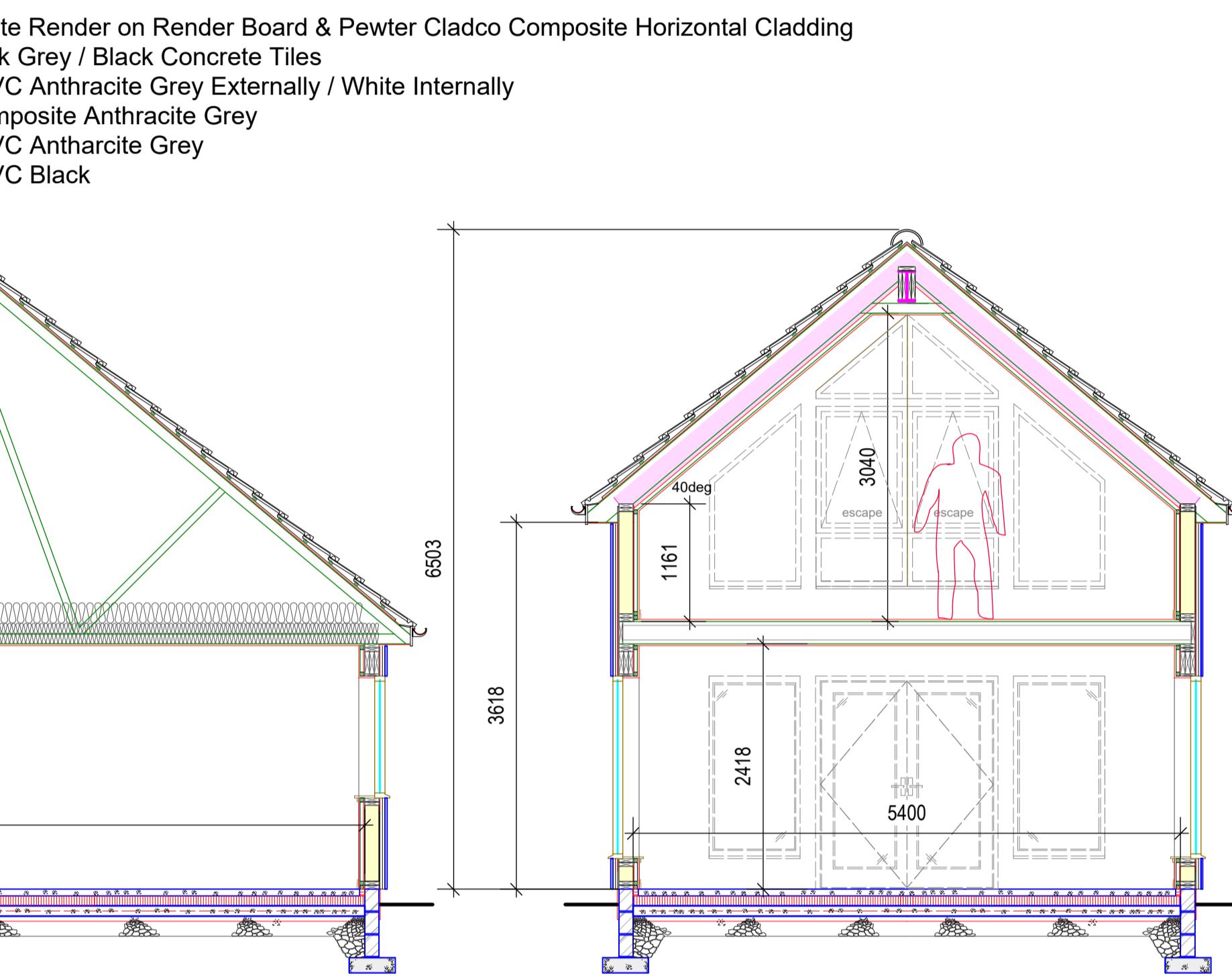


Front / East Elevation 1:100 @ A1

Walls - White Render on Render Board & Pewter Cladco Composite Horizontal Cladding
 Roof - Dark Grey / Black Concrete Tiles
 Windows - uPVC Anthracite Grey Externally / White Internally
 Doors - Composite Anthracite Grey
 Roofline - uPVC Anthracite Grey
 Rainwater Goods - uPVC Black



Section Main Body 1:50 @ A1



Section Front Wing 1:50 @ A1

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A External finishes confirmed and added
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Valutherm⁺
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